App No. _____

In The
Supreme Court of the United States

ANDREW U. D. STRAW,

Applicant,

v.

INDIANA,

Respondent.

On Application for an Extension of Time to File Petition for a Writ of Certiorari to the Indiana Supreme Court

Case below: *Straw v. Indiana*, 23A-PL-775 (Ind. 9/19/2023)

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Applicant

November 27, 2023

Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, Andrew U. D. Straw states that he is not a corporation.

To Honorable John Roberts, Chief Justice of the United States:

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Andrew U. D. Straw respectfully requests that the time to file his petition for a writ of certiorari be extended for 60 days, up to and including Thursday, **February 16, 2022**. The Indiana Supreme Court Chief Justice, Loretta H. Rush, refused to recuse when I moved (**Exhibit C**) for recusal based on Rush's past actual violent crime victim status[1] and bias based on an offender's mental illness when I also have mental illness.[2] This was used against me in my bar licensing and employment at the Indiana Supreme Court.[3] The Indiana Supreme Court constructively refused its discretionary transfer with the refusal of recusal ORDER (**Exhibit B**) thus refusing to review **fairly and without bias** a decision of the Indiana Court of Appeals (**Exhibit A**) regarding my law license suspension as a **Takings matter**. Under such conditions, I acted reasonably in withdrawing my transfer request, which would have been denied, as Loretta Rush has denied me repeatedly over the past 80 months. Absent an extension of time, the petition would be due 90 days from the acceptance of my voluntary withdrawal (**9/19/2023**), and thus on Monday, **December 18, 2023**. Jurisdiction is based on **28 U.S.C. § 1257(a)**.

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[1] *Swaynie v. State*, 762 N.E.2d 112 (Ind. 2002); *State v. Swaynie*, 79D01-9811-CF-126 (Tippecanoe Sup. Ct. #1 1998) (Loretta Rush's husband was nearly choked to death by her client, who had severe mental illness). Explained at http://mental.andrewstraw.com

[2] From Camp LeJeune toxic exposure *in utero* and as an infant. *Straw v. United States*, 7:23-cv-162-BO-BM (E.D.N.C.).

[3] The relevant documents demonstrating these facts are in *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (Dkts. 22, 22-1 to 22-58).

Background

This case presents an important question on the application of the Takings Clause to law licenses: Whether the mere fact that a state constitution gives the state supreme court exclusive power over attorney discipline means it is impossible to obtain Takings Clause compensation when the state supreme court takes a law license without good cause, without due process, and without considering any mitigating fact, such as the total absence of any discipline for the whole 15 years prior to the suspension. *In re Straw*, 68 N.E.3d 1070 (Ind. 2/14/2017); *cf. Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (**Dkts. 22-21 & 22-22**).

I, *Applicant* Andrew U. D. Straw, am a disabled lawyer, currently with only one active in good standing law license, at the Fourth Circuit U.S. Court of Appeals, that license never sanctioned in 24 years. I am a former employee of the Indiana Supreme Court and served all the justices, all judges on the Indiana Court of Appeals, and every court in the State of Indiana per my job description.[4] I was hit by a reckless driver who crossed a double yellow to come into my lane at full speed, ***head on***, on February 22, 2001. I was on my way to the Indiana Supreme Court to work, where I traveled to any Indiana county and court on a given day because my job working for the chief justice and state court administrator required it. However, I was denied Workers Compensation by Indiana. *Straw v. Indiana*, 22A-EX-00679 (Ind. Ct. App.

[4] *Straw v. LinkedIn*, **Dkt. 22-44**.

2022). Instead of being protected by the government for which I worked, the chief justice fired me after finding out I had a USMC Camp LeJeune toxic water caused mental illness imposed on me at birth. I had to reveal this mental disability on the bar exam application form.

I am a Camp LeJeune toxic poisoning victim, having been born at that Superfund Site U.S. Marine Corps base, and I have a lawsuit plus other claims pending at Navy JAG for the injuries. *Straw v. U.S.*, 7:23-cv-162-BO-BM (E.D.N.C.)(**Dkts. 55, 57-4**); *Straw v. U.S.*, 23-2156 (4th Cir.)(**Dkt. 7**).; Claim# **CLS23-004519**. I also have a claim for my mother's wrongful death from a Camp LeJeune cancer. *Straw v. U.S.*, 7:23-cv-01475-FL (E.D.N.C.). Navy JAG Claim# **CLS23-005185**. My mother died of her Camp LeJeune cancer on February 26, 1997, while I was a law student at Indiana University in Bloomington.

Moreover, **I am a 9/11 victim**, having visited the affected area of NYC and Lower Manhattan in October 2001, while still working for the Indiana Supreme Court. I had severe respiratory and throat problems for a decade after this. For this reason, I have a Victims Compensation Fund claim. The VCF Claim Number is **0260945**. The extreme effects of both the Camp LeJeune poisoning and the 9/11 dust exposure on me were used by the Indiana Supreme Court in firing me on **July 11, 2002**, with pretexts about my suitability.

I am disabled from the many crimes of others.

The Indiana Supreme Court took 5 law licenses, 4 reciprocal, from me because it said I acted incompetently in federal disability rights lawsuits I filed but where **no federal judge sanctioned me at all**. Indiana Supreme Court invented a suspension where there was none and made it last over 6.75 years now. This has left me absolutely impoverished and living on SSDI, unable to pay court fees and with dozens of *in forma pauperis* grants over the years. I was unable to obtain malpractice insurance because of what Indiana did, even for my Virginia law license, **never sanctioned** from 1999-2021. Without income, I was unable to pay the fees and had to resign. The 11th Circuit also denied me a law license to protect my family in the Camp LeJeune toxic water appeal (MDL-2218) because of what Indiana, my former employer, invented about me,[5] a former employee. EEOC and DOJ should have protected me but refused. Thus, I litigate *pro se*.

It is also worth noting that the whole discipline matter started with **me making ADA complaints** to the Indiana Supreme Court, referred to the ADA coordinator. Instead of helping me, that ADA coordinator filed a disciplinary complaint attacking my mental illness from Camp LeJeune and my federal lawsuits for disability rights, most still open at the time. *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (**Dkts. 22-5 & 22-6**). She proceeded to notify counsel in my federal lawsuits to influence what would happen, since they were **not final** or were **on appeal**. *Straw v. LinkedIn*, 5:22-cv-7718-EJD

[5] CV: www.andrewstraw.com

(N.D. Cal. 2023) (**Dkt. 22-21 & 22-22**). This is why state courts are not allowed to interfere with federal court proceedings in which **the state is not a party** and has **no interest in the outcome**. *Crosley Corporation v. Hazeltine Corporation*, 122 F.2d 925, **929** (3d Cir. 1941). It is not consistent with this precedent, cited hundreds of times across all circuits, to allow Indiana's state courts to impose sanctions for actions in federal court **that drew no sanction** in the ***actually presiding*** federal courts, only criticism.

I was suspended and I want compensation for the long suspension that violates the rules. The question here is whether a law license is property that is protected by **the Takings Clause** (regardless of the powers of the state supreme court to discipline) and the corresponding clause in the Indiana Constitution, which Indiana says has the same meaning. **Ind. Const. Art. 1, Sec. 21**. *Straw v. Indiana*, 22A-PL-776 (Ind. Ct. App. 2022).

The Indiana trial judge said in granting dismissal that law licenses are not protectable property and that granting them is **a royal privilege** that can be revoked for any or no reason, on the fancy of the Indiana Supreme Court. *Straw v. Indiana*, 53C06-2110-PL-002081 (Monroe Cty. Cir. Ct. #6 2023) (dismissal ORDER, 4/4/2022). The Court of Appeals disagreed in 2022, stating that law licenses ***are*** protected by Property Takings Law, only they must be pleaded in a very specific way, focusing on allowed deprivations that can be compensated, such as conscription of a lawyer's time and public use takings. *Straw v. Indiana*, 22A-PL-776 (Ind. Ct. App. 2022)(¶¶ 9-12).

When I tried to amend to match that reasoning, the trial judge would not allow me to do so, saying the case was over. He would not allow me to amend to make my pleadings match the grounds provided in the Court of Appeals decision, which disagreed with his **"law licenses are royal privileges"** reasoning. He ended up recusing for some unstated bias. The special judge said no amendment is possible even though a dismissal based on Rule 12(B)(6) alone, as here, is under Indiana law done **without prejudice** and with **a right to amend**. I appealed *in forma pauperis* because that status was issued in the trial court in 2021 based on my disabilities and poverty.

The Court of Appeals in 2023 said that an amendment did not need to be allowed because, in Indiana, law licenses are not property that can be protected by the Bill of Rights, Ind. Const. Art. 1, Sec. 21. This, they said, was because **asking compensation is the same thing as relitigating the suspension**. But I did NOT ask the lower Indiana courts to overturn my suspension. The Court of Appeals demanded in 2022 that I challenge the due process of the suspension, but when I did that in 2023, the Court of Appeals said that made my compensation request an impermissible demand to overturn the suspension. *Straw v. Indiana*, 23A-PL-775 (Ind. Ct. App. 2023). This is damned if you do, damned if you don't, with my law license property to be taken without compensation no matter how I plead it. I am being unlawfully disfavored by these state court machinations to take my property without payment for many long, painful years, violating my property rights in

addition to my dignity as a person with disabilities from the crimes of others, including Camp LeJeune poisoning where I was born.

The facts presented in the Transfer Petition showed that the suspension was not lawful. I am being singled out as a former employee of the Indiana state supreme court--disfavored based on my disabilities--for property takings with no compensation such that I remain in poverty for many years. As the U.S. Supreme Court said in *Armstrong v. United States*, 364 U.S. 40, 46-49 (1960), **destruction of property** rather than holding it somehow is also a takings and must be compensated. This suspension for nearly 7 years must be considered a destruction, equivalent to disbarment.

If the Supreme Court of the United States had just granted my petition for writ of certiorari in 2017 and the suspension were overturned as the bogus abuse that it is, my property rights would have been protected these many years. *Straw v. Indiana Supreme Court*, **16-1346** (2017). Instead, Indiana acts in violation of *nemo judex in causa sua* and takes the property of a former employee, hurting me, and the highest court averted its eyes to my pain, giving me no justice, not even a hearing.

Indiana acts that way because the Chief Justice of Indiana was attacked by a man with mental illness who tried to murder her husband, making her biased against people with mental illness like me. *Swaynie v. State*, 740 N.E.2d 594 (Ind. Ct. App. 2000). Her actions in suspending me for 81+ months without any federal sanction on which to base it are **absurd, bizarre, and**

vindictive, as if I were that criminal who choked Rush's husband. But I have no criminal record and was not accused of a dishonest act. This is a prime example of why the certiorari system is flawed. Violations of law and property rights are left in place and injustices flower and spread like an infection because the Supreme Court of the United States will not act and do its job to protect people like me. *Straw v. United States*, 23-16039 (9th Cir.)

I asked compensation from an Indiana trial court because in Indiana, the state supreme court does not have original jurisdiction over property takings cases. Trial courts do. *Bayh v. Sonnenburg*, 573 N.E.2d 398 (Ind. 1991).

Ultimately, the only question that keeps me from being compensated is whether the property takings can be considered apart from the suspension. I asked the property to be compensated but the Indiana Court of Appeals would not, saying to reward me with compensation would be to overturn or challenge or relitigate the suspension. But this is like saying a regulatory takings can never be the source of a takings claim because it involves revisiting a matter governed by *res judicata* rules. However, *Bayh* shows that in Indiana, the state supreme court does not have original jurisdiction to consider property takings cases, so such a request could not even be a part of my suspension order even if I asked for it.

My property falls through the cracks of such scheming, and I am left in

poverty without compensation for property my national property expert said was worth $5,000,000.[6] $1 million for the law license I earned while working for the Chief Justice of Indiana and $1 million for each of the federal licenses ruined by the suspension with reciprocal suspension.

The Indiana Supreme Court refused transfer constructively by refusing recusals I demanded, including Rush's, letting the Court of Appeals' erroneous holding on **law licenses not being protected property**, a reversal from a year earlier, stand. The acceptance of my withdrawal after refusing recusals I demanded happened on **September 19, 2023**.

Reasons For Granting an Extension of Time

The U.S. Supreme Court will not let me proceed *in forma pauperis*. *Straw v. United States*, 21-6713, so I must pay the **$300 fee** to file my petition for writ of certiorari. As I have said, I am disabled from the many crimes of others and/or my own or my father's public service. I should be allowed the time it takes until my Victims Compensation Fund or Camp LeJeune Justice Act matters are settled or decided so I can pay the **normal fee** and have a **professional printing and binding company prepare my petition for writ of certiorari**. Given it is the U.S. Supreme Court's fault that my 2017 petition was denied and **the damage to my property was not contained**, I should be granted the 60 days here to **2/16/2023** and when I request it later, any additional time until I can pay these costs, very great to me until I receive SOME JUSTICE, SOMEWHERE.

[6] Straw v. LinkedIn, **Dkt. 22-22**.

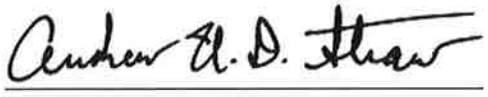
Conclusion

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 60 days (to 150 days) to and including **February 16, 2024.**

I, Andrew U. D. Straw, verify that the above statements are true and correct on penalty of perjury.

Dated this 27th day of November, 2023.

Respectfully,



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Applicant

In the
Indiana Supreme Court

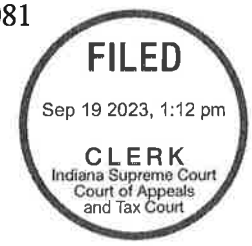
Andrew U.D. Straw,
Appellant,

v.

State of Indiana,
Appellee.

Court of Appeals Case No.
23A-PL-775

Trial Court Case No.
53C06-2110-PL-2081



Order

The Court of Appeals issued its memorandum decision on August 15, 2023, and Appellant filed a petition to transfer on August 24, 2023. On September 7, 2023, Appellant filed a "Notice of Withdrawal of Petition for Transfer."

Being duly advised, and construing Appellant's "Notice of Withdrawal of Petition for Transfer" as a motion to withdraw his transfer petition, the Court GRANTS Appellant's motion, dismisses the transfer proceedings, and directs the Clerk to certify the Court of Appeals decision as final.

Done at Indianapolis, Indiana, on 9/19/2023.

Loretta H. Rush
Chief Justice of Indiana

MEMORANDUM DECISION

APPELLANT PRO SE

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Washington, D.C.

ATTORNEYS FOR APPELLEE

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David A. Arthur
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Andrew U.D. Straw,
Appellant-Plaintiff,

v.

State of Indiana,
Appellee-Defendant.

August 15, 2023

Court of Appeals Case No.
23A-PL-775

Appeal from the
Monroe Circuit Court

The Honorable
Kara E. Krothe, Special Judge

Trial Court Cause No.
53C06-2110-PL-2081

Memorandum Decision by Senior Judge Baker.
Judges Brown and Foley concur.

Baker, Senior Judge.

Statement of the Case

[1] Andrew U.D. Straw appeals the trial court's denial of his motion to amend his complaint against the State of Indiana. Concluding this appeal is, in substance, an inappropriate attempt to challenge the Indiana Supreme Court's prior suspension of his law license in this forum, and the trial court did not err in denying Straw's motion to amend, we affirm.

Facts and Procedural History

[2] On February 14, 2017, the Indiana Supreme Court suspended Straw's law license "for a period of not less than 180 days, without automatic reinstatement, effective immediately." *Matter of Straw*, 68 N.E.3d 1070, 1073 (Ind. 2017). The Court explained Straw could seek reinstatement of his license if he: (1) paid the costs of the proceeding; (2) fulfilled the duties of a suspended attorney; and (3) satisfied the requirements for reinstatement set forth in Indiana Admission and Discipline Rule 23(18). *Id.* Straw later filed with the Indiana Supreme Court several requests for reinstatement, but his suspension remains in effect.

[3] The current case began in October 2021, when Straw sued the State of Indiana, alleging the uncompensated suspension of his law license was an unconstitutional taking. In November 2021, Straw amended his complaint. The State moved to dismiss Straw's complaint under Indiana Trial Rule 12(B)(6) for failure to state a claim, and the trial court granted the motion. A

panel of this Court affirmed in a memorandum decision. *Straw v. State*, No. 22A-PL-766, 2022 WL 2232335 (Ind. Ct. App. June 22, 2022) (*Straw I*).

[4] Next, Straw moved to amend his complaint again. The trial court denied his motion and dismissed the case with prejudice. Straw appealed the trial court's decision. This Court dismissed Straw's appeal in an order, determining he had failed to timely pay the filing fee. *Straw v. State*, No. 22A-PL-2352, (Ind. Ct. App. Dec. 14, 2022) (*Straw II*).

[5] On January 4, 2023, Straw filed still another motion to amend his complaint. The trial judge recused from the case. On January 10, while the selection of a special judge was pending, Straw filed a Motion to Vacate Order and Grant Plaintiff's Motion to Allow Amended Complaint. The trial court, via the special judge, later held a hearing and denied Straw's motion to amend. The court also dismissed Straw's complaint with prejudice. This appeal followed.[1]

Discussion and Decision

[6] Straw argues the trial court should not have denied his motion to amend his complaint because he was entitled to one amendment. A trial court has "broad discretion in granting or denying amendments to pleadings." *Hilliard v. Jacobs*,

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[1] Straw has not included the trial court's Chronological Case Summary or his January 10, 2023 motion in the Appellant's Appendix, in violation of Indiana Appellate Rule 50(A) (the Appellant's Appendix shall contain copies of "the chronological case summary" and "pleadings and other documents from the Clerk's Record in chronological order that are necessary for resolution of the issues raised on appeal").

In addition, Straw has filed a number of motions and statements in this appeal. We deny Straw's motions by separate order.

927 N.E.2d 393, 398 (Ind. Ct. App. 2010), *trans. denied.* We will reverse only upon a showing of an abuse of that discretion, which occurs "if the trial court's decision is clearly against the logic and effect of the facts and circumstances before the court, or if the court has misinterpreted the law." *Id.*

[7] In general, once a party has filed a pleading, and a response to the pleading has been filed, the party may amend the pleading "only by leave of court or by written consent of the adverse party . . . ." Indiana Appellate Rule 15(A). The trial court shall grant leave "when justice so requires." *Id.* Straw argues the trial court disregarded a related rule, Indiana Trial Rule 12(B), which states:

> When a motion to dismiss is sustained for failure to state a claim under subdivision (B)(6) of this rule the pleading may be amended once as of right pursuant to Rule 15(A) within ten [10] days after service of notice of the court's order sustaining the motion and thereafter with permission of the court pursuant to such rule.

Straw contends he had a right under Rule 12(B) to amend his complaint after this Court affirmed the dismissal of his complaint in *Straw I*, and the trial court erroneously violated his right.

[8] We disagree with Straw on two grounds. First, Straw's lawsuit appears to be an attempt to continue to litigate the merits of the Indiana Supreme Court's suspension of his law license. *See* Appellant's Br. p. 7 ("The Indiana Supreme Court invented a suspension and then made it last forever even when there was [sic] no grounds for doing so"); Reply Br. p. 17 ("76 months of bogus suspension by a political opponent entity with no crime by me, no dishonest act

by me"). The proper venue for his claims is in the Indiana Supreme Court's pending disciplinary case, not in successive lawsuits. *See* Ind. Admission & Discipline Rule 23(1)(b) ("The Supreme Court has exclusive jurisdiction of all cases in which an attorney is charged with misconduct under this Rule."); *Matter of Crumpacker*, 431 N.E.2d 91, 93 (Ind. 1982) (rejecting party's attempt to relitigate disciplinary decision in different case).

[9] Second, Straw's attempt to amend his complaint again is barred by res judicata. The doctrine of res judicata prevents relitigation of an issue where there has been a final adjudication on the merits of the same issue between the same parties or their privies by a court of competent jurisdiction. *Counceller v. Counceller*, 810 N.E.2d 372, 376 (Ind. Ct. App. 2004). Straw attempted to amend his complaint under Trial Rule 12(B)(6) right after this Court decided Straw *I*. The trial court denied his motion to amend and dismissed the case, leading to the appeal in *Straw II*. After this Court dismissed *Straw II*, he then requested leave to amend yet again, raising the same points. Straw may not challenge the denial of his amendment after an adjudication on the merits the first time. The trial court did not abuse its discretion in denying Straw's motion to amend and dismissing the case.

Conclusion

[10] For the reasons stated above, we affirm the judgment of the trial court.

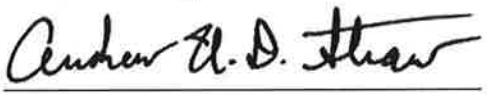
[11] Affirmed.

Brown, J., and Foley, J., concur.

CERTIFICATE OF SERVICE

I, *Applicant* Andrew U. D. Straw, sent this application for more time on **November 27, 2023**, to the Clerk of the U.S. Supreme Court for the decision of the Chief Justice of the United States via U.S. Mail, postage prepaid.

Respectfully,



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