

22-5830
No.

FILED

OCT 05 2022

OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

William Richter — PETITIONER, Pro Se,

vs.

Ghaliyah Obaisi, As Executor of the
Estate of Saleh Obaisi et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The Seventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William Richter Reg No 511355
(Your Name)

Stateville Correctional Center P.O. Box 112 Rt. 53
(Address)

Joliet, Illinois 60434
(City, State, Zip Code)

N/A
(Phone Number)

Question(s) Presented

- I. Whether The Failure To Appoint Counsel On Appeal For Review Of The District Court's Abuse Of Discretion In Failing To Recruit New Counsel Upon Withdrawal Of Original Recruited Counsel Is Such A Departure From The Accepted And Usual Course Of Judicial Proceeding Whereas Petitioner William Richter Fia Exceeded The Requirement Of Pratt v. Mate And Subsequent Precedent Based On Mental And Medical Health Issues Which Forced Reliance On Legal Assistance From Other Prisoners¹ As Result Thereof, Depriving Mr Richter Of Adequate Access To The Courts, Procedural Due Process And Equal Protection Of Law As Guaranteed Under The First And Fourteenth Amendment Of The United States Constitution 26
- II. Whether District Court Judge Gray Fewerrow Exhibited An Appearance Of Bias In Petitioner's Civil Actions In The Case At Bar (N.D.Ill. No 14-C-6480) And Related Cause Of Action (N.D. No 19-C-4681) Whereas Allowing Recruited Counsel To Withdraw And Not Recruit New Counsel Or Recruit Counsel well Dismissing Both Cases Sua Sponte And Seventh Circuit Erroneously Affirmed The Same . . . 33

¹ "PAL stands for 'prisoner at law,' that is, a type of lay pro se assistant who aids prisoners in conducting legal research and preparing post-conviction motions." Flowers v. Gaetz, (No. 09-C-1303)(N.D.Ill. 2-20-2010), Memorandum Opinion And Order, issued by the Honorable United States District Court Judge, Rebecca R. Pallmeyer, Slip Opinion, f/r#6, at pages 11-12.

Mr Richter has obtained the legal assistance of the PAL to prepare this instant filing, based on over three (3) decades experience, which includes litigating in state and federal courts in civil and criminal cases and previously provide assistance to a Petitioner before this Court, like Mr Richter, who was unable to litigate pro se and had no attorney

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- (1) Following Defendant(s) named in original Complaint [Dist Doc 1]
- (A) Wexford Health Sources Inc ("Wexford")
 - (B) Imhotep Carter, M.D. ("Dr Carter")
 - (C) Saleh Obaisi, MD. ("Dr Obaisi") (Deceased)²
 - (D) Ghali Obaisi AS Executor of the Estate of Saleh Obaisi
 - (E) LATANYA Williams PA ("PA. Williams")
 - (F) A. Hundley-Davis M.D. ("Dr. Hundley-Davis")

(2) Despite Ghali Obaisi being the sole Defendant-Appellee before the Court of Appeals for the Seventh Circuit, the failure to recruit new counsel by District Court and failure to appoint counsel on appeal resulted in prejudice to Mr Richter and deprived him of adequate access to court and procedural due process and equal protection of law as guaranteed by the United States Constitution (Amend I, XIV)³

2/

During proceedings before the District Court, Dr Obaisi died and Ghali Obaisi as executor of the estate of Saleh Obaisi was entered as Defendant (See Court Docs 126, 129, 131, 132, 135, 139, 140, 141, 142) second Amended Complaint [Court Doc 143] was filed 4/13/2015 against Wexford, Dr Hundley-Davis and Ghali as Defendants.

3/

District Court granted summary judgment on all claims pending against Defendant Wexford and Dr Hundley Davis [Court Docs 79, 80] and all but one (1) claim against Dr Obaisi and the trial would proceed to trial on single issue [Court Docs 79, 80, 142]. Based on the fact the core issue is denial of recruitment of counsel by District Court and failure to appoint counsel on appeal, all facts are relevant before this Court and Mr Richter should not be precluded from showing prejudice as result thereof.

Related Case

- (1) William Richter, Plaintiff vs.
Wexford Health Sources Inc, John Trust MD,
Alma Mantip-Wolff MD; Estate of Salehi Obairi
Defendants
- (2) Case No 19-cv-4681 (ND Ill.)
- (3) Honorable Gary Fewerman Judge Presiding
- (4) [Dist Dec 5] issued 8/7/2019 Dismissal without Prejudice
and denial of [Dist Dec 4] Motion For Counsel. [Vol II CA293]
- (5) [Dist Dec 8] Motion To Reconsider appointment of counsel
[Vol II CA301-A304]
- (6) [Dist Dec 9] Order Denial of [5] Motion inter alia
"Plaintiff mistreated and "fired" his recruited attorney in
Richter v Wexford Health Sources 14 CG480 (ND Ill) [Dec 15]
190, 212, 231] (see Volume II CA305)
- (7) [Dist Dec 10] Motion For Substitution of Judge and emergency
Motion for Appointment of Counsel. (see Volume II CA306-A308)
- (8) [Dist Dec 11] Denial of [Dec 10] by Judge Fewerman sub sponte
(2/29/2020) (see Vol II CA309)
- (9) [Dist Dec 12] Order Dismissal of case (see Volume II CA310-A311)
- (10) [Dist Dec 14] Motion To Alter or Amend Judgment. (see Volume
II CA313-A316)
- (11) [Dist Dec 15] Order Denial of [Dec 14] (see Volume II CA317)
- (12) Appeal to US Court of Appeals for 7th Circuit No 20-1742
(see Vol II CA322-A364)

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-25
REASONS FOR GRANTING THE WRIT	26-35
CONCLUSION.....	35
Affidavit of Affirmation	36

INDEX TO APPENDICES

APPENDIX A - United States Court of Appeals For The Seventh Circuit ("7th Cir") No 21-1675 Order (Affirming Dismissal) (April 26, 2022)	A1-A5
APPENDIX B - 7th Cir. No 21-1675 Order (Denial of Rehearing) (July 7, 2022)	A6
APPENDIX C - United States District Court, Northern District of Illinois ("N.D. Ill") No 14-C-6480 [Doc 140] ORDER Granting withdrawal counsel (2/21/19)	A7-A8
APPENDIX D - N.D. Ill. No 14-C-6480 [Doc 277] Notification of Default entry (Dismissal of case for want of prosecution) (March 3, 2021)	A9
APPENDIX E - N.D. Ill. No 14-C-6480 [Doc 299] Transcript of Proceedings (R. of P.) for August 9, 2017 (Magistrate Judge Schenkier presiding)	A10-A16
APPENDIX F - N.D. Ill. No 14-C-6480 [Doc 300] R. of P. for August 29, 2017 (Magistrate Judge Schenkier presiding)	A17-A20
APPENDIX G - N.D. Ill. No 14-C-6480 [Doc 301] R. of P. for September 20, 2017 (Magistrate Judge Schenkier presiding)	A21-A25
APPENDIX H - N.D. Ill. No 14-C-6480 [Doc 303] R. of P. for January 29, 2019 (District Judge Feinerman presiding)	A26-A41
APPENDIX I - N.D. Ill. No 14-C-6480 [Doc 304] R. of P. for February 4, 2019 (District Judge Feinerman presiding)	A42-A55

(Continued at -iv- infra)

Index To Appendices (continued)

Page

- Appendix J - ND II, No 14-C-6480 [Doc 302] R. of P for
March 11, 2019 (Magistrate Judge Schenkens presiding) ... A56-A72
- Appendix K - ND II, No 14-C-6480 [Doc 305] R. of P for
January 9, 2020 (District Judge Fewernau presiding) ... A73-A79
- Appendix L - ND II, No 14-C-6480 [Doc 306] R. of P for
October 6, 2020 (District Judge Fewernau presiding) ... A80-A95
- Appendix M - ND II, No 14-C-6480 [Doc 293] R. of P for
March 23, 2021 (District Judge Fewernau presiding) ... A96-A106
- Appendix N - Brief And Arguments with attached Exhibit
7th Cir No 21-1675 submitted 10/7/2021 ... A107-A133
- Appendix O - Reply Brief of Plaintiff-Appellant
7th Cir No 21-1675 submitted March 20, 2022 ... A134-A189
- Appendix P - 7th Cir Order (Control Rehearing Petitions
in excess of page limit granted) on May 16, 2022 ... A190
- Appendix Q - Motion For Rehearing En Banc Or In The
Alternative Motion For Rehearing 7th Cir
No 21-1675 on May 8, 2022 ... A191-A198
- Appendix R - Motion For Petition For Rehearing Or Appeal In
The United States Court For Northern District with
Exhibits 7th Cir No 21-1675 on May 8, 2022 ... A199-A280
- Appendix S - Motion For Appointment of Counsel on Appeal
7th Cir No 21-1675 submitted July 13, 2021 ... A281-A283
- Appendix T - 7th Cir Order (Suspend Briefs pending Motion
for Appointment of Counsel) No 21-1675 dated 7/19/21 ... A284
- Appendix U - 7th Cir Order Denial of Appointment of Counsel
with District Court to Supplement Record for district
No 21-1675 on August 9, 2021, with Dist Ct
Doc 297 Rebuttal ... A285-A287

Index To Appendices (continued)

Page

Appendix V	NO II. EDoc 292) Notice of Docket Entry dated 8/10/2021 (Alleged compliance with 7th Cir. order (see Appendix U supra))	A288
Appendix W	Second Motion For Appointment of Counsel on Appeal 7th Cir. No 21-1675 submitted September 7, 2021	A289 A290
Appendix X	7th Cir. Order No 21-1675 (denial of motion to reconsider counsel) dated 9/15/2021	A292
Appendix Y	NO II. No 19-cv-4681 various pleadings, and orders Judge Feinerman presiding ⁴	A293-A321
Appendix Z	7th Cir. No 20-1772 Appeal from NO 19-4681 various pleadings, and orders	A322-A329
Appendix AA	Brief and Argument of Appellant (10/13/20) and 7th Cir. order denying appeal (2/24/21) (No 20-1772)	A330-A352
Appendix BB	Petition For Rehearing (Ex Binc) on In Alternate Petition For Rehearing (3/10/2021) and 20-1772 order denying (3/21/21) and Docket Statement	A353-A364
Appendix CC	Mr. Richter Stateville Correctional Center Case (6/28/2022)	A365

4

Pursuant to this Court's Rule 12.4, ("When two or more judgments are sought to be reviewed on a writ of certiorari to the same Court and involve identical or closely related questions, a single petition for a writ of certiorari covering all the judgments suffices.") Both the case sub Judge (7th Cir. No 21-1675 Appeal from NO II. No 19-cv-4681) and additional cause of action (7th Cir. 20-1772 Appeal from NO II. 19-cv-4681), both presided over by Judge Feinerman and question of recruitment of counsel being identical, may be heard by this Honorable Court and call for an exercise of this Court's supervisory power (see Rule 10(a))

Table Of Authorities Cited

Case

Page Number

<u>Boddie v Connecticut</u> (1971) 401 US 371	34
<u>Capeston</u> 556 US 868, 129 Sct 2252	34
<u>EAGAN v Dempsey</u> (7th Cir 2021) 987 F.3d 667	31
<u>Edwards v Balisok</u> (1997) 520 US 641	34
<u>Grcho v Willis</u> (7th Cir 2021) 986 F.3d 1067	33
<u>James v Eli</u> (7th Cir 2018) 889 F.3d 320	31
<u>McCra v Hamilton</u> (7th Cir 2018) 893 F.3d 1027	31
<u>Pennycuill v Parish</u> (7th Cir 2019) 923 F.3d 786	31
<u>Pratt v Mrote</u> (7th Cir 2007) 503 F.3d 647	31, 32
<u>Richter v Obrisi</u> (7th Cir April 26 2022) No 21-1675	passim
<u>Richter v Obrisi</u> (NO III No 14 C-6780)	passim
<u>Richter v Wexford Health Sources, Inc. et al</u> (7th Cir February 26 2021) No 20-1792	passim
<u>Richter v Wexford Health Sources, Inc et al</u> (NO III. No 19-C-4681)	passim
<u>Thomas v Wardell</u> (7th Cir 2020) 951 F.3d 854	31
<u>Turney v Ohio</u> (1927) 273 US 510	34
<u>Walker v Price</u> (7th Cir 2018) 900 F.3d 933	31
<u>Statute and Rules</u>	

Others

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix 'A' to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. (See Volume I - CA1-A5)

The opinion of the United States district court appears at Appendix 'D' to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. (See Volume I - CA9); Also see Appendix 'C' [A7-A8].

☐ For cases from Related Case

The opinion of the United States Court of Appeals appears at Appendix AA to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. (See Volume V [A350-A352])

The opinion of the United States District Court, Northern District court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. (See Volume II [A310-A311])

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 26, 2022 at Appendix "A" (LA1-AS3)

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 7, 2022, and a copy of the order denying rehearing appears at Appendix "B" (LA6)

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

☒ Petition is due on October 5, 2022 and is being timely filed. 5

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from related case

The date on which the US Court of Appeals decided my case was February 26, 2021. A copy of that decision appears at Appendix AA. (See Volume V (A350-A352))

☒ A timely petition for rehearing was thereafter denied on the following date: March 31, 2021, and a copy of the order denying rehearing appears at Appendix BB. (See Volume II (A363))

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

This Court may take Judicial Notice of this course of action.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

5

Based upon information and belief as provided by the PAL, Mr Richter is timely filing this petition on October 5, 2022 pursuant to this Court's Rule 13.2 (90 days from denial of Rehearing) and Rule 29.2 (deposited in the institutional internet mail system on or before last day of filing due date), with the original copy of the same to this Court and copy to Respondent's attorney pursuant to Rule 12.2 (See Proof of Service at page #37 infra)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances [ie adequate access to courts]"

Eighth Amendment:

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

Fourteenth Amendment:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of law."

STATEMENT OF THE CASE

(1) Petitioner William Richter is sixty-three (63) years old and has been incarcerated since 2008, being incarcerated in the Illinois Department of Corrections ("IDOC") for the past fourteen (14) years, originally being housed at Stateville Correctional Center ("Stateville") in December 2010 and transferred to Menard Correctional Center ("Menard") before being transferred back to Stateville, where Mr. Richter is currently being housed by IDOC.

(2) Mr. Richter has a plethora of serious medical and mental health issues, being effectively disabled and with severely limited education (see Volume III - Appendix "N" at CA119-A132; "O" at CA170-A188; Volume IV Appendix "R" at CA235-A247; Volume II Appendix "C" at CA365 inter alia) ⁶

(3) Two (2) Defendants were the same in both his civil litigations (i.e. ND Ill. No(s) 19-cv-6480; 19-cv-4681) being Wexford Health Sources, Inc ("Wexford") and

(6)

The Record is overwhelmingly clear and convincing that Mr. Richter has consistently argued for recusal of counsel in both the case sub judice (ND Ill. No 19-cv-6480) and apert therefrom (7th Cir. No 21-1675) and related case (ND Ill. No 19-cv-4681) and apert therefrom (7th Cir. No 20-1772) in his numerous motion for counsel, as will be set forth infra, based on his disabilities and limited education (currently below a sixth grade and substantiated under prison requirements of eighth grade education and was impossible to proceed pro se).

the Estate of Saleh Obaisi ("Obaisi"), with the claim being a deprivation of his constitutional rights under the Eighth Amendment to United States Constitution and Federal Law pursuant to 42 USC Sec 1983.

(4) In the case sub judice (NO III. NO 14-6480) the Honorable John W. DARRAH, original presiding Judge ("Judge DARRAH") on September 9, 2014, upon screening Mr Richter's original Complaint (Dist Dec 1), pursuant to 28 USC Sec 1915A, appointed Mr Larry Smith ("Mr Smith") to represent Mr Richter considering, inter alia 'due to the ongoing nature of Plaintiff's medical needs, his professed disabilities and the difficulties of in inmate litigating a medical case, granted Mr Richter's (Dist Dec 3) Motion for Attorney (see Volume IV Appendix "R" at CA245-1276))

(5) Over the course of Mr Smith's representation of Mr Richter, Mr Smith created a breakdown in communication with Mr Richter by failing to keep Mr Richter up to date with the course of action, failing to provide him with copies of pleadings Defendants filed as well as Mr Smith's Filings and Orders issued by the Court (see PACS) #6, #9, #10, #12-#13, #15-#19, #21 infra)

(6) Mr Smith failed to inform Mr Richter of his filing of the [Civil Dec 83] Amended Complaint and Response to Defendants' Motion For Summary Judgment. As a result of Mr Smith's incompetency of counsel and exhibiting a "startling ignorance of law". All Defendants succeeded on Summary Judgment except a sole issue against Defendant Obaisi (see [Civil Dec 83] 79:1-80:3), on June 29, 2017.

(7) On July 26, 2017, upon learning of his cause of action effectively being gutted by the District Court Cie Judge Fewernow, who had replaced Judge Arush just four (4) month prior to said ruling) Mr Richter, upon the advice of the two (2) writers providing him with legal advice Cie Antonio Kendrick ("TK") and Thomas Umphrey ("TU") filed pro se motion to appoint new counsel [Civil Dec 83], prepared by 'TK' (see Volume Appendix 'R' at [A224-A226])

(8) On July 31, 2017, Judge Fewernow denied Mr Richter's [Civil Dec 83] Motion For New Counsel, making it abundantly clear he would not recruit a new attorney and give Mr Richter, an effective "Hobson choice", ie Mr Richter could proceed with Mr Smith as counsel or he could represent himself pro se (see [Civil Dec 83])

(9). On August 9, 2017, a status hearing was held before Magistrate Judge Schenkier ("Judge Schenkier") with Mr Smith and Defendant Obasili's attorney (See E.D. Doc 299). Volume I - Appendix 'E' at CA10-A16], without Mr Richter being present in person or by video zoom. (Id) This was the beginning of the Court and Mr Smith establishing a record to erroneously appear that Mr Richter was not willing to cooperate in the litigation of his case, when in fact, Mr Richter's health had gotten worse, requiring number procedures over the next three (3) years.

(10) On August 29, 2017, a subsequent status hearing was held without Mr Richter being involved in the conversation between Judge Schenkier and Mr Smith (See E.D. Doc 300). Volume I Appendix "F" at CA17-A20] where Mr Smith disingenuously indicated the conversation with Mr Richter was "slightly contentious, but were okay" and admitted that he had no intention of doing anything Mr Richter asked, "and I just had to appease him a little bit" (Id at CA19)

(11) On October 19, 2017, Mr Smith filed for a continuance "due to Mr Richter's poor health" (See E.D. Doc 109) and subsequently Defendant Obasili moved

away (See [Dist Dec 125]) As a result, Mr. Richter was granted leave to obtain a rebuttal expert to be paid for by the Court (See [Dist Dec 158; Dec 163])

(12) That prior to the facts set forth in Par. 11 supra, another status hearing was held with Judge Schenkler and Mr. Smith, without Mr. Richter present. Filiboy stated "when I went to call Monday for the scheduled call, I was told he's refusing to speak with me now." ^{***} obviously I see no reason why we should waste your time. We've called him four or five times and he keeps doing this to --" (See [Dist Dec 301]; Volume I Appendix "G" at CA23) When the Judge offered to set a status where (Mr. Richter) participates in the status" (Id. at [CA24]) Mr. Smith exhibited his true colors, stating "Judge, I don't think that's necessary" (Id.) which begs the question, why not have Mr. Richter present? The answer is simple, Mr. Smith was making a record in order to get off the case, which he subsequently succeeded.

(13) On January 21, 2019 Mr. Smith took the substantial step to his obvious goal by filing a Motion To Withdraw As Counsel For Plaintiff (See [Dist Dec 178]; Volume IV - Appendix "R" at CA236-1237))

(14). On JANUARY 29, 2019, Judge Fewernow held a hearing on Mr Smith's Motion To Withdraw (See [Dist Dec 303]; Volume I at A27-A41) at which Mr Richter appeared via telephone conference call and said hearings being approximately four (4) weeks prior to scheduled trial.

(Id at [A.28]) Mr Richter was allowed to spread the record, which in objective readings of the same, shows Mr Richter's lack of education and not being well spoken and was reading from notes prepared by TK and/or TU. One indication is Mr Richter continual stating "You know" at beginning and/or end of sentences. (Id)

(15) Additionally, it was just as clear Mr Richter totally lacked legal knowledge. Judge Fewernow, despite claiming he would read the original complaint to assess the claims by Mr Richter, clearly he had his mind made up not to recruit new counsel, reiterating two choices, to proceed with Mr Smith (who's total breakdown in communication and failure to keep Mr Richter apprised of the case) or handle the case pro se (which it's absurd to force one like Mr Richter to go forward pro se based on his medical and mental health issue. (Id at CA367) It will be noted Judge Fewernow made no finding of Mr Smith's failures. (Id)

(16) Mr Smith claimed the reason for his motion to withdraw was based on Mr Richter's letter.

requesting he withdraw. (*Id.* at CA38J) but in fact, the record shows Mr Smith was building the record to be able to withdraw (see Pages 5-13, *supra*) It will be noted, said letter (see Vol II Appendix "R" at EN216-1220J) listed Mr Richter's complaints but the only thing Judge Feinerman focused on was the frustration by Mr Richter requesting Mr Smith withdraw so he could get new counsel recruited and he should resign. (*Id.*)

(17) At a subsequent hearing held by Judge Feinerman on February 4, 2019 (see EN216-304J; Volume I - Appendix "I" at CA43-A55J), which Mr Richter was present via telephone conference call. It was determined, the February 25, 2019 trial needed to be continued based on Mr Richter's ongoing health concerns and upcoming heart surgery (*Id.* at A44-A46) It will be noted Mr Smith had no knowledge of his own client's health issues and made no comment (*Id.* at A75) (which is one of Mr Richter's reasonable concerns) but Defendants counsel was fully apprised of the upcoming surgery (*Id.* at 75) Mr Richter had spread the record as to some of his health issues on January 9, 2019 (see Appendix "H" at CA30-A31, A35J) which Judge Feinerman ignored.

(18) On February 4, 2019 Mr Smith brought

out about the expert he was provided funds to hire and stated in response to the Judge's question if said expert would testify, "No sir, because he didn't give the opinions that were valuable to the case at all." (Id. at [A52]) But had Mr. Smith explained his conclusion to Mr. Richter, as clearly he had no problem informing Defendants' attorney of said conclusion, but failed to do so, one of the many failures to communicate with his client and/or provide said expert's report, which is not of record and only Mr. Smith's word to go on, which is less than trustworthy.²

(19) It is important to note, after discussing in open court plaintiff's expert as set forth in Para. "18 supra, Mr. Smith suddenly expresses concerns over the letter, which sets forth many of his failures as counsel should not be of record as attorney-client communication. (Id. at [A54]) but is now before this Court See Volume III Appendix "R" at [CA216-1220])

(20) On February 13, 2019 Mr. Richter filed a Motion For Appointment of New Counsel (Case No. 1883);

7/

As set forth in Para. "12 supra Mr. Smith false statement of record as to not waste time after we've called him four or five times and he keeps doing this was an impossibility in short timeframe and prison policy is setting up calls, thus, Mr. Smith's word is untrustworthy

Volume II Appendix "R" at CA224-226], prepared by TK", which set forth additional facts of the conflict between Mr. Smith and Mr. Richter.

(21) Judge Fewernau granted Mr. Smith to withdraw on February 27, 2019 (Dist Dec 190), holding inter alia "the court determined based on discussions with both Mr. Smith and Mr. Richter that the attorney-client relationship had deteriorated irreparably" (Id). In the same order, Judge Fewernau denied Mr. Richter's motion to appoint new counsel (Dist Dec 190 at 2) and evidence of his apprehension of bias, held, "that Mr. Richter's dissatisfaction with Smith's representation 'was not objectively reasonable'" (Id), clearly ignoring Mr. Smith's finances and placing all the blame on Mr. Richter, stating "his current situation as a pro se plaintiff +++ while difficult, is entirely of his own making." (Id)

(22) On March 11, 2019, Mr. Richter appeared via videoconference, pro se before Judge Schenkier, at which time Mr. Richter attempted to read a statement prepared by TK as a motion to recognize substitute counsel, which Judge Schenkier refused him to do and stated it needed to be in written motion (see Dist Dec 302). Volume II - Appendix "J" at (A58-A59) Mr. Richter was able to spread the record, stating inter alia "I want the Court to know that I'm far from a lawyer. My education

is not limited ^{***} but I still want the issue addressed that I never fired Larry Smith. Larry Smith resigned. (Id. at EA613 (emphasis added)).

(23) The remainder of the hearing clearly established Mr Richter's lack of basic education and no legal knowledge was evident and based on the discussion, Mr Richter could never represent himself at trial. (Id. at EA65-A72)

(24) On July 27, 2019, Mr Richter filed EDRt Dec 211] Motion To Reconsider Appointment of Counsel. (See Volume III - Appendix "R" at EA250-A255) prepared by 'TU' which established compelling reasons to reconsider Appointment of counsel.

(25) On August 1, 2019, the court denied Mr Richter's Motion as set forth in Para "24 supra, (See EDRt Dec 212], which erroneously held "Mr Richter had fired Mr Smith for what the court concluded were unjustifiable reasons. And although acknowledging Mr Richter's health concerns would make it more difficult for him to try the case, it reasoned that "having chased away Mr Smith, who was ably handling the case, cannot reasonably complain that it is difficult for him to represent himself (Id)

(26) On January 9, 2020, Mr Richter was involved in status hearing via telephone conference call with Judge Fewerum (See EDRt Dec 305]'

Volume II - Appendix "K" at EA73-A79J) After attorney-
for Wexford Defendants stated they were not in a
position to settle based on Mr Richter's demands (Id at
EA75J) Judge Fewernu stated a trial date would be
set. Mr Richter spread the record, "You know, with
all of my ongoing medical issues that I have your Honor
it's impossible for me to do this case on my own. and
when on to list the overwhelming number of medical and
mental health issues (Id at EA77-A78J) and ask to have
the Court reconsider appointing counsel (Id.) Judge
Fewernu stated, I'll take under advisement and issue
a ruling shortly your oral motion to reconsider my
two or three orders denying you a second attorney. (Id)

(27) Later that day, Judge Fewernu issued
an order denying counsel again. (See Dist Dec E231J)
stating inter alia, "Richter must live with the consequences
of his 'fixes' [executed] course." (Id) ⁸

(28) On October 6, 2020, a final pre-
trial conference via video conference call (See Dist
Dec 306J; Volume II - Appendix "L" at EA80-A95J) Based on

8

Judge Fewernu's reported erroneous spread of the
record that Mr Richter "fined Mr Smith" (See Pnt[#] 25
supra) which he subsequently acknowledges (See Pnt[#]
33 infra (conceding Mr Smith withdrew, not fined).

advice of 'TR'. Mr Richter indicated his desire to file an interlocutory appeal of denial of counsel prior to trial, stating from a written statement "There is no way I can do this case on my own. I got too many medical issues going on, and no, I will not think straight enough to do it on my own (Id at C182))

(29) Judge Fewerman abused his discretion by creating a situation which resulted in the dismissal of this cause of action to allow an appeal (Id at C182-A94), even seeking opposing counsel's input (Id C183-186), which Mr Richter didn't understand nor agree to based on his lack of understanding (Id at C192))

(30) The clearest evidence of Judge Fewerman's appearance of bias are the absurd statements as to Mr Richter being able to represent himself, wherein it follows

(A) "The second reason [for not giving MR Richter counsel], although I don't need one, is you're very well-spoken. You can read from written statements. I've seen you do it. I heard you do it⁹ And this case is not a complicated case.¹⁰ And you are more than capable of trying that case on your own" (Id at C188-189) (emphasis added))

9/

Judge Fewerman concedes on the record that Mr Richter has had to read from statements prepared by 'TK' and 'TU' since Mr Smith withdrew, clearly Mr Richter would not have statements to read from at a trial and is obviously not well spoken nor would his limited education allow him do try the case.

(B) " Mr Richter. I think you do understand. I think that you are far more capable and far more knowledgeable and far more understanding of what's going on that you claim to be and the reason you're claiming not to understand is that you think I'm going to relent and give you a lawyer. I'm not going to [being the fourth time to state he won't give Mr Richter an attorney (Id)] ++ I know you understand me. You're better spoken than almost any other pro se plaintiff I've had. You're better spoken than I'd say about half the lawyers that I have appeared in court (Id at [A93] (emphasis added))

(31) After the October 6, 2020 hearing as set forth in P#105) "28-#30 (A)-(B) supra until March 23, 2021, absolutely nothing occurred in the case sub judge, except for continuances by the court sun spoke with all trials postponed until early April (See EDist Dec 276))

(32) On March 23, 2021, a hearing was held via telephone conference call. (See EDist Dec 293). Volume II - Appendix 'M' [A96.1106]) Judge Fewerms spread the record, erroneously stating Mr Richter "said that he either couldn't or wouldn't or both, try this case himself" (Id at [A99]) Mr Richter never stated he would not try the case himself, only he could not" when asked directly, answered "Well, Mr Fewerms, I

would if I could, but at this time, I'm just not capable".
and made a lengthy statement as to his inability" (Id
at EA99-A101), including bringing up the fact that
"I never fired Larry Smith. Larry Smith withdrew.
It's in the paperwork that he withdrew. There's
nowhere in my record that I nutracted or
fired LARRY Smith You know?" (Id. at EA100) (emphasis
added))

(33) In response, Judge Feinerman
conceded, "it is true that Mr Smith moved to
withdraw" and was not fired but relied on the
single letter as set forth previously (see FN2 at 15
supra) and stated "in accordance with your wishes"
It will be noted, the request by Mr Richter for
Mr Smith to withdraw was based on being recruited
new counsel. (see Pm #16 supra) TK and TU both
informed Mr Richter he would be given new counsel
and erroneous advice or not, Judge Feinerman failure
to follow the law in deciding the request was a
clear abuse of discretion and exhibited in appearance of bias

(34) Again, Judge Feinerman's statement as
to Mr Richter, i.e. "You are very well spoken and you're
very eloquent, more so than most attorneys who
appear in my court (expecting the same twice) I
believe that you have the wherewithal to handle

this relatively simple trial on this one relatively simple matter that remains." (Id. at EA102)

(35) The appearance of bias most glaring is the following spread of record, "So I'm going to stick to my decision not to recruit you another attorney. I'll note, and I'm sure you're aware of this, and in one of your other cases, Richter v. Wexford my docket 19 C 4681, Seventh Circuit's docket no 20-1772, the Seventh Circuit affirmed my denial of your request for recruitment of counsel in that case. And in that case, I denied your request for recruitment of counsel because of what happened in this case and the Seventh Circuit said that I made the right decision in that other case and you had argued to them in that other case that you had a good reason for firing Mr. Smith in this case." (Id. at EA102)¹⁰

(36) Without allowing Mr. Richter to speak, erroneously spread the record, "So I'm

10/

It is undisputed Judge Fewerew could not recruit new counsel in the case sub judice after using the denial thereof to dismiss the related case (No. 19-C-4681). It is further to be noted, Mr. Richter was not appointed counsel in appeal in case no 20-1772 and relied on "TK" and "TU", which resulted in loss of appeal. This fact is why this Court should exercise its supervisory power to decide both cases (See Flynn v. U.S. Supra)

not going to -- what you're saying Mr Richter is that
if we have a trial, if I summon jurors to the court-
house, you're not going to try the case. And
that's fine, and that's your prerogative. Because
of that, I'm going to dismiss your case with
prejudice for want of prosecution." (Id. at DA103)
(emphasis added)) And repeating it a second time
(Id. at DA104)) It must be noted, Mr Richter
NEVER stated he would not try the case, only
he was not capable of, which my wife who
did not exhibit an experience of bias, would
have recognized the fact (emphasis added)

(37) Judge Feinerman also conceded
"And yes, I did recruit you as attorney in 2018.
When I did so, I did not know the full extent
of what would become of this case in terms of
you being dissatisfied with Mr Smith and quote,
unquote "firing him". Maybe I made a mistake in
2018 by giving you as attorney when I shouldn't
have, but one mistake doesn't necessarily need to
beget a second mistake, which would be to recruit
you as attorney -- a second attorney in this case."
(Id. at DA105-DA106) (emphasis added) It must be noted,
first, the attorney who was appointed in 2018 are

As a great working relationship with Mr Richter after four (4) years, evidence Mr Richter was not the problem, but Mr Smith sought to withdraw. Second, the irony is, Judge Fewerman's mistake of denying counsel in case no. 19-C-4681 beggert the mistake of failing to recruit new counsel in the case sub judice (See Flv 10 at 18 supra)

(38) Mr Richter appeared to the Seventh Circuit (See [Dkt Dec 280]) On July 19, 2021, Mr Richter filed Motion For Appointment of Counsel on Appeal (See Vol II Appendix "S" [A281-283]) The Seventh Circuit suspended Briefing pending resolution of said motion (See Id Appendix "T" [A284]), issued July 19, 2021 w no 21-1675.

(39) On August 9, 2021, the Seventh Circuit issued [En Dec 25] Order denying Motion For Appointment of Counsel and ordered "the District Court to supplement the record with its review for dismissal of the case" and further ordered "Appellant may review his motion after the [District] Court's explanation is added to the record but he need not do so. The panel assigned to decide this case may recruit counsel if it finds that step appropriate after reviewing the Briefs (See Id Appendix "U" [A285-A287])

(40) Judge Fewerman continued his appearance of bias towards Mr Richter as well as his disrespect of

For the Seventh Circuit's Order as set forth in P₁₁#39 supra, issued March Order on August 10, 2021 (Dist Dec 292). (See Id Appendix "U" at [A288]), which cited to the March 23, 2021 hearing (Dist Dec 277), and "For ease of reference, the Seventh Circuit consideration of 2/27/2019 Order (Dist Dec 190), 8/11/2019 Order (Dist Dec 212) and 11/9/2020 Order (Dist Dec 231

(41) On September 13, 2021, Mr Richter filed Second Motion For Appointment of Counsel, prepared by TK (see Id Appendix "W" [A289-291]). The Seventh Circuit again denied counsel, stating "The panel assigned to the case may recruit counsel if it finds that step appropriate after review of briefs." (Id at [A292])

(42) Mr Richter submitted his pro se Brief and Argument of The Appellant on October 7, 2021, being prepared by TK (see Volume III - Appendix W' [A107-A133], incorporated herein as if fully set forth herein by reference)

(43) On February 7, 2022, Response Brief of Defendant-Appellee was filed (Dist Dec 42). It will be noted Appellee argued Mr Richter has forfeited my argument of abuse of discretion by dismissal of case for want of prosecution by failing to raise the issue in opening brief. This reason alone should have alerted the panel the necessity of appointing counsel, but no counsel was appointed

(44) On March 20, 2022 Mr Richter ruled Reply Brief of Plaintiff-Appellant, being prepared by TK. (See Volume III - Appendix "O" CA134-A189] incorporated herein as if fully set forth herein by reference.)

(45) On April 26, 2022, the Seventh Circuit issued an Order affirming the judgment of the District Court. (See Volume I - Appendix "A" CA1-A5]. No counsel was appointed on appeal.

(46) On May 8, 2022 Mr Richter filed Motion For Rehearing En Banc On Alternatively Motion For Rehearing. (See Volume IV Appendix "Q" CA191-A198] prepared by 'TU', incorporated herein by reference)

(47) On May 8, 2022, Mr Richter also filed Motion For Petition For Rehearing Of Appeal In The United States Court For Northern District (See Volume IV - Appendix "R" CA199-A280], prepared by inmate Dale A Yost, incorporated herein by reference)

(48) On May 16, 2022, the Seventh Circuit issued an Order indicating the two (2) motions For Rehearing as set forth in paras "46-47" supra were received May 13, 2022 and leave to file in excess of page limit was granted (See Id Appendix "P" CA190]

(49) On July 7, 2022 the Seventh Circuit

issued an Order denying petitions for rehearing
(See Volume I Appendix "B" [A63])

(56) ON August 7, 2019, Judge Fewerman
issued an Order in related case no 19-C-4681, dismissing
[Doc 13] Complaint without prejudice and denied [Proc 4]
Motion For Attorney representation without prejudice.
(See Volume II Appendix "Y" [A297-A300]) It will be
noted, no mention is made of the case sub judice
as stated in Para #35 supra.

(57) ON December 31, 2019, Mr. Richter
filed Motion To Reconsider Appointment of Counsel
prepared by TK. (See Volume II - Appendix "Y" [A301-
A304]) in related case no 19-C-4681. [Dist Dec 8]

(58) ON JANUARY 13, 2020, Judge
Fewerman issued Minute order in case no 19-C-4681
[Dist Dec 9] denying motion to Reconsider, stating
"Plaintiff mistreated me "fired" his recruited attorney
in Richter v Wexford 19-C-6480 (NO III) TH While the
Court understands the obstacles Plaintiff faces in
litigating the case on his own, the Court will not risk
subjecting another attorney to the unacceptable
treatment which plaintiff subjected his recruited counsel
in that earlier case." (See Volume II Appendix Y [A305])
It will be noted of record Plaintiff wrote a letter asking
counsel to withdraw, what mistreatment is referenced?

(53) On February 13, 2020, Mr Richter filed a related case no 19-C-4681, Motion For Substitution of Judge and Emergency Motion For Appointment of Counsel (See Dist Dec 10); Volume II - Appendix Y [A306-308]. Judge Fewerman improperly ruled on the motion naming him to be substituted and compounded the error by continuing to deny counsel (See Dist Dec 11); Volume II - Appendix Y [A309])

(54) On March 20, 2020, Judge Fewerman issued [Dist Dec 12] Order in related case no 19-C-4681 dismissing Mr Richter's case and closed the case. (See Volume II Appendix Y [A310-A311])

(55) On March 24, 2020, Mr Richter filed Motion To Alter Or Amend Judgment prepared by "TK" [Dist Dec 14] in case no 19-C-4681 (See Id Appendix Y [A313-A316]). Judge Fewerman issued a Minute Order denying said motion (See [Dist Dec 15]; Id Appendix Y [A317])

(56) On April 20, 2020 Mr Richter filed a Notice of Appeal in Case no 19-C-4681, docketed as No 20-1742 (Id See [A321])

(57) After being denied Counsel on appeal and filing Jurisdictional Memorandum (See Id [A322]; [A323-324] and [A325-A329]), in App No 20-1742, Mr Richter filed Brief and Argument of The Appellant, as

prepared by TK (See Volume II Appendix 'AA' at [A330-A343] and incorporated herein as if fully set forth by reference)

(58) On February 26, 2021, Seventh Circuit issued Order in App No 20-1742, affirming District Court Order (See Id Appendix AA [A351-A353])

(59) On March 10, 2021, Mr Richter ruled Petition For Rehearing (En Banc) On in the Alternate Petition For Rehearing (See Volume II Appendix 'BB' [A353-A362], incorporated herein as if fully set forth herein by reference)

(60) On March 31, 2021, the Seventh Circuit denied rehearing (See Id at [A363])

(61) That despite Mr Richter not being able to file Petition For Writ of Certiorari to United States Court of Appeal For The Seventh Circuit in Appeal No 20-1742 due to not having any legal assistance to do so, said case may be considered along with the case sub. judge pursuant to Rule 12.4, being from the same Court and involved identical or closely related questions as set forth in Chins (I and II infra whereas some Defendants and District Judge were involved and both cases refusal to recruit counsel in both appeals deprived Mr Richter of his Constitutional rights

REASONS FOR GRANTING THE PETITION

I. The Failure To Appoint Counsel For Review Of The District Court's Abuse Of Discretion In Failing To Recruit New Counsel Upon Withdrawal Of Original Recruited Counsel Is Such A Departure From The Accepted And Usual Course Of Judicial Proceeding Whereas Petitioner William Richter Faa Exceeded The Requirement Of Pratt v. Mote And Subsequent Precedent Based On Mental And Medical Health Issues Which Forced Reliance On Legal Assistance From Other Prisoners As Result Thereof, Depriving Mr Richter Of Adequate Access To The Courts, Procedural Due Process And Equal Protection Of Law As Guaranteed Under The First And Fourteenth Amendment Of The United States Constitution Requires Granting Of Writ

(62) Mr Richter reassents, reissues and incorporates the facts as set forth in PARCS #1 - #61 supra and PARCS #75 - #79, infra, herein as if fully set forth herein by reference for consideration thereof in support of requested relief.

(63) The Seventh Circuit indicated upon request for appointment of counsel on appeal in the case sub voce, inter alia, "The panel assigned to decide this case may recruit counsel if it finds that step is appropriate after reviewing the Brief. (See Para # 39 supra citing Appendix "U" at EA285-A287)) And upon a second Motion For Appointment of Counsel (both motions being prepared by another Inmate, i.e. TK, who's subsequent Brief filed was legally inadequate, being prejudicial to Mr Richter (See Para # 64 infra) the Court issued an Order stated the same (See Para # 41 supra citing Appendix "W" at EA292))

(64) Mr Richter was forced to rely on legal assistance of 'TK', an inmate who has legal knowledge and skills, but in the specific preparation of the Appellate Brief, failed miserably (See Para # 42 supra, citing Volume III - Appendix 'N' at EA107-1133) being incorporated herein by reference). to Mr Richter's prejudice and deprivation of adequate access to the Court, procedural due process and equal protection of law. And the assigned panel should

have appointed counsel at that point to protect Mr Richter's constitutional rights.

(65) Based on Appellee's Response Brief, raised a huge red flag of TK's inadequacy of legal assistance of failing to raise the second core issue of Judge Feinerman's abuse of discretion by dismissal of the case for want of prosecution. (See Para #43 supra) !!

(66) Mr Richter was further prejudiced by TK's Reply Brief failing to address the abuse of discretion for dismissal of want of prosecution being pro se briefs are liberally construed and the Court would have addressed the issue since it had been Briefed by Appellees. Additionally, TK failed to address Appellee's Response at all and basically dwelled on Mr Richter's serious medical and mental health issues with numerous exhibits consisting of supporting documents. (See

III

It was clear even the Seventh Circuit took issue with the erroneous dismissal for want of prosecution, evident by the order directing the Court to supplement the record with reason for dismissal (See Para #39 supra) which Judge Feinerman effectively failed to do (See Para #40 supra)

Par #44 supra citing to Volume III - Appendix 'O' at [A137-A189] . being incorporated herein)

(67) Despite the clearly inadequate Briefing by the only person Mr Richter had to rely on, the Seventh Circuit assigned panel failed to appoint counsel and subsequently one (1) week after being submitted on April 19, 2022 and without oral arguments, decided the appeal and affirmed the decision by Judge Feinerman not to recruit a second pro bono attorney after the first one withdrew and concluded Mr Richter did not have a legitimate reason to discharge the lawyer and Mr Richter was competent to litigate his one remaining claim. (See Volume I Appendix 'A' at [A1-A5])

(68) Mr Richter, once again having to rely on inmate assistance, filed two (2) motions for Rehearing (See Parcs) #46 and #47 supra , citing Volume IV Appendix 'Q' at [A191-A198] (prepared by "TU") and Appendix 'R' at [A199-A280] (prepared by "Dale A Yost"), as incorporated herein)¹²

12/

For the record, the PAL was not available to Mr Richter based in part as there were others "to many hands w the pot" and as the PAL easily recognized, these inmate assistants Mr Richter were unable to assist didn't care to do what was necessary to protect Mr Richter's best interest

(69) Not surprising, rehearing was denied on July 7, 2022 (See Pm #49 supra citing Appendix B' at 246) It was subsequent thereto, the PAL agreed to provide real legal assistance to provide Mr Richter his last opportunity for relief and has prepared this instant Petition, which is being timely filed.

(70) It became readily apparent to the PAL, Judge Fewermon exhibited a clear appearance of bias toward Mr Richter (See Chm II, infra) which reasonably explains the failure to recruit new counsel in the case sub judice and recruit counsel in related case (NO II, No 19-4681)¹³

(71) As result of Judge Fewermon failing to appoint new counsel in the case sub judice and Mr Richter's inability to represent himself, resulted in the erroneous dismissal for want of presenter, despite Mr Richter never stating he would not go to trial, only that he could not go to trial due to the ongoing and more importantly, mental and medical issues at the time he was due to go to trial.

13/

Obviously the appearance of bias became established during the case sub judice whereas in 2018, Judge Fewermon recruited counsel and during the subsequent years, in case no 19-C-4681 refused to recruit counsel and the record clearly establishes the mind set of Judge Fewermon and resulting prejudice (See Pm 157 #35-#37 supra)

(72) Likewise, by failing to recruit counsel in related case (NO II, No 19-4681), only one (1) year after recruiting counsel in the 2018 civil action, and as did Judge DARRAH had in 2014 (see Para #4 supra citing Appendix "R" at CA245-1246]) and obviously with Mr Richter's mental and medical health conditions worsening, failed to follow the established law in Pratt v rate (7th Cir 2007) 503 F3d 647 and subsequent precedent (inter alia, see James v Eli (7th Cir 2018) 889 F3d 320, 326; McCaia v Hamilton (7th Cir 2018) 893 F3d 1027, 1030; Walker v Price (7th Cir 2018) 900 F3d 933, 935; Pennemell v Parish (7th Cir 2019) 923 F3d 486, 490; Thomas v Wardell (7th Cir 2020) 951 F3d 854, 858; Engel v Dempsey (7th Cir 2021) 987 F3d 667, 673) and was a clear abuse of discretion and indication of appearance of bias

(73) Subsequently, the Seventh Circuit's failure to recruit Mr Richter counsel on appeal of No 19-4681 case in appellate No 21-1675 was prejudicial based on the subsequent affirming of Judge Feinerman's decision, holding Mr Richter could proceed without counsel and had in my case abused the privilege of recruited counsel. (see Volume II - Appendix "AA" at CA350-A352)

(74) The clear and convincing fact that Mr Richter was not able to represent himself in either case Cir NO Ill. NOCS 19-C-6780 or 19-4681) is absolutely unrebuttal based on the record before this Court based on the medical records and limited education (See PAR #2 supra) The erroneous finding Mr Richter alleged "mistreated" and "fixed" Mr Smith is an absurdity beyond the pale (See PAR #37 supra) and was the main factor in the failure to result counsel in NO Ill. NO 19-4681 and subsequent denial of appellate relief in both Mr Richter's Appeals Cir App. NOCS 20-1742 and 21-1675), which compounded the error and prejudice, being such a departure from the accepted and usual course of judicial proceedings under Pruitt v. Mote and precedent thereafter (See PAR #72 supra) resulting in Mr Richter being forced to rely on counsel, and if Mr Richter had the financial means and/or had not suffered from an appearance of bias by Judge Fawcett, would not have suffered a denial of his constitutional rights to adequate access to the court, procedural due process and equal protection of law, requiring the writ be granted

II. District Court Judge Gray Fewermeu exhibited an appearance of bias in Mr Richter's civil action(s) in the case at bar (N.D. Ill. No 14-c-6480) and related case of Action (NO No 14-c-4681), whereas allowing Recusing Counsel To Withdraw and Not Recruit New Counsel or Recruit Counsel and Dismissing Both Cases San Sponte And Seventh Circuit erroneously affirmed the same.

(75). Mr Richter asserts, reneges and incorporates the facts as set forth in PAGES # 1-#74 supra, herein as if fully set forth herein by reference for consideration thereof in support of requested relief.

(76) Based on the facts set forth supra, a reasonable person, based upon an objective review of Judge Fewermeu's actions and statements of record clearly establishes an appearance of bias. (See, inter alia PAGES) #8; #14-#18; #21; #25-#31(CA)-(B); #32-#37 supra)

(77) The Seventh Circuit recently held, in Gacho v Willis (7th Cir 2021) 986 F3d 1667, "Capeston marked a watershed in the body of

Constitutional law by making clear that the test for actual, subjective bias is not the end of the inquiry: 'the imperatives of due process' require application of an objective standard in all cases, 'whether or not actual bias exists or can be proven' (Id 556 US 868, 886, 129 S Ct 2252) (Also see Edwards v Balisole (1997) 520 US 641, 647 (Judicial bias claims are not subject to harmless-error review) and Turney v Ohio (1997) 273 US 510, 532 ("Every procedure *** which might lead him not to hold the balance vice, clear and true between the State and the accused denies the latter due process of law"))

(78) That the support for appearance of bias is clearly established as noted in P₁₂⁴ 77 supra, where Judge Feinerman impeded Mr Richter in not one, but two (2) civil actions by the objective factor external to Mr Richter's due process rights to be heard and ability to submit his claims in any meaningful way. (See Boddie v Connecticut (1971) 401 US 371, 379 ("A State must afford to all individuals a meaningful opportunity to be heard if it is to fulfill the promise of Due Process Clause"))

(79) Based on the facts and supporting

Now, Mr Richter should be granted the writ with removal for proceedings before a different judge upon this Honorable Court's exercise of supervisory powers pursuant to Rule 10(c), in both case of actions, from Seventh Circuit in No 21-1675 (Appeal from NO II, No 19-C-6780) and No 20-1792 (Appeal from NO II, No 19-C-4681) and other such relief be granted as deemed just, necessary, equitable and appropriate.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William Richter
William Richter Reg No S11355 Pro Se
Joliet Correctional Center Box 112 Route 53
Joliet, Illinois 60437
Date: October 4, 2022