

APPENDIX A:

Text of the Constitutional and Statutory Provisions

- * US Const Art IV §2 cl.1
- * US Const Amend I
- * US Const Amend V
- * US Const Amend XIV
- * 28 USC §1915

Article IV

Sec. 2.

Cl 1. Privileges and immunities of citizens.

Cl 2. Delivery of fugitives.

Cl 3. Runaway slaves.

Cl 1. Privileges and immunities of citizens.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Amendment 1 Religious and political freedom.

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.

Amendment 5 Criminal actions—Provisions concerning—Due process of law and just compensation clauses.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 14

Sec. 1. [Citizens of the United States.] 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 to any person within its jurisdiction the equal protection of the laws.

Sec. 2. [Representatives—Power to reduce apportionment.] Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. [Disqualification to hold office.] No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. [Public debt not to be questioned—Debts of the Confederacy and claims not to be paid.] The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. [Power to enforce amendment.] The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

§ 1915. Proceedings in forma pauperis

(a) (1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

(3) An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

(b) (1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

(A) the average monthly deposits to the prisoner's account; or

(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute

for the commencement of a civil action or an appeal of a civil action or criminal judgment.

(4) 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.

(c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate [United States magistrate judge] in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title [28 USCS § 636(b)] or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title [28 USCS § 636(c)]. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(e) (1) The court may request an attorney to represent any person unable to afford counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(A) the allegation of poverty is untrue; or

(B) the action or appeal—

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

(f) (1) Judgment may be rendered for costs at the conclusion of the suit or action as in other

proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.

(2) (A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding 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 frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

(h) As used in this section, the term "prisoner" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

HISTORY:

June 25, 1948, ch 646, 62 Stat. 954; May 24, 1949, ch 139, § 98, 63 Stat. 104; Oct. 31, 1951, ch 655, § 51 (b), (c), 65 Stat. 727; Sept. 21, 1959, P. L. 86-320, 73 Stat. 590; Oct. 10, 1979, P. L. 96-82, § 6, 93 Stat. 645; April 26, 1996, P. L. 104-134, Title I [Title VIII, § 804(a), (c)-(e)], 110 Stat. 1321-73, 1321-74; May 2, 1996, P. L. 104-140, § 1(a), 110 Stat. 1327.

APPENDIX B:

White v. Collis SD III Case No: 20-cr-01117 Doc 24

Court's Order of September 27, 2022

WILLIAM A. WHITE, #13888-084, Plaintiff, vs. M. COLLIS, KATHY HILL, FEDERAL BUREAU OF PRISONS, BILL TRUE, D. CHRISTENSEN, J. WAMPLER, GARY BURGESS, and S. BYRAM, Defendants.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

2021 U.S. Dist. LEXIS 183941

Case No. 20-cv-01117-JPG

September 27, 2021, Decided

September 27, 2021, Filed

Counsel {2021 U.S. Dist. LEXIS 1}William A. White, Plaintiff, Pro se, MARION, IL.

Judges: J. PHIL GILBERT, United States District Judge.

Opinion

Opinion by: J. PHIL GILBERT

Opinion

MEMORANDUM AND ORDER

GILBERT, District Judge:

The matter is before the Court for a decision on Plaintiff William White's Motion to Unseal Complaint or Enter An Appropriate Order Directing Redactions and to Withdraw Court's Improper Sanctions Warning (Doc. 11) and Motion to Amend Complaint As of Right (Doc. 12). For the reasons set forth below, Doc. 11 shall be **STRICKEN** and **RETURNED** to White, and Doc. 12 shall be **DENIED** without prejudice. In addition, the Order temporarily sealing "Future Filings" (see Doc. 7) shall be **LIFTED**, and Plaintiff shall be sanctioned with a two-year **FILING RESTRICTION** for violating this Court's fourth warning to refrain from all further abusive litigation conduct.¹

Background

While housed in the Communications Management Unit ("CMU") at the United States Penitentiary in Marion, Illinois ("USP-Marion"), White filed a Complaint to challenge disciplinary action taken against him for engaging in prohibited communications. (Doc. 1). On March 5, 2021, the Court screened the Complaint and allowed him to proceed with four claims against the Federal {2021 U.S. Dist. LEXIS 2} Bureau of Prisons under the Administrative Procedures Act, 5 U.S.C. §§ 701, et seq.

Along with his Complaint, White filed the written or printed communications he was prohibited by prison officials from disseminating inside and outside the prison. Several documents appeared doctored, altered, and/or falsified, and they were presented in a manner that threatened the safety and security of one or more public servants.² Much of the sensitive information in question was added to the documents. Names, addresses, and other identifying information were written or typed

into sections of the documents that were previously redacted. White made no attempt to file the Complaint or any exhibits under seal.

On March 12, 2021, the Court entered an Order directing the Clerk of Court to seal the Complaint and exhibits pursuant to Federal Rules of Civil Procedure 5.2(d) and (e). (See Order at Doc. 7). This rule authorizes the Court to enter certain orders to protect private information contained in filings made with the Court. See Fed. R. Civ. P. 5.2 Advisory Comm. Note (2007) (rule protects "privacy and security concerns" of individuals); *U.S. Dep't of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 500 (1994), 114 S. Ct. 1006, 127 L. Ed. 2d 325; *Wainwright v. Lockhart*, 80 F.3d 1226, 1232 (8th Cir. 1996) (Court has broad discretion when addressing matters of security particularly when it does not prejudice the plaintiff); see also Fed. R. Civ. P. 11.

As an additional precaution for future filings, {2021 U.S. Dist. LEXIS 3} the Court directed the Clerk's Office to temporarily seal any papers submitted by White for filing in any pending or newly-filed case until the documents were reviewed by chambers and deemed to pose no public security threat. (*Id.*). White was explicitly ordered to refrain from filing any more documents containing the sensitive information outlined in Rule 5.2, as well as the home addresses, phone numbers, and other personal identifying information of public servants. He was similarly warned not to file any documents obtained pursuant to a request under the Freedom of Information Act and then altered, doctored, or otherwise falsified. In no uncertain terms, White was "**WARNED** that any future attempts to put private or sensitive information into the public record shall result in **SANCTIONS** that include, and are not limited to, a filing restriction and monetary fines." (*Id.* at 4) (emphasis in original).

This was not the first warning White received in this District; it was his fourth. This Court previously warned White, on three other occasions, to refrain from all further abusive, insulting, and threatening attacks on parties, counsel, the court, or others in documents he filed in this Court. See *White v. Dept. of Justice*, {2021 U.S. Dist. LEXIS 4} et al., No. 16-cv-00948-JPG (S.D. Ill.) (See Doc. 192, p. 1 at n.1) ("first warning") (warning Plaintiff that "[i]n the future, in this and any other case, the Court will summarily strike any of White's filings that contain such inappropriate *ad hominem* attacks and may not allow him to amend the filing."); *White v. United States*, No. 18-cv-01682-JPG (S.D. Ill.) (Doc. 41) ("second warning") (warning Plaintiff to "refrain from filing any more pleadings containing language that is abusive toward the court, other parties, or others, and . . . WARN[ING] [him] that such filings will be STRICKEN and returned to him without any further action by this Court. Moreover, he shall face sanctions that include, but are not limited to, a monetary fine and/or a filing restriction for further abusive or frivolous filings."); *White v. United States*, No. 16-cv-00783-JPG (Doc. 110) (same) ("third warning").

Less than three weeks later, on March 29, 2021, White nevertheless filed a Motion to Unseal Complaint or Enter An Appropriate Order Directing Redactions and to Withdraw Court's Improper Sanctions Warning (signed March 23, 2021) that ran afoul of these warnings. (Doc. 11). In the motion, White insists {2021 U.S. Dist. LEXIS 5} that his Complaint did not violate the Federal Rules of Civil Procedure and should therefore be unsealed. White explains that he submitted the documents that subjected him to prison disciplinary action just as they appeared when he attempted to mail them to his friend, Paul Angel. (Doc. 11, p. 1, ¶ 1). Because he never represented that they were "authentic FBI documents," he maintains that they should not be sealed. (*Id.*). White further explains that he did not knowingly name any "undercover" agents, and he did not reveal the "full home address" of a federal judge. (*Id.* at ¶ 5). He goes on to repeat the names of these individuals, in both versions of the document he submitted (partially and unredacted versions), and again offer a detailed physical description and address of the federal judge's home, with copies of related newspaper articles regarding the same. (*Id.*). White describes his role in the investigation into the murder of this federal judge's family and in uncovering an immediate threat posed by another

organization. (*Id.*). White states that he is currently in the process of putting the same information into the public record in cases pending in two other federal judicial districts. (*Id.*). He adds that "jumping to conclusions is becoming a pattern with this Court" (*id.* at ¶ 1); asserts that this Court "either engaged in ex parte communications with the United States or has decided that it is an advocate for the Department of Justice" (*id.* at ¶ 7); and accuses the Court of "pull[ing] obviously incorrect factual findings out of thin air and misapply[ing] law" (*id.*).

The Court now finds that the contents of Doc. 11 violate this Court's Order at Document 7 to refrain from all further attempts to place sensitive information into the public record and to refrain from making further harassing, abusive, and threatening comments to the court, counsel, parties, or anyone else. (Doc. 7, pp. 3-4). White has failed to heed these repeated warnings and shall consequently face sanctions in the form of a filing restriction. This restriction is separate and independent of the filing restriction in Case No. 17-cv-00683-JPG.

White also filed a Motion to Amend Complaint as of Right on April 15, 2021. (Doc. 12). The motion itself contains no controversial information and shall be unsealed. However, the proposed amended complaint spans more than forty pages and contains no underlining to indicate what allegations and information in this version are different than the original Complaint. According to Local Rule 15.1, "[A]ll new material in an amended pleading must be underlined." See SDIL-LR 15.1. White did not comply with Local Rule 15.1. Given that this version is thirty-five pages shorter than the original, it is obvious that the two complaints are substantially different. A quick review of both confirms this. The Court need not, and will not, conduct a detailed comparison. The Motion to Amend Complaint shall be denied without prejudice.

Disposition

IT IS ORDERED that White's Motion to Unseal Complaint or Enter An Appropriate Order Directing Redactions and to Withdraw Court's Improper Sanctions Warning (Doc. 11) is **STRICKEN** as a direct violation of the court's fourth warning, contained in Doc. 7, to refrain from further attempts to place sensitive information into the public record and to also refrain from the use of harassing, gratuitous, and abusive language in court filings. The Clerk's Office is **DIRECTED** to **RETURN** Document 11 to White.

IT IS ORDERED that White's Motion to Amend Complaint As of Right (Doc. 12) is **DENIED** without prejudice because it violates SDIL-LR 15.1.

IT IS ORDERED that the portion of the Order at Document 7 addressing "Future Filings" and quoted below is now **LIFTED** for White's future filings in this District:

FUTURE FILINGS: Temporarily Sealed. As an additional precaution, the Clerk of Court is **DIRECTED** to temporarily seal any papers submitted by Plaintiff for filing in any pending or newly-filed case. The documents shall remain temporarily sealed pending review by chambers and will be unsealed once it is determined that they pose no public security threat. The Court will, on its own or on motion of a party, reconsider this requirement in twelve (12) months (March 11, 2022). (See Order at Doc. 7). This temporary filing restriction may be reinstated, as needed, on a case-by-case basis.

IT IS ORDERED that White's misconduct in this particular case provides independent grounds for a two-year **FILING RESTRICTION** in this District as follows:

FILING RESTRICTION

William White is **SANCTIONED** with a filing restriction in this District that takes effect immediately

and continues for the next two years. During this time period, White is prohibited from filing any new civil actions in this Court, and the Clerk of Court is **DIRECTED** to **RETURN UNFILED** all civil pleadings he submits{2021 U.S. Dist. LEXIS 9} for filing in a pending or new action. This filing restriction does not extend to a Notice of Appeal from this Order (which shall result in imposition of an additional \$505.00 filing/docketing fee), to the filing of any Petition for a Writ of Habeas Corpus, or to pleadings filed as a defendant in another criminal or civil case. See *Mack*, 45 F.3d 185; *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997). However, any papers submitted to the Court by White while this filing restriction is in place must be accompanied by a copy of this Order. Moreover, all habeas corpus filings will be summarily dismissed thirty days after filing, unless otherwise ordered by the Court. In accordance with precedent, White may seek modification or rescission of this Order by filing a motion in this Court *no earlier* than two years from the date of entry of this Order. **White is WARNED that any efforts to evade the filing restriction shall result in the imposition of additional monetary and/or other sanctions.**

IT IS SO ORDERED.

DATED: 9/27/2021

/s/ J. Phil Gilbert

J. PHIL GILBERT

United States District Judge

Footnotes

1

This filing restriction is separate and independent from the restriction imposed in *White v. United States*, No. 17-cv-00683-JPG (S.D. Ill.).

2

Among other things, Plaintiff included the names of individuals he identifies as confidential informants, he identified federal law enforcement officials in connection with certain undercover investigations, he included the home address of a federal judge, and he attached an FBI report detailing an investigation into the murder of that judge's family.

APPENDIX C:

White v. United States SDII Case No: 17-cr-683 Doc#16
Court's Order of September 27, 2022

WILLIAM A. WHITE, 13888-084, Plaintiff, vs. UNITED STATES OF AMERICA, Defendant.
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

2021 U.S. Dist. LEXIS 183954

Case No. 17-cv-00683-JPG

September 27, 2021, Decided

September 27, 2021, Filed

Editorial Information: Subsequent History

Appeal dismissed by, in part White v. United States, 2021 U.S. App. LEXIS 39934 (7th Cir. Ill., Oct. 14, 2021)

Editorial Information: Prior History

White v. United States, 2017 U.S. Dist. LEXIS 130698 (S.D. Ill., Aug. 16, 2017)

Counsel {2021 U.S. Dist. LEXIS 1}For William A. White, Plaintiff: Ronald E. Osman & Associates, Ltd., LEAD ATTORNEY, Marion, IL.
For USA, Defendant: Suzanne M. Garrison, LEAD ATTORNEY, Assistant U.S. Attorney - Fairview Heights, Generally Admitted, Fairview Heights, IL USA.

Judges: J. PHIL GILBERT, United States District Judge.

Opinion

Opinion by: J. PHIL GILBERT

Opinion

MEMORANDUM AND ORDER

GILBERT, District Judge:

The question before this Court is whether additional sanctions are warranted against Plaintiff William White for material omissions in his application for leave to proceed *in forma pauperis* ("IFP"). (See Docs. 2, 3, and 9). White's omission of income and assets from his IFP application resulted in a finding of indigence that allowed him to avoid prepayment of the full filing and docketing fee for this action while also receiving *pro bono* representation for more than three years. 28 U.S.C. §§ 1915(a), (e)(1). On December 23, 2020, this Court entered an Order revoking his IFP status, requiring him to pay the remaining \$50.00 filing fee, and dismissing the case with prejudice, subject to further consideration of what, if any, additional sanctions should be imposed against him. (Doc. 102). White was specifically ordered to show cause why he should not be required to pay some{2021 U.S. Dist. LEXIS 2} portion of his attorney's fees and costs.

White's court-recruited counsel, Attorney Blane Osman, filed a Motion Waiving Attorney Fees and Requesting Reimbursement of Certain Costs (Doc. 103) on January 8, 2021. White filed a Response (Doc. 113) to the show cause order on May 3, 2021. The Court has reviewed these submissions.

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The Court now finds that White has not demonstrated why he should avoid sanctions in connection with his IFP application, and he has given the Court additional reasons why sanctions are necessary to prevent further abusive litigation in this District. Therefore, Attorney Osman's Motion Waiving Attorney Fees and Requesting Reimbursement of Costs of \$35.50 (Doc. 103) shall be **GRANTED**, and White shall also be subject to a two-year **FILING RESTRICTION**.¹

Background

White disclosed no wages, income, or assets in his application for leave to proceed *in forma pauperis* ("IFP") in this case in mid-2017. (See Docs. 2, 3, and 9). On the basis of this application, which was supported by a trust fund account statement showing an average daily balance of \$375.45 in the 6-month period preceding the action (Doc. 17), the Court determined that White was poverty-stricken{2021 U.S. Dist. LEXIS 3} and qualified to proceed IFP without prepaying the full \$400.00 filing fee for this action in September 2017. (Doc. 23). The following month, based on this same finding of indigence, the Court concluded that White was unable to afford an attorney and granted his motion for court-recruited counsel. (Doc. 30) (citing 28 U.S.C. § 1915(e)(1)).

For more than three years, White litigated this case to the extreme. He filed three complaints. (Docs. 1, 8, and 49). The First Amended Complaint (Doc. 8) set forth a dozen claims against the United States-three of which were dismissed without prejudice at screening as being obviously unexhausted and four of which were already dismissed with prejudice in prior actions. (See Doc. 16). The Second Amended Complaint (Doc. 49) set forth claims against the United States that arose at fifteen prisons and jails in ten federal judicial districts between 2008 and 2017. (*Id.*). The body of the complaint spanned 122 pages, 719 paragraphs, and 54 claims. (*Id.*). It included an additional 18 pages of exhibits, for a total of 140 typewritten pages. (*Id.*). Defendant filed a motion to dismiss 49 of these claims, prompting a full round of briefing by both parties and dismissal of most claims{2021 U.S. Dist. LEXIS 4} as being time-barred. (Docs. 57 and 72). Six claims were transferred to one or more other federal judicial districts for further litigation in the proper venue. (Doc. 72). Defendant then filed for summary judgment on the remaining claims in this case, prompting a second complete round of briefing. (Doc. 84).

During this second round of briefing, White's finances came into the spotlight again when Defendant filed a motion seeking revocation of White's IFP status and dismissal of the action under 28 U.S.C. § 1915(e)(2). (Doc. 92). Section 1915(e)(2) compels dismissal of a case filed by an IFP litigant at "any time" the Court determines that the allegation of poverty is untrue "[n]otwithstanding any filing fee, or any portion thereof, that may have been paid."² *Id.* Far from being poverty-stricken, White revealed in numerous other court filings that he was the beneficiary of financial assistance from multiple sources-including his friend, mother, and 150-200 others.

Defendant pointed to documents White filed in other cases establishing the availability of significant funds. For example, in a sworn declaration filed as part of a 600-page motion for compassionate release in the Western District of Virginia on October 5, 2020, White{2021 U.S. Dist. LEXIS 5} stated that benefactors have paid thousands of dollars to assist him with litigation since 2015:

My friend Paul Angel collects money for my legal defense which he transfers to my mother to repay the money she's advanced me over the past twelve years to pay them. In 2019, my friends, family, and supporters, contributed about \$30,000 to pay my legal and personal expenses. This year, I anticipate over \$20,000 will be contributed towards the same. Over the past 5 years, I would estimate that 150-200 persons not related to me have made donations towards my legal costs. See *United States v. White*, No. 08-cr-00054-EDK, 2010 U.S. Dist. LEXIS 147766 (W.D. Va.) (Doc. 411 at 8, ¶ 27; 116 at ¶ 310 (Att. 1)). White also disclosed \$14,000

used to pay a psychologist for an expert report on his mental condition and \$6,000-10,000 used to pay for an expert's testimony in *White v. USA*, No. 20-cv-00291-MWB-EBC, 2021 U.S. Dist. LEXIS 185913 (M.D. Pa.) (Doc. 106 at 1) (Att. 3). In addition, White filed an advertisement soliciting contributions to his legal defense fund in *White v. FBI*, No. 17-cv-00948-JPG (Doc. 25-6 at 30) (S.D. Ill.) (Att. 2), before disclosing donations from 150-200 individuals in the Sworn Declaration quoted above. White's admissions are numerous, {2021 U.S. Dist. LEXIS 6} and these examples are by no means exhaustive.

White disclosed none of this information in his IFP application at Docs. 2, 3, and 9, and he failed to notify the Court of any changes in his finances during the pending litigation. Defendant argued that these documents, consisting of sworn statements in the public record, established that White was receiving substantial undisclosed income and gifts dating back to at least 2015. They rendered his IFP application false when filed in 2017 and, together with his subsequent failure to update his IFP application, provided grounds for sanctions. (Doc. 92).

The Court agreed. On the basis of his own admissions, the Court determined that White's allegation of poverty was untrue, and his material omissions from his IFP application warranted sanctions. On December 23, 2020, the Court revoked White's IFP status for misrepresenting his indigence in his IFP application in 2017 and for failing to disclose changes in his finances thereafter—all while benefitting from the assistance of court-recruited *pro bono* counsel for more than three years. (Doc. 102). White was sanctioned with dismissal of this action with prejudice. (*Id.* at 9). He was required to pay {2021 U.S. Dist. LEXIS 7} the remaining \$50.00 owed for the filing and docketing fee in this case. He was further ordered to show cause why he should not be subject to additional sanctions, such as an order requiring him to pay for his attorney's fees. (*Id.*). At the same time, Attorney Osman was invited to file a statement setting forth the fees and costs White incurred in connection with this case. (*Id.*).

White's Response

Although White paid the \$50.00 fee and filed a response (Doc. 105) to the show cause order in January 2021, the Court struck the first response as improper. (Doc. 112). The initial response was one of many documents White filed in this District that contained insulting, harassing, and abusive language directed at the court, parties, counsel, and government agencies (more on that below). He was given an opportunity to file a second response to the show cause order by April 23, 2021. (*Id.*).

White's second response, received and filed May 3, 2021, is considered timely.³ (Doc. 113). In it, White insists that he engaged in no sanctionable conduct in connection with his IFP application. White claims his trust fund account statements, alone, were sufficient to establish his indigence and support his {2021 U.S. Dist. LEXIS 8} request for IFP status. If anyone is to blame for an error or omission, however, it was not him. White specifically blames his friend, his attorney, and the Court. (*Id.*). The Court will briefly summarize and respond to his arguments below.

First, White states that he disclosed his receipt of \$500.00 per month from his mother in his initial application for waiver of fees. (Doc. 113, ¶ 2). This is simply not true. The Court reviewed White's original application, entitled "Motion for Joinder and Waiver of Filing Fees" (see Docs. 2 and 3) filed June 30, 2017, and it mentions no income whatsoever from White's mother or any other source. The Court also reviewed the second IFP application, a Motion for Leave to Proceed *in forma pauperis* filed August 14, 2017, and it also contains no disclosure of wages, income, gifts, accounts, assets, or otherwise. (Doc. 9). Each time he was prompted to disclose any financial information, White responded in one of three ways: "no," "\$0," or "—." (*Id.*). A trust fund certification filed with the motion shows a then-current trust fund account balance of \$358.36. (*Id.* at pp. 3-4). It also lists \$3,275.00 as the "national six-month deposits." (*Id.* at 5). However, {2021 U.S. Dist. LEXIS 9} White

offers no explanation for these deposits. When a more complete trust fund account statement was filed on August 28, 2017, it showed a then-current balance of \$331.81 and periodic payments from Western Union in the amount of \$300.00, again unaccompanied by any explanation of the source of this money. (Doc. 17). Put simply, White did not disclose the fact that his mother provided him with any stream of income, gifts, assets, or otherwise during the relevant time period-let alone multiple steady and significant sources. As to this argument, the Court finds White's assertion that he disclosed his receipt of more than \$500.00 per month from his mother untrue and inadequate to satisfy the show cause order.

Second, White admits that he benefitted from his mother's payment of litigation costs in the years preceding his IFP applications but maintains that it was unnecessary to disclose these payments. (Doc. 113, p. 3, ¶ 4). He discloses the following amounts she paid on his behalf: \$15,000 for attorney fees in 2013; \$10,000 for attorney fees in December 2014 or January 2015; approximately \$7,500 for expert fees between September 2015 and mid-2016. He further states, "[S]he may have paid {2021 U.S. Dist. LEXIS 10} parts of some court costs outside of the trust fund in the year prior to this IFP filing, but I have no record of them and I doubt they were substantial relative to the funds reported." (Doc. 113, ¶ 4).

The IFP application does not permit White to limit his disclosure of income, gifts, wages, or assets, etc. to items in his trust fund account or amounts he considers "substantial relative to the funds reported" above. It also does not allow him to exclude any amounts, based on when costs were incurred on his behalf or when payments were made; this appears to be a distinction White, himself, makes in order to avoid the one-year reporting requirement in the application. White was explicitly required, under penalty of perjury, to "state the amount" he received in the year preceding his IFP applications from "[a]ny other sources," including "gifts and inheritances" among other things. (Doc. 9, p. 1). The application also draws no distinction between amounts received "directly" and "indirectly."

More specifically, White was required to disclose income from any of the following sources in the "past 12 months:" (a) business, profession, or other self-employment; (b) rent payments, interest, {2021 U.S. Dist. LEXIS 11} or dividends; (c) pension, annuity, or life insurance payments; (d) disability or worker's compensation payments; (e) gifts or inheritances; or (f) any other sources. (Doc. 9, p. 1). He responded "no" to each inquiry. White was also required to "describe below or on separate pages each source of money and state the amount you received and what you expect to receive in the future."⁴ (*Id.*) (emphasis added). He left his section blank. The application next required him to disclose the "[a]mount of money that [he] ha[s] in cash or in a checking or savings account." (*Id.* at 2). White disclosed "0." (*Id.*). He was further instructed to disclose "[a]ny . . . other financial instrument or thing of value that [he] own[s], including any item of value held in someone else's name (describe the property and its approximate value)." (*Id.*) (emphasis added). He disclosed "--." (*Id.* at 1-2). White's disclosure of financial information in this case after IFP was revoked is insufficient to satisfy the Court's show cause order.

Third, White also admits to benefitting from funds that were raised by his friend, Paul Angel, and the *American Free Press* from 2015-18 or later. (See Docs. 22, {2021 U.S. Dist. LEXIS 12} 23, and 30). He admits that advertisements posted in this publication soliciting donations for his legal costs were inappropriate, but he blames his friend for the misconduct. White further asserts that these funds were used to repay his mother for her litigation expenditures on his behalf from 2014-16. However, the amount repaid was less than her total expenditures, and that is why he did not disclose these sums. The IFP application did not offer the applicant the option of nondisclosure for amounts he deemed insignificant or less than he owed. White should have disclosed this fundraising activity at the time he filed for IFP in this case because it occurred during the year preceding his application,

and he should have disclosed it thereafter because fundraising continued. White did not disclose it at all, and he also omitted this information from IFP applications filed in other cases in this District and was granted leave to proceed IFP.⁵ White's belated disclosure of this information in the Response (Doc. 113) is too little too late.

Fourth, White claims that he discussed this fundraising activity with{2021 U.S. Dist. LEXIS 13} his attorney, and they decided together that it was not necessary to disclose the information. However, White completed and filed the IFP applications in this case in June 2017 (Docs. 2 and 3) and August 2017 (Doc. 9). At the time, White was not represented by counsel. In fact, the Court made its decision to recruit counsel only after finding that he was indigent-on the basis of *his* representations in the IFP applications. (See Docs. 12, 22, 23, and 30). Given the chronology of events, the Court rejects White's attempts to blame his friend, his *pro bono* counsel, and the Court for the omissions he made in his IFP applications.

Attorney Osman's Response

For his part, Attorney Osman seeks no reimbursement of attorney's fees for his three years of work on White's case(s). He only seeks reimbursement of PACER costs, not already covered by the PACER Exemption, in the amount of \$35.50. (See Order at Doc. 35). This request shall be granted. Moreover, the Court shall *sua sponte* revisit its Order dismissing as moot White's Motion to Dismiss Counsel (Doc. 99) and **GRANT** the motion. Attorney Osman shall be terminated as counsel of record for White in this case. The Court thanks Attorney Osman for{2021 U.S. Dist. LEXIS 14} his time and efforts in representing the White in this matter. Attorney Osman shall be **EXEMPT** from *pro bono* appointments made from the District's Pro Bono Panel for the next five (5) years.

Sanctions

Additional sanctions are necessary to deter White from engaging in future abusive litigation tactics in this District.

As previously explained, this case will be dismissed with prejudice. The federal statute that authorizes a party to proceed as a poor person, without prepaying the full filing and docketing fee for the action, also compels district courts to "dismiss the case at any time if the court determines that . . . the allegation of poverty is untrue." 28 U.S.C. § 1915(e)(2)(A). Any question about the mandatory dismissal requirement is dispelled by the Seventh Circuit's admonition that once "the allegation of poverty [is proven] false, the suit ha[s] to be dismissed; the judge ha[s] no choice." *Thomas v. Gen. Motors Acceptance Corp.*, 288 F.3d 305, 306 (7th Cir. 2002) (citing 28 U.S.C. § 1915(e)(2)(A)); *Lofton v. SP Plus Corp.*, 578 F. App'x 603, 604 (7th Cir. 2014)). In such situations, the only question is whether dismissal should be with or without prejudice. *Thomas*, 288 F.3d at 306. Although a judge should consider lesser sanctions before dismissing a case with prejudice, the court's authority to dismiss a case with prejudice "in an appropriate case is beyond question." *Id.* In fact,{2021 U.S. Dist. LEXIS 15} "[d]ismissal with prejudice may [be] the only feasible sanction for this [IFP application] perjury designed to defraud the government." *Hoskins v. Dart*, 633 F.3d 541, 544 (7th Cir. 2011); *Thomas*, 288 F.3d at 306-07.

The Court has considered and ruled out lesser sanctions and finds that dismissal without prejudice or monetary fines will do little to deter this litigant. As White revealed to court-recruited counsel (but not the Court) in an initial communication, he has easy access to money:

P.S. I see that the costs of this matter have been important to you from your motion, and, the agreement. **Don't let costs interfere with your representation. I can often find someone to advance sums when needed.**(See White's Letter to Counsel, dated November 7, 2017, Doc.

95, pp. 9-11) (emphasis added). White made this statement less than two months after he was granted IFP status and just one month after receiving court-recruited counsel to represent him *pro bono* in this case.

Free from the financial constraints associated with actual attorney's fees, White devoted his resources to perpetuating existing litigation and bringing new lawsuits. In this District alone, he filed nineteen civil cases from 2016-20, including twelve new cases filed from 2018-20. This includes five civil{2021 U.S. Dist. LEXIS 16} rights actions pursuant to 28 U.S.C. § 1331, three cases under the Federal Tort Claims Act, three cases under the Freedom of Information Act, and eight habeas petitions pursuant to 28 U.S.C. § 1441.

He also litigated cases in other federal judicial districts during the same time period, earning at least three "strikes" under 28 U.S.C. § 1915(g) for filing cases that were dismissed as being frivolous, malicious, or for failure to state a claim. See, e.g., *White v. Secor, Inc., et al.*, No. 10-cv-00428, 2010 U.S. Dist. LEXIS 117865 (W.D. Va., dismissed Nov. 5, 2010); *White v. Office of Fed'l Defender*, No. 16-cv-00971-JPG-DGW, 2017 U.S. Dist. LEXIS 118027, (S.D. Ill., dismissed July 27, 2017); *White v. Lemma, et al.*, No. 19-cv-01486-PGB-GJK (M.D. Fla., dismissed Aug. 27, 2019). White "struck out" in the process and could not proceed IFP without showing that he was in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Undeterred, White continued filing new lawsuits in this District and others by paying the full filing fee for each case up front.⁶ Given all of this, the Court finds that monetary sanctions are very unlikely to deter White.

Harsher sanctions are warranted.{2021 U.S. Dist. LEXIS 17} White has increasingly filed abusive, harassing, and frivolous documents in this case and others. This Court has wasted significant time addressing these filings. Sanctions must also target and curb this misconduct.

In Case No. 16-cv-00948-JPG, White made inappropriate *ad hominem* attacks on the Department of Justice's counsel in Doc. 183. The Court warned him that "[i]n the future, in this and any other case, the Court will summarily strike any . . . filings that contain such inappropriate *ad hominem* attacks and may not allow him to amend the filing." (See Doc. 192, pp. 1-2 at n. 1) ("first warning").

In Case No. 18-cv-01682-JPG, White insulted his counsel and the Court in a Motion to Dismiss Counsel filed January 14, 2021. (Doc. 40). He blamed Attorney Osman for misleading him. (*Id.* at ¶ 1). He described the Court's Order (Doc. 102) revoking his IFP status as "a fraudulent Order" resulting from the "Court's longstanding habit of deliberately misapplying the law." (*Id.*). White added that "this Court is ill-disposed to the niceties of the law and evidence." (*Id.* at ¶ 2). Finding these statements "inappropriate, gratuitous, and abusive," the Court again warned White to "refrain from filing{2021 U.S. Dist. LEXIS 18} any more pleadings containing language that is abusive toward the court, other parties, or others" and warned him that "such filings will be STRICKEN and returned to him without any further action by this Court." Moreover, he may be subject to sanctions "that include, but are not limited to, a monetary fine and/or a filing restriction for further abusive or frivolous filings." (Doc. 41) ("second warning").

In Document 105 filed in this case on January 19, 2021, White responded to the show cause order in a harassing and inappropriate manner. By way of example only, White described the Court's Order at Doc. 102 as a "nutty Order." (Doc. 105, p. 1). He also stated, "[T]he Court's Order is based upon a really nutty misapplication of the law, as well as the fabrication of factual statements." (*Id.*). He then added:

The fact is, Judge Gilbert, that you are too willing to accuse other[s] based on no evidence and too little willing to review the law and the evidence and apply them in the even-handed way required of a federal judge. You do this in case after case after case and you don't just do it to

me, and I'm tired of it. (*Id.* at 2). The response was stricken, and White was given additional {2021 U.S. Dist. LEXIS 19} time to submit an appropriate response.

In Document 108 filed in this case on February 9, 2021, White targeted counsel, the Court, and the federal court system more broadly, as follows:

.... My intent in not providing corroborating information was to cause the United States to believe that I could not provide such evidence. This, I expected, would cause someone like Ms. Garrison to appear in front of a fool of a federal judge, someone who would copy whatever she had to say as a 'factual finding' without any proof, and, once such an order was entered finding that no such confession occurred, I would produce corroborating evidence and again expose the federal justice system for the stupid, corrupt, and, arrogant, joke that it is. (Doc. 108, ¶ 2). This language resulted in a third warning against White to "refrain from making abusive, gratuitous, and/or threatening comments directed at anyone in his filings." (Doc. 110, p. 4). He was clearly warned that any more documents containing such language would be stricken and returned to him without any further action by the Court. (*Id.*). He would also face sanctions that include, but are not limited to a monetary fine and/or a filing restriction. {2021 U.S. Dist. LEXIS 20} (*Id.*).

In Document 109 filed in this case on February 11, 2021, White stated: "Judge Gilbert informed me in *United States v. White* SD III. Case No: 16-cv-683 that he feels that he was 'intentionally misled' by my IFP application. He is incorrect; the only thing that he has been intentionally misled by is the Devil and his own imagination." (Doc. 109). The document was stricken by the Court. (Doc. 111). No action was taken on the motion. (*Id.*).

On March 12, 2021, White received a fourth warning and became the subject of a temporary filing restriction in *White v. United States*, No. 20-cv-1117-JPG (S.D. Ill.) (Doc. 7), after he filed documents containing sensitive information, including the home addresses, phone numbers, and other personal identifying information of public servants. That case is the subject of a separate and independent filing restriction.

Against this backdrop, the Court now finds that additional sanctions are necessary to curb White's abusive filings in this District. Monetary sanctions, repeated warnings, stricken pleadings, and temporary filing restrictions have had little impact on him. See *Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997) (finding that courts have inherent authority to protect themselves from vexatious {2021 U.S. Dist. LEXIS 21} litigation and imposing a \$500 fine and entering a filing ban pursuant to *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995)); *In re Mann*, 229 F.3d 657, 659 (7th Cir. 2000) (warning pro se litigant that abusive and disparaging language could result in sanctions); *Tidwell v. Clendenin, et al.*, No. 16-cv-00384-SMY (S.D. Ill.) (Doc. 43) (imposing fine and filing restriction to prevent further frivolous and harassing filings). White shall now be subject to the two-year filing restriction set forth in the Disposition below.

Disposition

IT IS ORDERED that Attorney Osman's Motion Waiving Attorney Fees and Requesting Reimbursement of Costs of **\$35.50** (Doc. 103) is **GRANTED**. White is **ORDERED** to remit payment of the **\$35.50** directly to Attorney Osman on or before **October 25, 2021**.

IT IS ORDERED that the Order Granting Motion to Dismiss and Revoking In Forma Pauperis Status (Doc. 102) is modified as follows: White's Motion to Dismiss Counsel (Doc. 99) is **GRANTED**. Attorney Blane Osman is **RELIEVED** from any and all further obligations to represent White in this case. Attorney Osman shall be **EXEMPT** from *pro bono* appointments made from the District's Pro Bono Panel for the next five (5) years.

IT IS ORDERED that, in addition to revocation of White's *in forma pauperis* status and dismissal of this action{2021 U.S. Dist. LEXIS 22} with prejudice, White is subject to the below **FILING RESTRICTION**.

FILING RESTRICTION

William White is **SANCTIONED** with a filing restriction in this District that takes effect immediately and continues for the next two years. During this time period, White is prohibited from filing any new civil actions in this Court, and the Clerk of Court is **DIRECTED** to **RETURN UNFILED** all civil pleadings he submits for filing in a pending or new action. This filing restriction does not extend to a Notice of Appeal from this Order (which shall result in imposition of an additional \$505.00 filing/docketing fee), to the filing of any Petition for a Writ of Habeas Corpus, or to pleadings filed as a defendant in another criminal or civil case. See *Mack*, 45 F.3d 183; *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997). However, any papers submitted to the Court by White while this filing restriction is in place must be accompanied by a copy of this Order. Moreover, all habeas corpus filings will be summarily dismissed thirty days after filing, unless otherwise ordered by the Court. In accordance with precedent, White may seek modification or rescission of this Order by filing a motion in this Court *no earlier* than two years from the date of entry of this Order. **White is WARNED{2021 U.S. Dist. LEXIS 23} that any efforts to evade the filing restriction shall result in the imposition of additional monetary and/or other sanctions.**

This action is **DISMISSED** with prejudice; the Clerk shall **CLOSE THIS CASE** and enter judgment accordingly.

IT IS SO ORDERED.

DATED: 9/27/2021

/s/ J. Phil Gilbert

J. PHIL GILBERT

United States District Judge

Footnotes

1

This filing restriction is separate and independent from the restriction imposed in *White v. Collis, et al.*, No. 20-cv-01117-JPG, 2021 U.S. Dist. LEXIS 183941 (S.D. Ill.).

2

White paid his \$350.00 reduced filing fee in total on October 10, 2017.

3

White certified that he placed the Response in the mail on April 20, 2021, three days prior to the court-imposed deadline. (Doc. 113, p. 4). It is considered timely under the "prison mailbox rule." *Taylor v. Brown*, 787 F.3d 851, 859 (7th Cir. 2015) ("[A] pro se prisoner's legal documents are considered filed on the date that they're tendered to prison staff in accordance with reasonable prison policies, regardless of whether they are ultimately mailed or uploaded.").

4

In addition to those amount discussed herein, White disclosed other sources of income and assets in

his filings. For example, Defendant points out that White disclosed his status as the beneficiary of an approximately \$1 million trust from his mother that he anticipates inheriting upon her death and is "creditor-proof." (Doc. 92, p. 5) (citing *United States v. White*, No. 08-cv-00054-EKD (W.D. Va.) (Doc. 411, ¶ 315)).

5

See *White v. Dept. of Justice*, No. 16-cv-00948-JPG (S.D. Ill. filed Aug. 25, 2016) (Doc. 2, IFP motion filed Aug. 25, 2016, granted Oct. 11, 2016, and \$350 paid in full Nov. 7, 2016); *White v. United States*, No. 16-cv-00968-JPG (S.D. Ill. filed Aug. 29, 2016) (Doc. 2, IFP motion filed Aug. 29, 2016, granted Sept. 19, 2016, and \$350 paid in full Dec. 9, 2016); *White v. Office of Fed'l Defender*, No. 16-cv-00971-JPG (S.D. Ill. filed Aug. 29, 2016) (Doc. 2, IFP motion filed Aug. 29, 2016, granted Sept. 20, 2016, and \$350 paid Nov. 9, 2016); *White v. Inch, et al.*, No. 17-cv-01059-JPG-DGW, 2017 U.S. Dist. LEXIS 195102 (S.D. Ill. filed Oct. 2, 2017) (Doc. 2 IFP motion filed Oct. 2, 2017, granted Nov. 27, 2017, and \$350.00 paid Dec. 27, 2017).

6

White v. Executive Office of U.S. Attorneys, et al., No. 18-cv-00841-RJD (S.D. Ill. April 9, 2018) (denied IFP April 16, 2018 and \$400.00 fee paid April 26, 2018); *White v. United States*, No. 18-cv-01682-JPG (S.D. Ill. Sept. 4, 2018) (\$400 fee paid Sept. 17, 2018); *White v. Dept. of Homeland Security, et al.*, No. 19-cv-00210-DWD (S.D. Ill. filed Feb. 15, 2019) (\$400 fee paid March 7, 2019); *White v. True*, No. 19-cv-00418-JPG (S.D. Ill. filed April 15, 2019) (\$400 paid May 2, 2019); *White v. Federal Bureau of Prisons*, No. 20-cv-00751-NJR (S.D. Ill. filed July 31, 2020) (\$400 paid Aug. 14, 2020); *White v. Collis, et al.*, No. 20-cv-01117-JPG (S.D. Ill. filed Oct. 22, 2020) (\$400 paid Nov. 17, 2020).

APPENDIX D:

White v. United States, et al 2022 USApp LEXIS 16691 (7th Cir 2022)

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 10, 2022*
Decided June 16, 2022

By the Court:

Nos. 21-2835 & 21-2881

WILLIAM A. WHITE,
Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA, et al.,
Defendants-Appellees.

Appeals from the United States District
Court for the Southern District of Illinois.

Nos. 17-cv-00683-JPG & 20-cv-01117-JPG

J. Phil Gilbert,
Judge.

O R D E R

In these two suits against federal defendants, William White, a federal inmate, lied to the district court and disobeyed its orders, prompting the judge to dismiss the suits and impose a district-wide filing bar modeled on the one approved in *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995). White appeals, arguing that the judge lacked authority to impose the bar. Given White's incorrigible disobedience of the rules, his disregard of warnings, and the inefficacy of monetary sanctions alone, the judge had ample authority for his order; therefore, we affirm.

White is serving sentences for federal felonies related to his activities as a white supremacist, including threatening judges and jurors. The two suits in this appeal—

*We agreed to decide the case without oral argument because the briefs and the record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

Nos. 21-2835 & 21-2881

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both assigned to the same district judge and consolidated for decision on appeal—relate to White's treatment in federal custody.

The judge dismissed the first suit brought under the Federal Tort Claims Act in 2017 after finding that White lied about his indigency when he sought (and received) leave to sue without prepayment of fees. *See 28 U.S.C. § 1915(e)(2).* The government had moved to dismiss the case with prejudice upon learning that White failed to disclose the following income and assets to the court: (1) tens of thousands of dollars in donations from supporters to White since 2015 “to pay [White’s] legal and personal expenses”; (2) hundreds of dollars in regular deposits to his trust account from his mother; (3) thousands of dollars available to pay expert witnesses in other cases; and (4) an unknown amount of income from book sales that White alluded to in other filings. Relying on this evidence, the judge found that White had lied in his application and dismissed the case with prejudice.

In the other suit brought under the Administrative Procedure Act, the judge entered an order designed to protect public safety. In his unsealed complaint, White had attached documents containing the names of people who White believed were government informants or undercover officers and the address of a federal judge’s home. The judge ordered future documents filed in the case to be sealed. He also warned White that “*any* future attempts to put private or sensitive information into the public record shall result in SANCTIONS that include, and are not limited to, a filing restriction and monetary fines.” The judge also reminded White that he had recently received three warnings in other cases to cease “abusive, insulting, and threatening attacks on parties, counsel, the court, and others in documents he filed in this [c]ourt.”

White violated the judge’s order and ignored the warning. He filed unsealed the same sensitive materials that had prompted the order. He also abused the advocacy process (for example, calling the judge “a fool” and the justice system “a stupid, corrupt, and arrogant joke”). The judge concluded that sanctions were necessary “to deter White from engaging in future abusive litigation tactics” in his federal actions. (White had filed 19 cases in the Southern District of Illinois alone over the prior five years.). Because White had boasted that donors would pay any fines, the judge found that monetary sanctions were unlikely to deter him. The judge therefore dismissed the suit and imposed in both suits a district-wide prohibition on filing civil suits for two years:

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William White is **SANCTIONED** with a filing restriction in this District that takes effect immediately and continues for the next two years. During this time period, White is prohibited from filing any new civil actions in this [c]ourt, and the Clerk of Court is **DIRECTED** to **RETURN UNFILED** all civil pleadings he submits for filing in a pending or new action. This filing restriction does not extend to a Notice of Appeal from this Order ..., to the filing of any Petition for a Writ of Habeas Corpus, or to pleadings filed as a defendant in another criminal or civil case. ... However, any papers submitted to the [c]ourt by White while this filing restriction is in place must be accompanied by a copy of this Order. Moreover, all habeas corpus filings will be summarily dismissed thirty days after filing, unless otherwise ordered by the [c]ourt. In accordance with precedent, White may seek modification or rescission of this Order by filing a motion in this [c]ourt *no earlier* than two years from the date of entry of this Order. **White is WARNED that any efforts to evade the filing restriction shall result in the imposition of additional monetary and/or other sanctions.**

On appeal White argues that the record does not justify a filing bar. We recently reaffirmed that a judge may impose "the severe dual sanctions of dismissal and a filing bar when a litigant tries to defraud the court." *Martin v. Redden*, 34 F.4th 564, 566 (7th Cir. 2022). Likewise, judges "may halt the abuse of the judicial process" with a filing bar when a litigant ignores the court's rules, despite previous warnings to obey them, and fines would be ineffective. *Reed v. PF of Milwaukee Midtown, LLC*, 16 F.4th 1229, 1232 (7th Cir. 2021).

The record here readily supports the sanctions. It shows that White not only lied to the court in his application to file his tort suit, but also in the other suit, he ignored the judge's order not to disclose names that could reveal sensitive information and endanger others. And he defied repeated instructions not to submit abusive filings. Despite these orders and the warnings in both this and other cases of the consequences (including a filing bar) for disobeying the court, White persisted with his insubordination. Finally, based on White's own statements about his donors, the judge reasonably concluded that monetary sanctions were unlikely to deter him. When warnings, orders, and fines will not deter abusive and dishonest litigation tactics, a filing bar is justified. *Id.*

White has two responses, but neither one persuades us. First, he argues that the bar unduly restricts his access to courts. But he is entitled only to *meaningful* access to

Nos. 21-2835 & 21-2881

Page 4

the courts, not unrestricted access. *In re Chapman*, 328 F.3d 903, 905 (7th Cir. 2003). The filing bar allows White to defend himself if sued or prosecuted and seek collateral criminal relief, avenues that comport with constitutional standards. *See id.*; *Mack*, 45 F.3d at 186. The filing bar also rightly allows White to appeal the bar itself. Further, we do not read the filing bar as prohibiting White from filing notices of appeal to this court from appealable rulings in his other pending suits in the Southern District of Illinois. To the extent appellate restrictions may be warranted, we can impose them ourselves. *See In re City of Chicago*, 500 F.3d 582 (7th Cir. 2007) (refusal to pay outstanding fines).

Second, relying on *Chapman*, White contends that the judge lacked the authority to impose a *district-wide* filing bar and restrict his ongoing litigation before other judges. But *Chapman* affirmed that like a district judge, a district court's executive committee has the power to impose orders—including filing restrictions; it did not rule that *only* such a committee has that power. 328 F.3d at 905. Like the executive committee in *Chapman*, the judge here had the authority to impose a district-wide filing bar. *See Reed*, 16 F.4th at 1232 (upholding a two-year district-wide filing bar). Moreover, the order merely prohibits White from making unsolicited filings in the district; nothing in the filing bar purports to prohibit other judges from issuing decisions in their pending cases or ordering White to take some action in them.

Two matters remain. First, White argues that before the judge dismissed the tort suit as a sanction for lying, he erroneously dismissed some claims as time-barred or exhausted. These arguments are not developed and thus waived. *See Gross v. Town of Cicero*, 619 F.3d 697, 705 (7th Cir. 2010). And as we have already explained, the judge reasonably dismissed the entire tort suit as a sanction. Second, White's behavior in this appeal has been just as egregiously abusive as in the district court. (He baselessly accuses the judge of "fixing" cases, lying, and "dementia.") We thus order White to show cause within 14 days why this court should not sanction him for his abusive conduct on appeal.

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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FINAL JUDGMENT

June 16, 2022

Nos. 21-2835 and 21-2881	<p>WILLIAM A. WHITE, Plaintiff - Appellant</p> <p>v.</p> <p>UNITED STATES OF AMERICA, et al., Defendants - Appellees</p>
<p>District Court Nos.: 3:17-cv-00683-JPG and 3:20-cv-01117-JPG Southern District of Illinois District Judge J. Phil Gilbert</p>	

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

Clerk of Court

APPENDIX E:

White v. United States, et al 7th Cir App No: 21-2835, -2881 Doc 47

Order Imposing \$1000 Sanction

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

July 13, 2022

By the Court:

Nos. 21-2835 & 21-2881

WILLIAM A. WHITE,
Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA, et al.,
Defendants-Appellees.

Appeals from the United States District
Court for the Southern District of Illinois.

Nos. 17-cv-00683-JPG & 20-cv-01117-JPG

J. Phil Gilbert,
Judge.

O R D E R

On June 16, 2022, this court affirmed the judgment of the district court and ordered appellant William White to show cause why he should not be sanctioned for his abusive conduct on appeal. White has filed a response to this court's show cause order, but the response does not offer any legitimate justification or remorse for his persistence in abusive behavior. Accordingly,

IT IS ORDERED that White is sanctioned \$1,000 for abusive litigation conduct. Within fourteen days of the date of this order, White must tender a check payable to the clerk of this court for the full amount of the sanction. If White fails to do so, this court will enter a separate order directing the clerks of all federal courts in this circuit to return unfiled any papers submitted either directly or indirectly by or on behalf of White unless and until he pays in full the sanction that has been imposed against him and all outstanding filing fees. *See In re: City of Chi.*, 500 F.3d 582, 585–86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam). In accordance with our decision in *Mack*, exceptions to that filing bar will be made for criminal cases and for applications for writs of habeas corpus. *See Mack*, 45 F.3d at 186–87.

APPENDIX F:

White v. United States, et al 7th Cir App No: 21-2835, -2881 Doc 49

Order Denying Rehearing July 29, 2022

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

July 29, 2022

Before

DIANE S. SYKES, *Chief Judge*

DIANE P. WOOD, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

Nos. 21-2835 & 21-2881

WILLIAM A. WHITE,
Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA, et al.,
Defendants-Appellees.

Appeals from the United States District
Court for the Southern District of Illinois.

Nos. 17-cv-00683-JPG & 20-cv-01117-JPG

J. Phil Gilbert,
Judge.

O R D E R

On consideration of the petition for rehearing and for rehearing en banc, no judge in active service requested a vote on the petition for rehearing en banc, and all judges on the original panel voted to deny rehearing. It is therefore ordered that the petition for rehearing and for rehearing en banc is DENIED.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM A. WHITE, 13888-084,)
vs.)
Plaintiff,)
UNITED STATES OF AMERICA,)
Defendant.)
Case No. 17-cv-00683-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

The question before this Court is whether additional sanctions are warranted against Plaintiff William White for material omissions in his application for leave to proceed *in forma pauperis* (“IFP”). (*See* Docs. 2, 3, and 9). White’s omission of income and assets from his IFP application resulted in a finding of indigence that allowed him to avoid prepayment of the full filing and docketing fee for this action while also receiving *pro bono* representation for more than three years. 28 U.S.C. §§ 1915(a), (e)(1). On December 23, 2020, this Court entered an Order revoking his IFP status, requiring him to pay the remaining \$50.00 filing fee, and dismissing the case with prejudice, subject to further consideration of what, if any, additional sanctions should be imposed against him. (Doc. 102). White was specifically ordered to show cause why he should not be required to pay some portion of his attorney’s fees and costs.

White’s court-recruited counsel, Attorney Blane Osman, filed a Motion Waiving Attorney Fees and Requesting Reimbursement of Certain Costs (Doc. 103) on January 8, 2021. White filed a Response (Doc. 113) to the show cause order on May 3, 2021. The Court has reviewed these submissions.

The Court now finds that White has not demonstrated why he should avoid sanctions in connection with his IFP application, and he has given the Court additional reasons why sanctions are necessary to prevent further abusive litigation in this District. Therefore, Attorney Osman's Motion Waiving Attorney Fees and Requesting Reimbursement of Costs of \$35.50 (Doc. 103) shall be **GRANTED**, and White shall also be subject to a two-year **FILING RESTRICTION**.¹

Background

White disclosed no wages, income, or assets in his application for leave to proceed *in forma pauperis* ("IFP") in this case in mid-2017. (See Docs. 2, 3, and 9). On the basis of this application, which was supported by a trust fund account statement showing an average daily balance of \$375.45 in the 6-month period preceding the action (Doc. 17), the Court determined that White was poverty-stricken and qualified to proceed IFP without prepaying the full \$400.00 filing fee for this action in September 2017. (Doc. 23). The following month, based on this same finding of indigence, the Court concluded that White was unable to afford an attorney and granted his motion for court-recruited counsel. (Doc. 30) (citing 28 U.S.C. § 1915(e)(1)).

For more than three years, White litigated this case to the extreme. He filed three complaints. (Docs. 1, 8, and 49). The First Amended Complaint (Doc. 8) set forth a dozen claims against the United States—three of which were dismissed without prejudice at screening as being obviously unexhausted and four of which were already dismissed with prejudice in prior actions. (See Doc. 16). The Second Amended Complaint (Doc. 49) set forth claims against the United States that arose at fifteen prisons and jails in ten federal judicial districts between 2008 and 2017. (*Id.*). The body of the complaint spanned 122 pages, 719 paragraphs, and 54 claims. (*Id.*). It included an additional 18 pages of exhibits, for a total of 140 typewritten pages. (*Id.*). Defendant

¹ This filing restriction is separate and independent from the restriction imposed in *White v. Collis, et al.*, No. 20-cv-01117-JPG (S.D. Ill.).

filed a motion to dismiss 49 of these claims, prompting a full round of briefing by both parties and dismissal of most claims as being time-barred. (Docs. 57 and 72). Six claims were transferred to one or more other federal judicial districts for further litigation in the proper venue. (Doc. 72). Defendant then filed for summary judgment on the remaining claims in this case, prompting a second complete round of briefing. (Doc 84).

During this second round of briefing, White's finances came into the spotlight again when Defendant filed a motion seeking revocation of White's IFP status and dismissal of the action under 28 U.S.C. § 1915(e)(2). (Doc. 92). Section 1915(e)(2) compels dismissal of a case filed by an IFP litigant at "any time" the Court determines that the allegation of poverty is untrue "[n]otwithstanding any filing fee, or any portion thereof, that may have been paid."² *Id.* Far from being poverty-stricken, White revealed in numerous other court filings that he was the beneficiary of financial assistance from multiple sources—including his friend, mother, and 150-200 others.

Defendant pointed to documents White filed in other cases establishing the availability of significant funds. For example, in a sworn declaration filed as part of a 600-page motion for compassionate release in the Western District of Virginia on October 5, 2020, White stated that benefactors have paid thousands of dollars to assist him with litigation since 2015:

My friend Paul Angel collects money for my legal defense which he transfers to my mother to repay the money she's advanced me over the past twelve years to pay them. In 2019, my friends, family, and supporters, contributed about \$30,000 to pay my legal and personal expenses. This year, I anticipate over \$20,000 will be contributed towards the same. Over the past 5 years, I would estimate that 150-200 persons not related to me have made donations towards my legal costs.

See United States v. White, No. 08-cr-00054-EDK (W.D. Va.) (Doc. 411 at 8, ¶ 27; 116 at ¶ 310 (Att. 1)). White also disclosed \$14,000 used to pay a psychologist for an expert report on his mental condition and \$6,000-10,000 used to pay for an expert's testimony in *White v. USA*, No.

² White paid his \$350.00 reduced filing fee in total on October 10, 2017.

20-cv-00291-MWB-EBC (M.D. Pa.) (Doc. 106 at 1) (Att. 3). In addition, White filed an advertisement soliciting contributions to his legal defense fund in *White v. FBI*, No. 17-cv-00948-JPG (Doc. 25-6 at 30) (S.D. Ill.) (Att. 2), before disclosing donations from 150-200 individuals in the Sworn Declaration quoted above. White's admissions are numerous, and these examples are by no means exhaustive.

White disclosed none of this information in his IFP application at Docs. 2, 3, and 9, and he failed to notify the Court of any changes in his finances during the pending litigation. Defendant argued that these documents, consisting of sworn statements in the public record, established that White was receiving substantial undisclosed income and gifts dating back to at least 2015. They rendered his IFP application false when filed in 2017 and, together with his subsequent failure to update his IFP application, provided grounds for sanctions. (Doc. 92).

The Court agreed. On the basis of his own admissions, the Court determined that White's allegation of poverty was untrue, and his material omissions from his IFP application warranted sanctions. On December 23, 2020, the Court revoked White's IFP status for misrepresenting his indigence in his IFP application in 2017 and for failing to disclose changes in his finances thereafter—all while benefitting from the assistance of court-recruited *pro bono* counsel for more than three years. (Doc. 102). White was sanctioned with dismissal of this action with prejudice. (*Id.* at 9). He was required to pay the remaining \$50.00 owed for the filing and docketing fee in this case. He was further ordered to show cause why he should not be subject to additional sanctions, such as an order requiring him to pay for his attorney's fees. (*Id.*). At the same time, Attorney Osman was invited to file a statement setting forth the fees and costs White incurred in connection with this case. (*Id.*).

White's Response

Although White paid the \$50.00 fee and filed a response (Doc. 105) to the show cause order in January 2021, the Court struck the first response as improper. (Doc. 112). The initial response was one of many documents White filed in this District that contained insulting, harassing, and abusive language directed at the court, parties, counsel, and government agencies (more on that below). He was given an opportunity to file a second response to the show cause order by April 23, 2021. (*Id.*).

White's second response, received and filed May 3, 2021, is considered timely.³ (Doc. 113). In it, White insists that he engaged in no sanctionable conduct in connection with his IFP application. White claims his trust fund account statements, alone, were sufficient to establish his indigence and support his request for IFP status. If anyone is to blame for an error or omission, however, it was not him. White specifically blames his friend, his attorney, and the Court. (*Id.*). The Court will briefly summarize and respond to his arguments below.

First, White states that he disclosed his receipt of \$500.00 per month from his mother in his initial application for waiver of fees. (Doc. 113, ¶ 2). This is simply not true. The Court reviewed White's original application, entitled "Motion for Joinder and Waiver of Filing Fees" (see Docs. 2 and 3) filed June 30, 2017, and it mentions no income whatsoever from White's mother or any other source. The Court also reviewed the second IFP application, a Motion for Leave to Proceed *in forma pauperis* filed August 14, 2017, and it also contains no disclosure of wages, income, gifts, accounts, assets, or otherwise. (Doc. 9). Each time he was prompted to

³ White certified that he placed the Response in the mail on April 20, 2021, three days prior to the court-imposed deadline. (Doc. 113, p. 4). It is considered timely under the "prison mailbox rule." *Taylor v. Brown*, 787 F.3d 851, 859 (7th Cir. 2015) ("[A] pro se prisoner's legal documents are considered filed on the date that they're tendered to prison staff in accordance with reasonable prison policies, regardless of whether they are ultimately mailed or uploaded.").

disclose any financial information, White responded in one of three ways: “no,” “\$0,” or “---.” (*Id.*). A trust fund certification filed with the motion shows a then-current trust fund account balance of \$358.36. (*Id.* at pp. 3-4). It also lists \$3,275.00 as the “national six-month deposits.” (*Id.* at 5). However, White offers no explanation for these deposits. When a more complete trust fund account statement was filed on August 28, 2017, it showed a then-current balance of \$331.81 and periodic payments from Western Union in the amount of \$300.00, again unaccompanied by any explanation of the source of this money. (Doc. 17). Put simply, White did not disclose the fact that his mother provided him with any stream of income, gifts, assets, or otherwise during the relevant time period—let alone multiple steady and significant sources. As to this argument, the Court finds White’s assertion that he disclosed his receipt of more than \$500.00 per month from his mother untrue and inadequate to satisfy the show cause order.

Second, White admits that he benefitted from his mother’s payment of litigation costs in the years preceding his IFP applications but maintains that it was unnecessary to disclose these payments. (Doc. 113, p. 3, ¶ 4). He discloses the following amounts she paid on his behalf: \$15,000 for attorney fees in 2013; \$10,000 for attorney fees in December 2014 or January 2015; approximately \$7,500 for expert fees between September 2015 and mid-2016. He further states, “[S]he may have paid parts of some court costs outside of the trust fund in the year prior to this IFP filing, but I have no record of them and I doubt they were substantial relative to the funds reported.” (Doc. 113, ¶ 4).

The IFP application does not permit White to limit his disclosure of income, gifts, wages, or assets, etc. to items in his trust fund account or amounts he considers “substantial relative to the funds reported” above. It also does not allow him to exclude any amounts, based on when costs were incurred on his behalf or when payments were made; this appears to be a distinction White,

himself, makes in order to avoid the one-year reporting requirement in the application. White was explicitly required, under penalty of perjury, to “**state the amount**” he received in the year preceding his IFP applications from “[a]ny other sources,” including “gifts and inheritances” among other things. (Doc. 9, p. 1). The application also draws no distinction between amounts received “directly” and “indirectly.”

More specifically, White was required to disclose income from any of the following sources in the “past 12 months:” (a) business, profession, or other self-employment; (b) rent payments, interest, or dividends; (c) pension, annuity, or life insurance payments; (d) disability or worker’s compensation payments; (e) gifts or inheritances; or (f) any other sources. (Doc. 9, p. 1). He responded “no” to each inquiry. White was also required to “describe below or on separate pages each source of money and **state the amount you received and what you expect to receive in the future.**”⁴ (*Id.*) (emphasis added). He left his section blank. The application next required him to disclose the “[a]mount of money that [he] ha[s] in cash or in a checking or savings account.” (*Id.* at 2). White disclosed “0.” (*Id.*). He was further instructed to disclose “[a]ny . . . other financial instrument or thing of value that [he] own[s], **including any item of value held in someone else’s name (describe the property and its approximate value).**” (*Id.*) (emphasis added). He disclosed “--.” (*Id.* at 1-2). White’s disclosure of financial information in this case after IFP was revoked is insufficient to satisfy the Court’s show cause order.

Third, White also admits to benefitting from funds that were raised by his friend, Paul Angel, and the *American Free Press* from 2015-18 or later. (See Docs. 22, 23, and 30). He admits

⁴ In addition to those amount discussed herein, White disclosed other sources of income and assets in his filings. For example, Defendant points out that White disclosed his status as the beneficiary of an approximately \$1 million trust from his mother that he anticipates inheriting upon her death and is “creditor-proof.” (Doc. 92, p. 5) (citing *United States v. White*, No. 08-cv-00054-EKD (W.D. Va.) (Doc. 411, ¶ 315)).

that advertisements posted in this publication soliciting donations for his legal costs were inappropriate, but he blames his friend for the misconduct. White further asserts that these funds were used to repay his mother for her litigation expenditures on his behalf from 2014-16. However, the amount repaid was less than her total expenditures, and that is why he did not disclose these sums. The IFP application did not offer the applicant the option of nondisclosure for amounts he deemed insignificant or less than he owed. White should have disclosed this fundraising activity at the time he filed for IFP in this case because it occurred during the year preceding his application, and he should have disclosed it thereafter because fundraising continued. White did not disclose it at all, and he also omitted this information from IFP applications filed in other cases in this District and was granted leave to proceed IFP.⁵ White's belated disclosure of this information in the Response (Doc. 113) is too little too late.

Fourth, White claims that he discussed this fundraising activity with his attorney, and they decided together that it was not necessary to disclose the information. However, White completed and filed the IFP applications in this case in June 2017 (Docs. 2 and 3) and August 2017 (Doc. 9). At the time, White was not represented by counsel. In fact, the Court made its decision to recruit counsel only after finding that he was indigent—on the basis of *his* representations in the IFP applications. (See Docs. 12, 22, 23, and 30). Given the chronology of events, the Court rejects White's attempts to blame his friend, his *pro bono* counsel, and the Court for the omissions he made in his IFP applications.

⁵ See *White v. Dept. of Justice*, No. 16-cv-00948-JPG (S.D. Ill. filed Aug. 25, 2016) (Doc. 2, IFP motion filed Aug. 25, 2016, granted Oct. 11, 2016, and \$350 paid in full Nov. 7, 2016); *White v. United States*, No. 16-cv-00968-JPG (S.D. Ill. filed Aug. 29, 2016) (Doc. 2, IFP motion filed Aug. 29, 2016, granted Sept. 19, 2016, and \$350 paid in full Dec. 9, 2016); *White v. Office of Fed'l Defender*, No. 16-cv-00971-JPG (S.D. Ill. filed Aug. 29, 2016) (Doc. 2, IFP motion filed Aug. 29, 2016, granted Sept. 20, 2016, and \$350 paid Nov. 9, 2016); *White v. Inch, et al*, No. 17-cv-01059-JPG-DGW (S.D. Ill. filed Oct. 2, 2017) (Doc. 2 IFP motion filed Oct. 2, 2017, granted Nov. 27, 2017, and \$350.00 paid Dec. 27, 2017).

Attorney Osman's Response

For his part, Attorney Osman seeks no reimbursement of attorney's fees for his three years of work on White's case(s). He only seeks reimbursement of PACER costs, not already covered by the PACER Exemption, in the amount of \$35.50. (See Order at Doc. 35). This request shall be granted. Moreover, the Court shall *sua sponte* revisit its Order dismissing as moot White's Motion to Dismiss Counsel (Doc. 99) and **GRANT** the motion. Attorney Osman shall be terminated as counsel of record for White in this case. The Court thanks Attorney Osman for his time and efforts in representing the White in this matter. Attorney Osman shall be **EXEMPT** from *pro bono* appointments made from the District's Pro Bono Panel for the next five (5) years.

Sanctions

Additional sanctions are necessary to deter White from engaging in future abusive litigation tactics in this District.

As previously explained, this case will be dismissed with prejudice. The federal statute that authorizes a party to proceed as a poor person, without prepaying the full filing and docketing fee for the action, also compels district courts to "dismiss the case at any time if the court determines that . . . the allegation of poverty is untrue." 28 U.S.C. § 1915(e)(2)(A). Any question about the mandatory dismissal requirement is dispelled by the Seventh Circuit's admonition that once "the allegation of poverty [is proven] false, the suit ha[s] to be dismissed; the judge ha[s] no choice." *Thomas v. Gen. Motors Acceptance Corp.*, 288 F.3d 305, 306 (7th Cir. 2002) (citing 28 U.S.C. § 1915(e)(2)(A)); *Lofton v. SP Plus Corp.*, 578 F. App'x 603, 604 (7th Cir. 2014)). In such situations, the only question is whether dismissal should be with or without prejudice. *Thomas*, 288 F.3d at 306. Although a judge should consider lesser sanctions before dismissing a case with prejudice, the court's authority to dismiss a case with prejudice "in an appropriate case

is beyond question.” *Id.* In fact, “[d]ismissal with prejudice may [be] the only feasible sanction for this [IFP application] perjury designed to defraud the government.” *Hoskins v. Dart*, 633 F.3d 541, 544 (7th Cir. 2011); *Thomas*, 288 F.3d at 306-07.

The Court has considered and ruled out lesser sanctions and finds that dismissal without prejudice or monetary fines will do little to deter this litigant. As White revealed to court-recruited counsel (but not the Court) in an initial communication, he has easy access to money:

P.S. I see that the costs of this matter have been important to you from your motion, and, the agreement. **Don’t let costs interfere with your representation. I can often find someone to advance sums when needed.**

(See White’s Letter to Counsel, dated November 7, 2017, Doc. 95, pp. 9-11) (emphasis added). White made this statement less than two months after he was granted IFP status and just one month after receiving court-recruited counsel to represent him *pro bono* in this case.

Free from the financial constraints associated with actual attorney’s fees, White devoted his resources to perpetuating existing litigation and bringing new lawsuits. In this District alone, he filed nineteen civil cases from 2016-20, including twelve new cases filed from 2018-20. This includes five civil rights actions pursuant to 28 U.S.C. § 1331, three cases under the Federal Tort Claims Act, three cases under the Freedom of Information Act, and eight habeas petitions pursuant to 28 U.S.C. § 1441.

He also litigated cases in other federal judicial districts during the same time period, earning at least three “strikes” under 28 U.S.C. § 1915(g) for filing cases that were dismissed as being frivolous, malicious, or for failure to state a claim. See, e.g., *White v. Secor, Inc., et al.*, No. 10-cv-00428 (W.D. Va., dismissed Nov. 5, 2010); *White v. Office of Fed’l Defender*, No. 16-cv-00971-JPG-DGW (S.D. Ill., dismissed July 27, 2017); *White v. Lemma, et al.*, No. 19-cv-01486-PGB-GJK (M.D. Fla., dismissed Aug. 27, 2019). White “struck out” in the process and

could not proceed IFP without showing that he was in imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). Undeterred, White continued filing new lawsuits in this District and others by paying the full filing fee for each case up front.⁶ Given all of this, the Court finds that monetary sanctions are very unlikely to deter White.

Harsher sanctions are warranted. White has increasingly filed abusive, harassing, and frivolous documents in this case and others. This Court has wasted significant time addressing these filings. Sanctions must also target and curb this misconduct.

In Case No. 16-cv-00948-JPG, White made inappropriate *ad hominem* attacks on the Department of Justice’s counsel in Doc. 183. The Court warned him that “[i]n the future, in this and any other case, the Court will summarily strike any . . . filings that contain such inappropriate *ad hominem* attacks and may not allow him to amend the filing.” (*See* Doc. 192, pp. 1-2 at n. 1) (“first warning”).

In Case No. 18-cv-01682-JPG, White insulted his counsel and the Court in a Motion to Dismiss Counsel filed January 14, 2021. (Doc. 40). He blamed Attorney Osman for misleading him. (*Id.* at ¶ 1). He described the Court’s Order (Doc. 102) revoking his IFP status as “a fraudulent Order” resulting from the “Court’s longstanding habit of deliberately misapplying the law.” (*Id.*). White added that “this Court is ill-disposed to the niceties of the law and evidence.” (*Id.* at ¶ 2). Finding these statements “inappropriate, gratuitous, and abusive,” the Court again warned White to “refrain from filing any more pleadings containing language that is abusive toward the court,

⁶ *White v. Executive Office of U.S. Attorneys, et al.*, No. 18-cv-00841-RJD (S.D. Ill. April 9, 2018) (denied IFP April 16, 2018 and \$400.00 fee paid April 26, 2018); *White v. United States*, No. 18-cv-01682-JPG (S.D. Ill. Sept. 4, 2018) (\$400 fee paid Sept. 17, 2018); *White v. Dept. of Homeland Security, et al.*, No. 19-cv-00210-DWD (S.D. Ill. filed Feb. 15, 2019) (\$400 fee paid March 7, 2019); *White v. True*, No. 19-cv-00418-JPG (S.D. Ill. filed April 15, 2019) (\$400 paid May 2, 2019); *White v. Federal Bureau of Prisons*, No. 20-cv-00751-NJR (S.D. Ill. filed July 31, 2020) (\$400 paid Aug. 14, 2020); *White v. Collis, et al.*, No. 20-cv-01117-JPG (S.D. Ill. filed Oct. 22, 2020) (\$400 paid Nov. 17, 2020).

other parties, or others" and warned him that "such filings will be STRICKEN and returned to him without any further action by this Court." Moreover, he may be subject to sanctions "that include, but are not limited to, a monetary fine and/or a filing restriction for further abusive or frivolous filings." (Doc. 41) ("second warning").

In Document 105 filed in this case on January 19, 2021, White responded to the show cause order in a harassing and inappropriate manner. By way of example only, White described the Court's Order at Doc. 102 as a "nutty Order." (Doc. 105, p. 1). He also stated, "[T]he Court's Order is based upon a really nutty misapplication of the law, as well as the fabrication of factual statements." (*Id.*). He then added:

The fact is, Judge Gilbert, that you are too willing to accuse other[s] based on no evidence and too little willing to review the law and the evidence and apply them in the even-handed way required of a federal judge. You do this in case after case after case and you don't just do it to me, and I'm tired of it.

(*Id.* at 2). The response was stricken, and White was given additional time to submit an appropriate response.

In Document 108 filed in this case on February 9, 2021, White targeted counsel, the Court, and the federal court system more broadly, as follows:

" . . . My intent in not providing corroborating information was to cause the United States to believe that I could not provide such evidence. This, I expected, would cause someone like Ms. Garrison to appear in front of a fool of a federal judge, someone who would copy whatever she had to say as a 'factual finding' without any proof, and, once such an order was entered finding that no such confession occurred, I would produce corroborating evidence and again expose the federal justice system for the stupid, corrupt, and, arrogant, joke that it is."

(Doc. 108, ¶ 2). This language resulted in a third warning against White to "refrain from making abusive, gratuitous, and/or threatening comments directed at *anyone* in his filings." (Doc. 110, p. 4). He was clearly warned that any more documents containing such language would be stricken

and returned to him without any further action by the Court. (*Id.*). He would also face sanctions that include, but are not limited to a monetary fine and/or a filing restriction. (*Id.*).

In Document 109 filed in this case on February 11, 2021, White stated: “Judge Gilbert informed me in *United States v. White* SD Ill. Case No: 16-cv-683 that he feels that he was ‘intentionally misled’ by my IFP application. He is incorrect; the only thing that he has been intentionally misled by is the Devil and his own imagination.” (Doc. 109). The document was stricken by the Court. (Doc. 111). No action was taken on the motion. (*Id.*).

On March 12, 2021, White received a fourth warning and became the subject of a temporary filing restriction in *White v. United States*, No. 20-cv-1117-JPG (S.D. Ill.) (Doc. 7), after he filed documents containing sensitive information, including the home addresses, phone numbers, and other personal identifying information of public servants. That case is the subject of a separate and independent filing restriction.

Against this backdrop, the Court now finds that additional sanctions are necessary to curb White’s abusive filings in this District. Monetary sanctions, repeated warnings, stricken pleadings, and temporary filing restrictions have had little impact on him. *See Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997) (finding that courts have inherent authority to protect themselves from vexatious litigation and imposing a \$500 fine and entering a filing ban pursuant to *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995)); *In re Mann*, 229 F.3d 657, 659 (7th Cir. 2000) (warning *pro se* litigant that abusive and disparaging language could result in sanctions); *Tidwell v. Clendenin, et al.*, No. 16-cv-00384-SMY (S.D. Ill.) (Doc. 43) (imposing fine and filing restriction to prevent further frivolous and harassing filings). White shall now be subject to the two-year filing restriction set forth in the Disposition below.

Disposition

IT IS ORDERED that Attorney Osman's Motion Waiving Attorney Fees and Requesting Reimbursement of Costs of **\$35.50** (Doc. 103) is **GRANTED**. White is **ORDERED** to remit payment of the **\$35.50** directly to Attorney Osman on or before **October 25, 2021**.

IT IS ORDERED that the Order Granting Motion to Dismiss and Revoking In Forma Pauperis Status (Doc. 102) is modified as follows: White's Motion to Dismiss Counsel (Doc. 99) is **GRANTED**. Attorney Blane Osman is **RELIEVED** from any and all further obligations to represent White in this case. Attorney Osman shall be **EXEMPT** from *pro bono* appointments made from the District's Pro Bono Panel for the next five (5) years.

IT IS ORDERED that, in addition to revocation of White's *in forma pauperis* status and dismissal of this action with prejudice, White is subject to the below **FILING RESTRICTION**.

FILING RESTRICTION

William White is **SANCTIONED** with a filing restriction in this District that takes effect immediately and continues for the next two years. During this time period, White is prohibited from filing any new civil actions in this Court, and the Clerk of Court is **DIRECTED** to **RETURN UNFILED** all civil pleadings he submits for filing in a pending or new action. This filing restriction does not extend to a Notice of Appeal from this Order (which shall result in imposition of an additional \$505.00 filing/docketing fee), to the filing of any Petition for a Writ of Habeas Corpus, or to pleadings filed as a defendant in another criminal or civil case. *See Mack*, 45 F.3d 183; *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997). However, any papers submitted to the Court by White while this filing restriction is in place must be accompanied by a copy of this Order. Moreover, all habeas corpus filings will be summarily dismissed thirty days after filing, unless otherwise ordered by the Court. In accordance with precedent, White may seek

modification or rescission of this Order by filing a motion in this Court *no earlier* than two years from the date of entry of this Order. **White is WARNED that any efforts to evade the filing restriction shall result in the imposition of additional monetary and/or other sanctions.**

This action is **DISMISSED** with prejudice; the Clerk shall **CLOSE THIS CASE** and enter judgment accordingly.

IT IS SO ORDERED.

DATED: 9/27/2021

s/ J. Phil Gilbert

J. PHIL GILBERT

United States District Judge

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

William A White — PETITIONER
(Your Name)

VS.

United States of America, et al RESPONDENT(S)

PROOF OF SERVICE

I, William A White, do swear or declare that on this date,
October 17, 2022, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States

950 Pennsylvania Ave, NW Rm 5616

Washington, DC 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2022



(Signature)