

22-5628

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
FOR THE SEVENTH CIRCUIT

ORIGINAL

Supreme Court, U.S.
FILED

MAY 12 2022

OFFICE OF THE CLERK

IN RE Tony D. WALKER,
PETITIONER,

v

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT,
RESPONDENT,

ON PETITION FOR A WRIT OF MANDAMUS TO
THE SUPREME COURT OF THE UNITED STATES

Baldwin
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QUESTIONS PRESENTED

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THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT HAS ISSUED A STANDING BLANKET ORDER BARRING ALL CLERKS OF COURTS WITHIN THE SEVENTH CIRCUIT FROM ACCEPTING ANY PAPERS OR DOCUMENTS FILED BY HIM OR ON HIS BEHALF UNTIL HE PAYS ALL FILING FEES OWED TO THE DISTRICT COURTS AND THE COURT OF APPEALS. A WRIT OF MANDAMUS IS BEING SOUGHT FROM THIS COURT BECAUSE AS LONG AS THE STANDING ORDER FROM THE COURT OF APPEALS BARRING PETITIONER FROM ALL FEDERAL COURTS IN THE SEVENTH CIRCUIT IS IN PLACE, HE CANNOT SEEK OR OBTAIN RELIEF IN ANY FEDERAL COURTS IF OR WHEN HE IS IN IMMINENT DANGER OF SERIOUS PHYSICAL INJURY. THE ISSUES PRESENTED IN THIS PETITION ARE:

1. WHETHER THE JANUARY 23, 2019 STANDING ORDER OF THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT VIOLATES 28 U.S.C. § 1915(b)(4) AND 28 U.S.C. § 1915(5)? 8 - 13
2. WHETHER THE JANUARY 23, 2019 STANDING ORDER OF THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT VIOLATES FEDERAL RULE OF APPELLATE PROCEDURE 47? 13 - 15
3. WHETHER THE JANUARY 23, 2019 STANDING ORDER OF THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT VIOLATES THE FIRST AMENDMENT? 16 - 21

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STATEMENT OF JURISDICTION

THIS COURT HAS JURISDICTION OVER THIS MATTER PURSUANT TO 28 U.S.C. § 1651 BECAUSE THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT HAS ISSUED AN UNLAWFUL STANDING ORDER THAT ALLOWS IT TO REFUSE TO PERFORM AND VIOLATE ITS, AND ORDERS ALL CLERKS OF COURT IN THE SEVENTH CIRCUIT TO VIOLATE THEIR, CLEAR, PLAIN AND UNEQUIVOCAL, MANDATORY, IMPERATIVE, NON-DISCRETIONARY, MINISTERIAL DUTIES UNDER FEDERAL LAW.

 RELEVANT STATUTORY PROVISIONS

SECTION 1651 OF THE ALL WRITS ACT, 28 U.S.C. § 1651, PROVIDES:

- (3) THE SUPREME COURT AND ALL COURTS ESTABLISHED BY ACT OF CONGRESS MAY ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AND OF THEIR RESPECTIVE JURISDICTION AND AGREEABLE TO THE USAGES AND PRINCIPLES OF LAW.
- (5) AN ALTERNATIVE WRIT OR RULE NISI MAY BE ISSUED BY A JUSTICE OR JUDGE OF A COURT WHICH HAS JURISDICTION.

 STATEMENT OF THE CASE

IN THE YEAR OF 2018, PETITIONER SUBMITTED A PROPOSED ACTION IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN UNDER, AND PURSUANT TO, THE IMMINENT DANGER EXCEPTION IN 28 U.S.C. § 1915(5) BECAUSE HE HAS HAD 3 OR MORE ACTIONS DISMISSED FOR FAILING TO STATE A CLAIM AND CANNOT PROCEED IN FORMA PAUPERIS IN ANY FEDERAL CIVIL ACTION UNLESS HE IS IN IMMINENT DANGER OF SERIOUS PHYSICAL INJURY. DISTRICT JUDGE LYNN ADELMAN IN THE EASTERN DISTRICT OF WISCONSIN DENIED PETITIONER'S REQUEST TO COMMENCE THE ACTION AND PROCEED

IN FORMA PAUPERIS IN EASTERN DISTRICT OF WISCONSIN CASE NO. 18-CV-357. PETITIONER ATTEMPTED TO APPEAL THE DENIAL TO THE SEVENTH CIRCUIT COURT OF APPEALS, AND ON JANUARY 23, 2019 CIRCUIT JUDGES EASTERBROOK, KANNE, AND ROYNER, FOR THE SEVENTH CIRCUIT COURT OF APPEALS, DENIED PETITIONER'S MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS FOR THREE REASONS: 1. THE DISTRICT COURT'S ORDER CERTIFYING THAT PETITIONER HAD THREE STRIKES PURSUANT TO 28 U.S.C. § 1915(S); 2. PETITIONER DID NOT DEMONSTRATE THAT HE WAS IN IMMINENT DANGER OF SUFFERING SERIOUS PHYSICAL INJURY; AND 3. PETITIONER HAD NOT RAISED A GOOD FAITH ISSUE THAT THE DISTRICT COURT ERRED IN GRANTING SUMMARY JUDGMENT IN FAVOR OF THE DEFENDANTS. SEE JANUARY 23, 2019 ORDER HERETO ATTACHED AS APPX 1. THERE WAS NO SUMMARY JUDGMENT PROCEEDING IN THE DISTRICT COURT BECAUSE THE ACTION DID NOT MAKE IT BEYOND THE SCREENING STAGE. THE SAME THREE CIRCUIT JUDGES THEN WENT ON TO ISSUE A STANDING BLANKET ORDER BANNING PETITIONER FROM ALL FEDERAL COURTS IN THE SEVENTH CIRCUIT STATING: "UNPAID DOCKET FEES INCURRED BY LITIGANTS SUBJECT TO § 1915(S) LEAD STRAIGHT TO AN ORDER FORBIDDING FURTHER LITIGATION. SEE NEWLIN [v. HELMAN], 123 F.3d. [429] AT 436-37 [7TH CIR. 1997]. ACCORDINGLY, UNTIL WALKER HAS PAID IN FULL ALL OUTSTANDING FEES IN THE DISTRICT COURT AND IN THIS COURT, THE CLERKS OF ALL FEDERAL COURTS IN THIS CIRCUIT WILL RETURN UNFILED ANY PAPERS SUBMITTED EITHER DIRECTLY OR INDIRECTLY BY OR ON BEHALF OF WALKER. SEE SLOAN v. LESSA, 181 F.3d. 857, 859 (7TH CIR. 1999). THIS ORDER DOES NOT APPLY TO CRIMINAL CASES OR PETITIONS CHALLENGING THE TERMS OF HIS CONFINEMENT, AND MAY BE REEXAMINED IN TWO YEARS UNDER THE APPROACH OF NEWLIN, 123 F.3d.

AT 436-37, AND SUPPORT SYSTEMS INT'L INC V MACK, 457.3d. 185, 186-87 (7th Cir. 1995) (PER CURIAM)." id APPX 1-2 (APPEAL NO. 18-3326).

IN THE YEAR OF 2018, DISTRICT JUDGE LYNN ADELMAN IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN GRANTED SUMMARY JUDGMENT TO THE DEFENDANTS IN EASTERN DISTRICT OF WISCONSIN CASE NO. 16-CV-1331 AND PETITIONER ATTEMPTED TO APPEAL THAT DECISION. ON FEBRUARY 4, 2019, CIRCUIT JUDGES ROYNER AND BRENNAN, FOR THE SEVENTH CIRCUIT COURT OF APPEALS, FOUND THAT PETITIONER SATISFIED THE IMMEDIATE DANGER EXCEPTION UNDER 28 U.S.C. § 1915(S) BUT DENIED HIS REQUEST TO PROCEED ON APPEAL IN FORMA PAUPERIS STATINGS:

"WALKER HAS THREE STRIKES AND IS NOT PERMITTED TO PROCEED IN FORMA PAUPERIS UNDER 28 U.S.C. § 1915(S) UNLESS HE IS IN IMMEDIATE DANGER OF SERIOUS PHYSICAL INJURY. ALTHOUGH WE CONCLUDE THAT WALKER HAS SATISFIED THE IMMEDIATE DANGER REQUIREMENT IN § 1915(S), HE HAS NOT IDENTIFIED A GOOD FAITH ISSUE THAT THE DISTRICT COURT ERRED IN GRANTING SUMMARY JUDGMENT TO THE DEFENDANTS. FURTHER, ON JANUARY 23, 2019, THIS COURT ORDERED IN APPEAL NO. 18-3326 THAT UNTIL WALKER HAS PAID IN FULL ALL OUTSTANDING FEES IN THE DISTRICT COURT AND IN THIS COURT, THE CLERKS OF ALL FEDERAL COURTS IN THIS CIRCUIT WILL RETURN UNTILTED ANY PAPERS SUBMITTED EITHER DIRECTLY OR INDIRECTLY BY HIM OR ON [sic] HIS BEHALF. SEE SLOAN V. LESZA, 181 F.3d. 857, 859 (7th Cir. 1999). ACCORDINGLY, IT IS FURTHER ORDERED THAT WALKER'S REQUEST FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS IN APPEAL NO. 18-3445 IS DENIED. SEE LEE V. CLINTON, 209 F.3d. 1025 (7th Cir. 2000). THE APPELLANT

shall pay the required docketing fee and all other outstanding fees in the district court and this court within 14 days, or this appeal will be dismissed for failure to prosecute pursuant to circuit rule 3(b)."

see February 4, 2019 order hereto attached as APPX 2 (appeal no. 18-3445).

In the year of 2020, district judge Lynn Adelman for the U.S. district court in the eastern district of Wisconsin granted summary judgment to the defendants in eastern district of Wisconsin case no. 18-cv-681 and petitioner filed his notice of appeal on June 22, 2020 in an attempt to appeal the district court's decisions. see June 23, 2020 notice of electronic filing, document number 104 hereto attached as APPX 3. on this same date, the clerk of the court of appeals for the seventh circuit returned petitioner's notice of appeal unfiled to the district court pursuant to the seventh circuit court of appeals order in appeal no. 18-3326. see June 23, 2020 notice of electronic filing, document number 109 hereto attached as APPX 4. on July 23, 2020, district judge Lynn Adelman issued an order, in eastern district of Wisconsin case no. 18-cv-681, denying petitioner's motion for leave to appeal in forma pauperis pursuant to the seventh circuit court of appeals order in appeal no. 18-3326. see July 23, 2020 order hereto attached as APPX 5. on August 23, 2020, petitioner sent a correspondence to the clerk for the seventh circuit court of appeals insisting, pursuant to 28 U.S.C. § 1915(2) and circuit rule

45(b), THAT THE CLERK ACKNOWLEDGE, ACCEPT, AND FILE HIS NOTICE OF APPEAL AND RELATED DOCUMENTS IN EASTERN DISTRICT OF WISCONSIN CASE NO. 18-C-681. SEE AUGUST 23, 2020 CORRESPONDENCE HERETO ATTACHED AS APPX 6. ON SEPTEMBER 4, 2020, THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT DECIDED, BECAUSE NO APPEAL WAS ALLOWED IN EASTERN DISTRICT OF WISCONSIN CASE NO. 18-CV-681, THAT IT WOULD DENY PETITIONER'S AUGUST 23, 2020 REQUEST ADDRESSED TO THE CLERK UNDER APPEAL NO. 18-3326 BECAUSE PETITIONER DID NOT EXPLAIN HOW HE WAS IN IMMINENT DANGER OR THAT BEING ALLOWED TO PURSUE AN APPEAL WOULD AFFECT THAT DANGER. SEE SEPTEMBER 4, 2020 ORDER HERETO ATTACHED AS APPX 7. IN MAY OF 2021, PETITIONER FILED A MOTION, PURSUANT TO FED. B. APP. P. 25(a)(3) AND 27(c), TO THE CHIEF JUDGE OF THE SEVENTH CIRCUIT COURT OF APPEALS FOR AN ORDER RECONSIDERING, REVERSING, AND VACATING THE COURT'S UNLAWFUL AND ILLEGAL ORDER BANNING HIM FROM ALL FEDERAL COURTS SIMPLY BECAUSE HE IS INDIGENT AND CANNOT PAY ALL THE FILING FEES HE OWES TO THE COURTS. SEE MOTION IN APPEAL NO. 18-3326 HERETO ATTACHED AS APPX 9. ON JUNE 2, 2021, IGNORING THE FACT THAT THE MOTION WAS ADDRESSED TO THE CHIEF JUDGE, CIRCUIT JUDGES EASTERBROOK, KANNE, AND PROVNER, THE SAME THREE THAT ISSUED THE JANUARY 23, 2019 STANDING ORDER BANNING PETITIONER FROM ALL FEDERAL COURTS, DENIED THE MOTION STATING THAT ONCE PETITIONER MAKES FULL PAYMENT THE BAR WILL BE LIFTED IMMEDIATELY, AND IF HE, DESPITE HIS BEST EFFORTS, IS UNABLE TO PAY IN FULL ALL OUTSTANDING FEES, HE IS AUTHORIZED TO SUBMIT TO THE COURT OF APPEALS ANOTHER MOTION

To modify or rescind the filing bar no earlier than two years from the date of its June 2, 2021 order. See June 2, 2021 order in appeal no. 18-3326 hereto attached as appx 10. This petition follows.

REASONS FOR GRANTING THE PETITION

PETITIONER HAS NO OTHER AVAILABLE REMEDY TO ADDRESS THESE ISSUES AND MUST RELY ON THIS COURT AND THE EXTRAORDINARY WRIT. THE ALL WRITS ACT GRANTS TO THE FEDERAL COURTS THE POWER TO ISSUE ALL WRITS NECESSARY OR APPROPRIATE IN AID OF THEIR RESPECTIVE JURISDICTIONS AND AGREEABLE TO THE USAGES AND PRINCIPLES OF LAW. 28 U.S.C. § 1651(2), 28 U.S.C. § 1651(2). AS POINTED OUT IN Proche v EVAPORATED MILK ASS'N., 1943, 319 US 21, 26, 63 S.Ct. 938, 941, THE TRADITIONAL USE OF THE WRIT IN AID OF APPELLATE JURISDICTION BOTH AT COMMON LAW AND IN THE FEDERAL COURTS HAS BEEN TO CONFINE AN INTERIOR COURT TO A LAWFUL EXERCISE OF ITS PRESCRIBED JURISDICTION OR TO COMPEL IT TO EXERCISE ITS AUTHORITY WHEN IT IS ITS DUTY TO DO SO. BANKERS LIFE & CASUALTY CO. v HOLLAND, 346 US 379, 382, 74 S.Ct. 145, 148 (1953). THIS COURT POINTED OUT THAT THE "ALL WRITS ACT IS MEANT TO BE USED ONLY IN THE EXCEPTIONAL CASE WHERE THERE IS CLEAR ABUSE OF DISCRETION OR USURPATION OF JUDICIAL POWER...." LA BUY v HOWES, 352 US 249, 257 (1957) (CITATION OMITTED). WHILE THE COURTS HAVE NEVER CONTINUED THEMSELVES TO AN ARBITRARY AND TECHNICAL DEFINITION OF 'JURISDICTION', IT IS CLEAR THAT ONLY EXCEPTIONAL CIRCUMSTANCES

AMOUNTING TO A JUDICIAL USURPATION OF POWER WILL JUSTIFY THE INVOCATION OF THIS EXTRAORDINARY REMEDY." DEBEERS CONSOL. MINES LTD. v UNITED STATES, 325 US 212, 217 (1945). THESE SUPPLEMENTAL POWERS ARE NOT LIMITED TO THOSE SITUATIONS WHERE IT IS "NECESSARY" TO ISSUE THE WRIT OR ORDER "IN THE SENSE THAT THE COURT COULD NOT OTHERWISE PHYSICALLY DISCHARGE ITS APPELLATE DUTIES." UNITED STATES v NEW YORK TEL. CO. 434 US 159, 173 (1977) (CITATION OMITTED). "THE POWER CONFERRED BY THE ACT EXTENDS, UNDER APPROPRIATE CIRCUMSTANCES, TO PERSONS WHO, THOUGH NOT PARTIES TO THE ORIGINAL ACTION OR ENGAGED IN WRONGDOING, ARE IN A POSITION TO FRUSTRATE THE IMPLEMENTATION OF A COURT ORDER OR THE PROPER ADMINISTRATION OF JUSTICE, AND ENCOMPASSES EVEN THOSE WHO HAVE NOT TAKEN ANY AFFIRMATIVE ACTION TO HINDER JUSTICE." id. AT 173-74. MANDAMUS IS THE APPROPRIATE REMEDY IN THIS INSTANCE WHERE THIS COURT HOLDS:

"MANDAMUS, PROHIBITION AND INJUNCTION AGAINST JUDGES ARE DRASTIC AND EXTRAORDINARY REMEDIES. WE DO NOT DOUBT POWER IN A PROPER CASE TO ISSUE SUCH WRITS. BUT WE HAVE THE UNFORTUNATE CONSEQUENCE OF MAKING THE JUDGE A LITIGANT, OBLIGED TO OBTAIN PERSONAL COUNSEL OR TO LEAVE HIS DEFENSE TO ONE OF THE LITIGANTS BEFORE HIM. THESE REMEDIES SHOULD BE RESORTED TO ONLY WHERE APPEAL IS A CLEARLY INADEQUATE REMEDY. *** AS EXTRAORDINARY REMEDIES, THEY ARE RESERVED FOR REALLY EXTRAORDINARY CAUSES."

BANKERS LIFE & CASUALTY CO. 346 US AT 384-85, 74 S. CT. AT 149 (QUOTING EX PARTE FAHEY, 332 US 258, 259-60, 67 S. CT. 1558, 1559 (1947)). "THE EXCEPTIONAL CIRCUMSTANCES HERE WARRANT THE USE OF THE EXTRAORDINARY

REMEDY OF MANDAMUS. AS THIS COURT POINTED OUT IN LOS ANGELES BRUSH CORP. V. JAMES, 272 US 701, 706 (1927): WHERE THE SUBJECT CONCERNS THE ENFORCEMENT OF THE... RULES WHICH BY LAW IT IS THE DUTY OF THIS COURT TO FORMULATE AND PUT IN FORCE, MANDAMUS SHOULD ISSUE TO PREVENT SUCH ACTION THEREUNDER SO PALPABLY IMPROPER AS TO PLACE IT BEYOND THE SCOPE OF THE RULE INVOKED. AS WAS SAID THEREIN PAGE 707, WERE THE COURT... TO FIND THAT THE RULES HAVE BEEN PRACTICALLY NULLIFIED BY A [FEDERAL COURT], IT WOULD NOT HESITATE TO RESIGN [IT].... LA BAY, 352 US AT 256.

1. THE JANUARY 23, 2019 STANDING ORDER OF THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT, BANNING PETITIONER FROM ALL FEDERAL COURTS, SIMPLY BECAUSE HE HAS UNPAID FILING FEES, VIOLATES BOTH 28 U.S.C. § 1915(3)(4) AND (5).

ON JANUARY 23, 2019, THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT (RESPONDENT) ISSUED A STANDING BLANKET ORDER AGAINST PETITIONER, NOT FOR ABUSING THE PRIVILEGE UNDER, OR ATTEMPTING TO CIRCUMVENT THE EXCEPTION IN, 28 U.S.C. § 1915(5), BUT MERELY BECAUSE PETITIONER HAS UNPAID FILING FEES IN THE FEDERAL COURTS. THE STANDING BLANKET ORDER STATES, IN RELEVANT PART:

"UNPAID DOCKET FEES INCURRED BY LITIGANTS SUBJECT TO § 1915(5) LEAD STRAIGHT TO AN ORDER FORBIDDING FURTHER LITIGATION. ACCORDINGLY, UNTIL WALKER HAS PAID IN FULL ALL OUTSTANDING FEES IN THE DISTRICT COURT AND IN THIS COURT, THE CLERKS OF ALL FEDERAL COURTS IN THIS CIRCUIT WILL REJECT UNTIL FILED ANY PAPERS SUBMITTED EITHER DIRECTLY

OR INDIRECTLY BY OR ON BEHALF OF WALKER. THIS ORDER DOES NOT APPLY TO CRIMINAL CASES OR PETITIONS CHALLENGING THE TERMS OF HIS CONFINEMENT, AND MAY BE REEXAMINED IN TWO YEARS UNDER THE APPROACH IN NEWLIN, 123 F.3d. 436-37, AND SUPPORT SYSTEMS INT'L INC. V MACH, 457 F.3d. 185, 186-187 (7th CIR. 1995) (PER CURIAM)."

SEE JANUARY 23, 2019 STANDING ORDER, APPX 1-2. 28 U.S.C. § 1915(G) CONTAINS NOTHING THAT AUTHORIZES OR ALLOWS A FEDERAL COURT TO BAN ANYONE FROM THE FEDERAL COURT SYSTEM BECAUSE THEY HAVE UNPAID FILING FEES. "THE RULE, WHICH APPLIES TO IN FORMA PAUPERIS STATUS, READS IN ITS ENTIRETY AS FOLLOWS:

"IN NO EVENT SHALL A PRISONER BRING A CIVIL ACTION OR APPEAL A JUDGMENT IN A CIVIL ACTION OR PROCEEDINGS UNDER THIS SECTION IF THE PRISONER HAS, ON 3 OR MORE PRIOR OCCASIONS, WHILE INCARCERATED OR DETAINED IN ANY FACILITY, BROUGHT AN ACTION OR APPEAL IN A COURT OF THE UNITED STATES THAT WAS DISMISSED ON THE GROUNDS THAT IT IS TRIVOLOUS, MALICIOUS, OR FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, UNLESS THE PRISONER IS UNDER IMMINENT DANGER OF SERIOUS PHYSICAL INJURY." § 1915."

COLEMAN V TOLLETSON, 575 US 532, 535-36, 135 S.Ct. 1759, 1762 (2015) (EMPHASIS ADDED). THE RESPONDENT HAS NO AUTHORITY OR DISCRETION TO IMPOSE A BAN UPON ANYONE PURSUANT TO 28 U.S.C. § 1915(G), SIMPLY BECAUSE THEY HAVE UNPAID FILING FEES WHEN THE STATUTE ITSELF CONTAINS NO SUCH SANCTION. THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT HAS NOT BEEN GIVEN THE POWER OF STATUTORY REVISION AND HAS STATED THAT IT MAY ONLY ENFORCE STATUTES AS WRITTEN. SEE

Bohen v EAST CHICAGO, 799 F.2d 1180, 1184 (7th Cir. 1986). This court holds that statutes must "provide[] explicit standards for those who apply" the statute, in order to avoid "arbitrary and discriminatory enforcement." Grayned v City of Rockford, 408 US 104, 108-09 (1972). "Courts have no authority to pretend the PIRA says something it does not. Whatever temptation the statesmanship of policy-making might wisely suggest, the judges' job is to construe the statute." Thompson v DEA, 492 F.3d 428, 437 (DC Cir. 2007) (citation omitted). "After all," this court states, "Congress expresses its purpose by words. It is for us to ascertain—neither to add nor to subtract, neither to delete nor to distort." 62 cases of JAM v UNITED STATES, 340 US 593, 596 (1951). "Congress wrote the statute it wrote" — meaning a statute going so far and no further. Michigan v Bay Mills Indian Cmty. — US —, 134 S.Ct. 2024, 2033-34 (2014) (citation omitted). "The controlling principle in this case is the basic and exceptional rule that courts must give effect to the clear meaning of statutes as written." Estate of Cowart v Nicklos Drilling Co., 505 US 469, 476 (1992) (citations omitted). "Where, as here, the statute's language is plain, the sole function of the court is to enforce it according to its terms." United States v Ron Pair Enterprises, Inc., 489 US 235, 241 (1989) (citation omitted).

Because petitioner has 3 or more strikes against him, he may only proceed in forma pauperis if he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(f). See also Johnson v Talley, 243 Fed. Appx. 10, 11-12 (5th Cir. 2007); Fletcher v Menard Corr. Ctr.,

623 F.3d. 1171, 1174 (7th Cir. 2010); CHAVIS V CHAPPIUS, 618 F.3d. 162, 169 (2nd Cir. 2010); VANDIVER V PRISON HEALTH SERVS., 727 F.3d. 580, 588 n.2 (6th Cir. 2013); WILLIAMS V PARAMO, 775 F.3d. 1182, 1185 (9th Cir. 2015).

28 U.S.C. § 1915(S) DOES NOT AUTHORIZE RESPONDENT TO BAN ANYONE FROM FEDERAL COURTS SIMPLY FOR THE REASON THAT THEY HAVE UNPAID FILING FEES, BUT THE STATUTE DOES IMPOSE A PLAIN, CLEAR AND UNEQUIVOCAL, MANDATORY, IMPERATIVE, NONDISCRETIONARY, MINISTERIAL, AND STATUTORY DUTY TO DETERMINE IF A PRISONER IS UNDER IMMINENT DANGER WHEN THEY SEEK LEAVE TO SUE OR APPEAL. FOR PURPOSES OF 28 U.S.C. § 1915(S), "IMMINENT DANGER IS TO BE DETERMINED AS OF THE TIME LEAVE TO SUE OR APPEAL IS SOUGHT."

BELL V LIVINGSTON, 356 F.2d. APPX. 715, 716 (5th Cir. 2009) (CITATION OMITTED).

SEE ALSO FLETCHER, 623 F.3d. at 1174 ("THE EXISTENCE OF THE DANGER AND THEREFORE THE APPLICABILITY OF THE IMMINENT DANGER TO THE 'THREE STRIKES' RULE ARE DETERMINED WHEN THE SUIT IS FILED.").

THE RESPONDENT'S JANUARY 23, 2019 STANDING BLANKET ORDER BANNING PETITIONER FROM ALL FEDERAL COURTS SIMPLY BECAUSE HE HAS UNPAID FILING FEES CONFLICTS WITH, AND VIOLATES, 28 U.S.C. § 1915(S) WHERE IT DOES NOT ALLOW PETITIONER TO SUBMIT DOCUMENTS TO THE FEDERAL COURTS ALLEGING OR SHOWING THAT HE IS UNDER IMMINENT DANGER OF SERIOUS PHYSICAL INJURY AND, THUS, POSES AN OBSTACLE TO THE ACCOMPLISHMENT AND EXECUTION OF THE FULL PURPOSES AND OBJECTIVES OF CONGRESS." WYETH V LEVINE, 555 US 555, 577 (2009) (CITATION OMITTED).

OTHER PARTS OF THE STATUTE PROHIBITS COURT FROM DENYING ANYONE ACCESS TO THE COURTS SIMPLY BECAUSE THEY HAVE NO FUNDS AND HAVE NO WAY TO PAY THE FILING FEES. 28 U.S.C. § 1915(S)(4) HOLDS:

"IN NO EVENT SHALL A PRISONER BE PROHIBITED FROM BRINGING A CIVIL ACTION OR APPEALING A CIVIL OR CRIMINAL JUDGMENT FOR THE REASON THAT THE PRISONER HAS NO ASSETS AND NO MEANS BY WHICH TO PAY THE INITIAL PARTIAL FILING FEE."

RESPONDENT'S JANUARY 23, 2019 STANDING BLANKET ORDER BANNING PETITIONER FROM THE FEDERAL COURTS BECAUSE HE HAS NO ASSETS, NO FUNDS, AND NO ABILITY TO PAY ANY FILING FEES ^{1/} CONFLICTS WITH, AND VIOLATES, 28 U.S.C. § 1915(3)(4) AND POSES AN OBSTACLE TO THE ACCOMPLISHMENT AND EXECUTION OF THE FULL PURPOSES AND OBJECTIVES OF CONGRESS." WYETH, 555 US AT 577 (CITATION OMITTED). IN THE YEAR OF 2002, RESPONDENT STATED THE FOLLOWING:

"A FEDERAL LAW THAT KNOCKED OUT PRISONER'S ABILITY TO OBTAIN REDRESS IN SITUATIONS WHERE THEY ARE VICTIMS OF OFFICIAL MISCONDUCT, YET LACK ANY NON-JUDICIAL MEANS TO PROTECT THEMSELVES, WOULD HAVE TO BE SET ASIDE AS UNCONSTITUTIONAL UNDER LEWIS V. CASEY, 518 US 343 (1996) AND THE ORIGINAL MEANING OF THE DUE PROCESS CLAUSE. YET § 1915(3) DOES NO SUCH THING."

LEWIS V. SULLIVAN, 279 F.3d. 526, 530 (7TH CIR. 2002). RESPONDENT IS CORRECT THAT § 1915(3) DOES NOT KNOCK OUT A PRISONER'S ABILITY TO OBTAIN REDRESS IN SITUATIONS WHERE THEY ARE VICTIMS OF OFFICIAL MISCONDUCT, BUT ITS JANUARY 23, 2019 STANDING ORDER DOES KNOCK OUT PETITIONER'S ABILITY TO SEEK REDRESS IN SITUATIONS WHERE HE IS

1. IN A ORDER STRIKING SOME OF PETITIONER'S DOCUMENTS BECAUSE THEY WERE FILED AFTER RESPONDENT ISSUED ITS JANUARY 23, 2019 STANDING BLANKET ORDER BANNING PETITIONER FROM THE FEDERAL COURTS, U.S. DISTRICT JUDGE LYNN ADELMAN STATED: "THE PLAINTIFF ALREADY OWES THE COURT MORE THAN \$5,000 AND HAS SHOWN NO ABILITY TO PAY. THIS IS WHY THE SEVENTH CIRCUIT IMPOSED THE MORE SEVERE SANCTION OF BANNING WALKER FROM FILING ADDITIONAL PAPERS." FEBRUARY 18, 2021 ORDER, APPX 8-1. UNPAID FILING FEES IS RESPONDENT'S ONLY REASON FOR ITS SANCTION.

UNDER IMMINENT DANGER OF SUFFERING SERIOUS PHYSICAL INJURY IN VIOLATION OF 28 U.S.C. § 1915 (S), AND ITS STANDING BLANKET ORDER IS, THUS, UNCONSTITUTIONAL. LEWIS, 279 F.3d. At 530. MANDAMUS IS THE APPROPRIATE REMEDY AND SHOULD ISSUE IN THIS INSTANCE.

2. THE JANUARY 23, 2019 STANDING ORDER OF THE COURT OF APPEALS FOR THE SEVENTH CIRCUIT, BANNING PETITIONER FROM ALL FEDERAL COURTS SIMPLY BECAUSE HE HAS UNPAID FILING FEES, VIOLATES, AND CONFLICTS WITH, FEDERAL RULE OF APPELLATE PROCEDURE 47.

RESPONDENT HAS NO AUTHORITY OR DISCRETION TO ISSUE STANDING ORDERS THAT AFFECTS CASES OTHER THAN THE ONE IT IS CONSIDERING AND MAKING ITS RULING UPON. RESPONDENT'S JANUARY 23, 2019 ORDER PLACING A BLANKET BAN UPON PETITIONER FROM ALL FEDERAL COURTS IN THE SEVENTH CIRCUIT, SIMPLY BECAUSE HE HAS UNPAID FILING FEES, IS A STANDING ORDER THAT VIOLATES, AND CONFLICTS WITH, FEDERAL RULE OF APPELLATE PROCEDURE (FED. R. APP. P.) 47 WHICH HOLDS, IN RELEVANT PART:

"LOCAL RULES BY COURTS OF APPEALS

(2) LOCAL RULES

- (1) EACH COURT OF APPEALS ACTING BY A MAJORITY OF ITS JUDGES IN REGULAR ACTIVE SERVICE MAY, AFTER GIVING APPROPRIATE PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT, MAKE AND AMEND RULES GOVERNING ITS PRACTICE. A GENERALLY APPLICABLE DIRECTION TO PARTIES OR LAWYERS REGARDING PRACTICE BEFORE A COURT MUST BE IN A LOCAL RULE RATHER THAN AN INTERNAL OPERATING PROCEDURE OR STANDING ORDER. A LOCAL RULE MUST BE CONSISTENT WITH - BUT NOT DUPLICATIVE OF - ACTS OF CONGRESS AND RULES ADOPTED UNDER 28 U.S.C.

§ 2072 AND MUST CONFORM TO ANY UNIFORM NUMBERING SYSTEM PRESCRIBED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES....

(b) PROCEDURE WHEN THERE IS NO CONTROLLING LAW. A COURT OF APPEALS MAY REGULATE PRACTICE IN A PARTICULAR CASE IN ANY MANNER CONSISTENT WITH FEDERAL LAW, THESE RULES, AND LOCAL RULES OF THE CIRCUIT. NO SANCTION OR OTHER DISADVANTAGE MAY BE IMPOSED FOR NONCOMPLIANCE WITH ANY REQUIREMENT NOT IN FEDERAL LAW, FEDERAL RULES, OR THE LOCAL CIRCUIT RULES UNLESS THE ALLEGED VIOLATION HAS BEEN FURNISHED IN THE PARTICULAR CASE WITH ACTUAL NOTICE OF THE REQUIREMENT.

FEDERAL RULE OF APPELLATE PROCEDURE 1(a)(1) HOLDS:

"THESE RULES GOVERN PROCEDURE IN THE UNITED STATES COURTS OF APPEALS."

RESPONDENT ACKNOWLEDGES THAT THIS COURT INSIST THAT FEDERAL JUDGES CARRY OUT THE RULES OF PROCEDURE, WHETHER OR NOT THOSE RULES STRIKE THE JUDGES AS OPTIMAL. TOKE v UNITED STATES, 767 F.2d 155, 157 (7th CIR. 1996) (CITATIONS OMITTED). SEE ALSO CENTRAL STATES PENSION FUND v CENTRAL CARRIAGE CO., 69 F.3d 1312, 1314 (7th CIR. 1995) ("THE SUPREME COURT HAS REPEATEDLY INSTRUCTED JUDGES TO APPLY THE RULES AS WRITTEN, WITHOUT IMPOSING THEIR OWN IDEAS OF SOUND PROCEDURE ON THE RESULTS OF THIS EXTENDED PROCESS."). THE JANUARY 23, 2019 ORDER IS A STANDING ORDER IN VIOLATION OF FED. R. APP. P. 47(2)(1) BECAUSE IT IS A DIRECTION THAT IS NOT IN THE LOCAL CIRCUIT RULES, IT IS INCONSISTENT WITH ACTS OF CONGRESS, AND IT IS INCONSISTENT WITH RULES ADOPTED UNDER 28 U.S.C. § 2072. RESPONDENT'S JANUARY 23, 2019 STANDING

ORDER ALSO VIOLATES FED. R. APP. P. 47(b) BECAUSE IT DOES NOT REGULATE PRACTICE IN A PARTICULAR CASE IN A MANNER CONSISTENT WITH THE FEDERAL RULES OF APPELLATE PROCEDURES, FEDERAL LAWS, AND THE LOCAL RULES FOR THE SEVENTH CIRCUIT, AND IT IMPOSES AN ARBITRARY SANCTION AGAINST PETITIONER FOR NONCOMPLIANCE WITH A "PAY ALL OUTSTANDING FILING FEES IMMEDIATELY" REQUIREMENT NOT IN FEDERAL LAW, THE FED. R. APP. P., OR THE LOCAL RULES OF THE SEVENTH CIRCUIT.

CONGRESS, IN THE RULES ENABLING ACT, AUTHORIZES THE SUPREME COURT TO PRESCRIBE UNIFORM RULES TO GOVERN THE "PRACTICE AND PROCEDURE" OF THE DISTRICT COURTS AND THE COURTS OF APPEALS. BURLINGTON N.R. CO. V WOODS, 480 US 1, 5 N.3 (1987) (CITING 28 U.S.C. § 2072), AND

THIS COURT HAS NOT PROMULGATED OR ENACTED ANY RULES THAT GIVES DISTRICT COURTS OR COURTS OF APPEALS THE AUTHORITY OR DISCRETION TO BAN A PERSON FROM THE FEDERAL COURTS BECAUSE THEY HAVE UNPAID FILING FEES. RESPONDENT'S JANUARY 23, 2019 STAYING ORDER, THAT BANS PETITIONER FROM ALL FEDERAL COURTS BECAUSE HE HAS UNPAID FILING FEES, IS PROHIBITED BY AND VIOLATES FED. R. APP. P. 47(a)(1) AND (b) AND POSES "AN OBSTACLE TO THE ACCOMPLISHMENT AND EXECUTION OF THE FULL PURPOSES AND OBJECTIVES OF CONGRESS." WYETH, 555 US AT 577 (CITATION OMITTED). MANDAMUS IS AN APPROPRIATE REMEDY AND SHOULD ISSUE IN THIS INSTANCE TO CONFINE RESPONDENT TO A LAWFUL EXERCISE OF ITS PRESCRIBED JURISDICTION AND TO COMPEL IT TO EXERCISE ITS AUTHORITY WHEN IT IS ITS DUTY TO DO SO. SEE BANKERS LIFE & CASUALTY CO., 346 US AT 382, 74 S. CT. AT 148.

3. Respondent's January 23, 2019 standing order, banning petitioner from all federal courts because he has unpaid filing fees, violates the first amendment to the United States Constitution

~~The United States Constitution~~, Amendment 1, holds, in relevant part:

"Congress shall make no law... abridging... the right of the people... to petition the government for a redress of grievances."

The first amendment of the federal constitution expressly guarantees that right against abridgment -- for the right is one that cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all civil and political institutions -- principles which the fourteenth amendment embodies in the general terms of its due process clause. De Jonge v Oregon, 299 US 353, 364 (1937). The right to petition the government for a redress of grievances has been characterized as "among the most precious of liberties safeguarded by the bill of rights." United Mine Workers v Ill. State Bar Ass'n, 389 US 217, 222 (1967). "[L]awsuits, grievances, workers' compensation claims, are all examples of formal petitions." Connick v Myers, 461 US 438, 439 n.18 (1983).

Respondent has acknowledged that "the first amendment right to petition the government includes the right to file other civil actions in court that have a reasonable basis in law or fact." Snyder v Nolen, 380 F.3d 279, 290 (7th Cir. 2004) (citing McDonald v Smith, 472 US 479, 484 (1985)) "filing a complaint in court is a form of petitioning activity;

but baseless litigation is not immunized by the first amendment right to petition." (INTERNAL QUOTATION MARKS AND CITATIONS OMITTED); BILL JOHNSON'S BROS. INC. v NLRB, 461 US 731, 741 (1983) "The right of access to the court is an aspect of the first amendment right to petition the government for redress of grievances."; CALIFORNIA MOTORS TRANSP. CO. v TRUCKING UNLIMITED, 404 US 508, 510 (1972)

("The right of access to the courts is indeed but one aspect of the right to petition."). The first amendment right to petition the government for redress of grievances is an inalienable fundamental right. See EDWARDS v SOUTH CAROLINA, 372 US 229, 234-38 (1963). "There is no iron curtain drawn between the constitution and the prisons of this country." WOFF v McDONNELL, 418 US 539, 555-56 (1974) AND "[P]ERSONS IN PRISON, LIKE OTHER INDIVIDUALS, HAVE THE RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF THEIR GRIEVANCES WHICH, OF COURSE, INCLUDES ACCESS OF PRISONERS TO THE COURTS FOR THE PURPOSE OF PRESENTING THEIR COMPLAINTS."

BRIDGES v GILBERT, 557 F.2d 541, 553 (7th Cir. 2009) (quoting CRUZ v BETO, 405 US 319, 321 (1972) (CITATION OMITTED)). SEE ALSO HUDSON v PALMER, 468 US 517, 523 (1984) ("Like others, prisoners have the constitutional right to petition the government for redress of their grievances which includes a reasonable right of access to the courts.") (CITATION OMITTED). Respondent intimated in the year of 1986:

"IT IS BEYOND DISPUTE THAT [A PRISONER] HAS A CONSTITUTIONAL RIGHT OF ACCESS TO COUNSEL AND TO THE COURTS FOR PURSUING POSTCONVICTION REMEDIES AND FOR CHALLENGING THE CONDITIONS OF [THEIR] CONFINEMENT."

CALDWELL v MILLER, 790 F.2d 589, 606 (7th Cir. 1986) (CITING BOURKE v

SMITH, 430 US 817, 821 (1977); WOLFE, 418 US AT 578-80 (EXTENDS

RIGHT TO CIVIL RIGHTS)). "A PRISONER'S RIGHT TO PURSUE LEGAL REDRESS FOR CLAIMS IS PROTECTED BY THE FIRST AMENDMENT RIGHT TO PETITION AND THE FOURTEENTH AMENDMENT RIGHT TO SUBSTANTIVE DUE PROCESS.

MEANINGFUL ACCESS TO THE COURTS IS A FUNDAMENTAL CONSTITUTIONAL RIGHT, GROUNDED IN THE FIRST AMENDMENT RIGHT TO PETITION AND THE FIFTH AND FOURTEENTH DUE PROCESS CLAUSES." SNYDER, 380 F.3d.

AT 291 (CITATIONS OMITTED). ALTHOUGH "THE FIRST AMENDMENT TO THE CONSTITUTION PROHIBITS CONGRESS FROM ABRIDGING THE RIGHT OF THE PEOPLE TO... PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES... AND PROTECTS AGAINST ENCROACHMENT BY CONGRESS."

UNITED STATES V CRUIKSHANK, 92 US 542, 552 (1876). THIS COURT

HAS INTIMATED AND ESTABLISHED THAT "COURTS, TOO, ARE BOUND BY THE FIRST AMENDMENT." CITIZENS UNITED V FEC, 558 US 310, 326

(2010). "... JUDGES IN GENERAL, AND FEDERAL JUDGES IN PARTICULAR

... ARE OFFICERS OF THE GOVERNMENT..." NEDEA V UNITED STATES,

527 US 1, 32 (1999) (SCALIA, J. DISSENT), AND "... EVEN AS TO PRISONERS THE GOVERNMENT MUST OBEY ALWAYS THE CONSTITUTION."

CRAWFORD-EL V BRITTON, 523 US 574, 601 (1998) (KENNEDY, J.

CONCURRING), BECAUSE "DENYING A PRISONER ACCESS TO THE COURTS VIOLATES THE FIRST AMENDMENT." SNYDER, 380 F.3d. AT 290

(CITING BILL JOHNSON'S BESTS. INC., 461 US AT 741), AND "THE LOSS OF FIRST AMENDMENT FREEDOMS, FOR EVEN MINIMAL PERIODS OF

TIME, UNQUESTIONABLY CONSTITUTES IRREPARABLE INJURY." ELROD V

BURNS, 427 US 347, 373-74 (1976) (CITATION OMITTED). "A TOTAL LOSS

OF THE OPPORTUNITY TO RAISE ONE'S VOICE IN THE COURTS IS ITSELF

THE REQUISITE DETRIMENT." GENTRY V DUCKWORTH, 65 F.3d 555, 559 (TH Cir. 1995) (CITATIONS OMITTED).

RESPONDENT'S JANUARY 23, 2019 STANDING ORDER DENYING PETITIONER FROM THE FEDERAL COURTS SIMPLY BECAUSE HE HAS UNPAID FILING FEES IS NOT AN OPINION OR JUDGMENT UNDER FED. R. APP. P. 36, NOR IS IT A MANDATE UNDER FED. R. APP. P. 41, IT IS AN ARBITRARY AND PROHIBITED STANDING ORDER, AND UNCONSTITUTIONAL REGULATORY PRACTICE, THAT RESPONDENT EMPLOYS WHEN IT WANTS TO SHUT A PRISONER COMPLETELY OUT OF THE FEDERAL JUDICIAL SYSTEM IN VIOLATION OF ITS OWN PRECEDENTS, FEDERAL LAW, THE FED. R. APP. P, 28 U.S.C. § 1915(3)(4) AND (5), AND THE UNITED STATES CONSTITUTION, AND ITS STANDING ORDER MUST BE STRUCK DOWN AS UNCONSTITUTIONAL. "IT GOES WITHOUT SAYING THAT THE FACT THAT A GIVEN LAW OR PROCEDURE IS EFFECTIVE, CONVENIENT, AND USEFUL IN FACILITATING FUNCTIONS OF GOVERNMENT, STANDING ALONE, WILL NOT SAVE IT IF IT IS CONTRARY TO THE CONSTITUTION." STERN V. MARSHALL, 131 S. CT. 2594, 2619 (2011) (CITATION OMITTED), AND "REGULATORY MEASURES... NO MATTER HOW SOPHISTICATED, CANNOT BE EMPLOYED IN PURPOSE OR IN EFFECT TO SILENCE, PENALIZE, OR CURB THE EXERCISE OF FIRST AMENDMENT RIGHTS." NAACP V. BUTLER, 371 US 415, 439 (1963) (CITATION OMITTED), BECAUSE "CONSTITUTIONAL RIGHTS WOULD BE OF LITTLE VALUE IF THEY COULD BE... INDIRECTLY DENIED." DUNN V. BLUMSTEIN, 405 US 330, 341 (1972). "THIS COURT HAS NOT HESITATED TO OVERRULE DECISIONS OFFENSIVE TO THE FIRST AMENDMENT." CITIZENS UNITED, 558 US AT 363 (CITATION OMITTED) AND MANDAMUS IS THE APPROPRIATE REMEDY IN THIS INSTANCE BECAUSE A FEDERAL COURT OF APPEALS IS THE VIOLATOR COMMITTING UNLAWFUL ACTS.

THE DOCUMENTS, HERETO ATTACHED AS THE APPENDIX, DEMONSTRATE AND SUPPORT THE FACT THAT RESPONDENT HAS DELIBERATELY ADOPTED AN ARBITRARY PRACTICE IN OPEN DEFIANCE OF THE FEDERAL STATUTES, FED. R. APP. P., AND THE U.S. CONSTITUTION IN CASES RELATING TO PRISONERS THAT ARE SEEKING RELIEF IN THE COURTS UNDER 28 U.S.C. §1915(S), WHOM HAS 3 OR MORE STRIKES AGAINST THEM AND HAS UNPAID FILING FEES. SEE JANUARY 23, 2019 ORDER, APPX 1.

RESPONDENT'S JANUARY 23, 2019 STANDING ORDER BANNING PETITIONER FROM THE FEDERAL COURTS BECAUSE HE HAS UNPAID FILING FEES IS A CRIME AND IT AUTHORIZES OTHERS TO COMMIT THE SAME CRIMES IN SEVERAL DIFFERENT WAYS, WHICH ARE:

1. THE STANDING ORDER VIOLATES WISCONSIN STATUTE SECTION (WIS. STAT. §) 946.12 MISCONDUCT IN PUBLIC OFFICE BECAUSE THE RESPONDENT HAS DONE AN ACT WHICH IT KNOWS IS IN EXCESS OF ITS LAWFUL AUTHORITY AND WHICH IT KNOWS THAT IT IS FORBIDDEN BY LAW TO DO (BANNING PETITIONER FROM COURTS SIMPLY BECAUSE HE HAS NO ASSETS AND NO WAY TO PAY THE FILING FEES IN VIOLATION OF 28 U.S.C. §1915(b)(4));
2. THE STANDING ORDER VIOLATES WIS. STAT. § 946.12 AND IS A FEDERAL MISPRISON BECAUSE THE RESPONDENT INTENTIONALLY REFUSES TO PERFORM A KNOWN MANDATORY, NONDISCRETIONARY, MINISTERIAL DUTY OF ITS OFFICE IN THE MANNER REQUIRED BY LAW (IT CANNOT DETERMINE IF PETITIONER IS UNDER IMMEDIATE DANGER OF SERIOUS PHYSICAL INJURY WHEN IT HAS DIRECTED ALL CLERKS TO RETURN UNFILED ANY PAPERS SUBMITTED BY PETITIONER OR ON BEHALF OF HIM WHICH VIOLATES 28 U.S.C. §1915(S));

3. The standing order violates Wis. Stat. § 946.12 because Respondent has done an act which it knows is in excess of its lawful authority and which it knows it is forbidden by law to do (banning petitioner from the courts violate 28 U.S.C. § 452 which holds that "All courts of the United States shall² be deemed always open for the purpose of filing proper papers... and making motions....");
4. The standing order directs clerks to violate Wis. Stat. § 946.12 and commit a federal "misprison" because it directs them to refuse to perform a known mandatory, nondiscretionary, ministerial duty in a manner required by law (the standing order authorizes and directs clerks to violate seventh circuit local circuit rule 45(b) fees to be paid in advance which states: "The clerk shall not be required to docket any proceedings or perform any other service until all fees due to the clerk have been paid, except on the direction of a judge of this court or on the instance of a party who is entitled to proceed without prepayment of fees." see Appx 4, 6, and 7); and
5. The standing order allows U.S. District Judge Lynn Adelman to violate Wis. Stat. § 946.12 and commit a "misprison" by closing the court to petitioner in violation of 28 U.S.C. § 452 although he knows Respondent has no authority to order him to do so. see Appx 5 and 8. The district judge even ordered the clerk for the district court in the Eastern District of Wisconsin to strike properly filed motions that he labeled frivolous. see Appx 8.

2. "[T]he mandatory 'shall'... normally creates an obligation impervious to judicial discretion." MILLER v FRENCH, 530 US 327, 337 (2000) (citing LEXICON INC. v MILBERS WEISS BEERSHAW HYNES & LERACH, 523 US 26, 35 (1998) (citation omitted)). see also ANDERSON v JUNGKRAU, 329 US 482, 485 (1947) ("The word 'shall' is ordinarily the language of command.") (citation omitted).

3. The clerk's duties are ministerial, GILBERTSON v UNITED STATES, 168 Fed. 672 (7th Cir. 1909), and a failure to perform his duties is a "misprison." see THE WASHINGTON, 16 F. 2d. 206 (2nd Cir. 1926).

CONCLUSION

28 U.S.C. § 452 MANDATES THAT THE UNITED STATES COURTS ALWAYS BE OPEN FOR THE FILING OF PROPER PAPERS AND MOTIONS WHICH RESPONDENT HAS NO AUTHORITY OR DISCRETION TO CLOSE PETITIONER OUT OF. SEE BERKOWITZ V UNITED STATES, 486 US 531, 536 (1988) "CONDUCT CANNOT BE DISCRETIONARY UNLESS IT INVOLVES AN ELEMENT OF JUDGMENT OR CHOICE" AS SHOWN THROUGHOUT THIS PETITION, AND ESPECIALLY IN PAGES 20-21, RESPONDENT'S PROHIBITED STANDING ORDER BANNING PETITIONER FROM THE FEDERAL COURTS SIMPLY BECAUSE HE HAS UNPAID FILING FEES VIOLATES 28 U.S.C. § 452, 28 U.S.C. § 1915(5)(4) AND (5), FED. R. APP. P. 47, THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION, SEVENTH CIRCUIT LOCAL CIRCUIT RULE 45, AND WIS. STAT. § 946.12, AND MUST BE STRUCK DOWN BECAUSE IT ALLOWS PETITIONER TO SUFFER UNNECESSARY PAINS INDEFINITELY, WHICH RESPONDENT ITSELF FORBIDS. SEE WHEELER V WEXFORD HEALTH SOURCES INC., 689 F.3d 680, 682 (7th CIR. 2012) ("JUST AS PRISON ADMINISTRATORS MUST DEAL PROMPTLY WITH THEIR CHARGE'S SERIOUS MEDICAL PROBLEMS, SO FEDERAL JUDGES MUST NOT LEAVE LITIGANTS TO BEAR PAIN INDEFINITELY."). RESPONDENT'S STANDING ORDER ALLOWS PETITIONER TO SUFFER PAIN INDEFINITELY. SEE APPX 10. MANDAMUS IS APPROPRIATE TO STRIKE THE RESPONDENT'S JANUARY 23, 2019 UNCONSTITUTIONAL AND PROHIBITED STANDING ORDER AND TO ORDER RESPONDENT TO ACCEPT ALL APPELLATE PAPERS AND APPEALS THAT WERE NOT FILED WHILE ITS JANUARY 23, 2019 STANDING ORDER WAS IN EFFECT.

DATED THIS 8TH, DAY OF MAY 2022


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