

No. 24-7519

IN THE
SUPREME COURT OF THE UNITED STATES

FREDERICK S. KOGER,

Petitioner,

v.

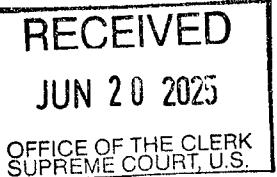
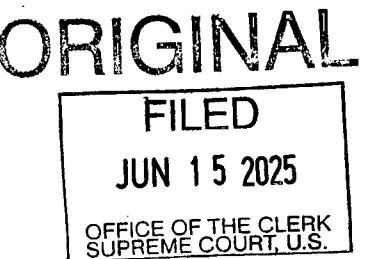
C.E. KLEIDON in his official capacity
as a Chicago Police Officer &
R.J. BILOTTI in his official capacity
as a Chicago Police Officer

Respondent(s).

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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I.

QUESTIONS PRESENTED

- I. DID MY POST TRAUMATIC STRESS DISORDER MENTAL CONDITION PLAY A ROLL IN GETTING MY CASE DISMISSED WITH PREJUDICE, ALONG WITH THE JUDICIARY FAILING TO TAKE INTO ACCOUNT THAT A TRIAL MUST TAKE PLACE AND FOCUS ON MERITS OF THE CASE TO DETERMINE IF THE CASE IS FRIVOLOUS?
- II. BASED ON THE FACT THAT CORPORATION COUNSEL FAILED IN THE LOWER COURT TO FOLLOW AN ORDER AND FIVE ME THE RELIEF THAT I WANTED AFTER ALL OF THESE YEARS THAT KEEPS THE STATUTE OF LIMITATIONS TOLLING?
- III. LASTLY, SHOULD THE CHICAGO POLICE OFFICERS NAMED IN THE CAPTION BE HELD ACCOUNTABLE FOR LIEING UNDER OATH, BE CONVICTED ON PERJURY, AND BE PROSECUTED UNDER LAW?

II.**LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

III.**RELATED CASES**

Wendy Jablow v. Stephen March and Custom Services Development Corporation 2022 IL App (4th) 200628-U No. 4-20-0628 In The Appellate Court Of Illinois Forth District

IV.**TABLE OF CONTENTS**

OPINION BELOW	iv
JURISDICTION	iv
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF FACTS	1
REASONS FOR GRANTING THE WRIT.....	8
ARGUMENT.....	8
CONCLUSION.....	11

V.**INDEX TO APPENDICES**

APPENDIX A - United States Court Of Appeals For The Seventh Circuit

APPENDIX B - United States District Court For The Northern District Of Illinois

APPENDIX C - In The Circuit Court Of Cook County Illinois

APPENDIX D - Notification Of Docket Entry

APPENDIX E - Transfer Of The Case To The Executive Committee For Reassignment

APPENDIX F - United States District Court For The Northern District Of Illinois

APPENDIX G - Amanda Koger's affidavit stating it was her fault

APPENDIX H - Clarity Clinic pertains to Post Traumatic Stress Disorder

APPENDIX I - Transcript of Proceedings March 7, 2018

APPENDIX J - Transcript of Proceedings April 18, 2018

APPENDIX K - Chicago Police Report Arrest Report Final Approval

APPENDIX L- Statute of Limitations

VI.

TABLE OF AUTHORITIES

CASES	PAGE
<u>State of Illinois v. City of Chicago 1:17-cv-06260</u>	6
<u>Wendy Jablow v. Stephen March and</u> <u>Custom Sources Development Corporation</u> 2022 IL App(4th) 200628-U-20-0628.....	ii

VII.

STATUTES AND OTHER AUTHORITIES

720 ILCS 5/33-9 & Florida Statute 9012.43

	PAGE
Article III, Section 2 of the constitution and Judiciary Act of 1891.....	iv
720 ILCS 5/33-9	iii
725 ILCS 5/103-3.5	2
725 ILCS 5/107-14	2
735 ILCS 5/2-702	3
750 ILCS 60/301.....	2

111

False Statements (18 U.S.C. subsection 1001).....	1
Federal Rules of Civil Procedure Rule 60.....	9
Federal Rules of Civil Procedure 60(b).....	8
Federal Rules of Civil Procedure 1:17-cv-09277.....	8
Florida Statue 9012.43	iii/9
Obstruction Of Justice (18 U.S.C. subsection 1503 & 1512)	1
Perjury (18 U.S. C.subsection 1621 & 1623).....	1
U.S.C. subsection 1253 and 28.....	1
U.S.C. subsection 2101.....	1
18 U.S. Code subsection 1621 (1)(2).....	6
42 U.S.C. Subsection 1983.....	3/5/9

VIII.

OPINIONS BELOW

The opinion of the United States Court of Appeals For The Second Circuit was published on March 20, 2025. The United States District Court decision was not published. The Memorandum opinion in the State court was not published. The notification off a document was not published. The transfer the case to another judge was not published

IX.

STATEMENT OF JURISDICTION

Article III, Section 2 of the U.S. Constitution and the Judiciary Act of 1891,

along with the federal statutes and rules like U.S.C. subsection 1253 and 28 U.S.C. subsection 2101. In the United States Court of Appeals For The Seventh Circuit. A Final Judgment was entered on March 20, 2025. I have 90 days to file the petition.

X. CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

Perjury (18 U.S.C. subsection 1621 & 1623)

False Statements (18 U.S.C. subsection 1001)

Obstruction Of Justice (18 U.S.C. subsection 1503 & 1512)

Federal Rule of Civil Procedure 60(b)

XI.

STATEMENT OF FACTS

1. On or about in early February 2014, I was taking my daughter to an appointment when she began to argue with me about her upbringing. My daughter, Amanda, was in my vehicle and was not happy about the way she was brought up. I told her to stop complaining and she ignored me and brought her mother in the conversation. I was upset and told her to be quiet. Again, she ignored me, her father. And I didn't appreciate it, and I stopped the car and told her to exit. She didn't, and I walked around the car, opened the door, extended my arm, and my daughter, Amanda, attacked me.

2. She hit me and I restrained her by forcing her to the ground by holding her until she calmed down. She was on the ground and the police arrived, and separated us.

She appeared to give her account as to what happened as I can overhear some of her

conversation. I told the police officers, I am the victim. It fell on death ears as I was handcuffed and whisked away *without* probable cause. It was latter discovered, that an observer lied to law enforcement as what had occurred. **COUNT 1**, The Chicago Police violated 750 ILCS 60/301.

3. There was no affidavit to support the lie. In the police car, I was taken to the station without given account from my point of view. **COUNT 2**, the police violated my civil rights. 725 ILCS 5/107-14 I kept telling the police that I was the victim. I kept telling the police officers that I am the victim as I tried to convince them how everything took place. I told them they were making a grave mistake, and it fell on death ears. At the police station I was locked up in a holding cell, and was not questioned. I wanted to talk freely as I was ignored. **COUNT 3**, the police officers were in violation off 725 ILCS 5/103-3.5

4. Being detained in a cell, I became claustrophobic and was passing out. Police officers walked to my holding cell and asked me what's wrong. I told them that I didn't take my medicine for High Blood Pressure, as I take it every morning. Immediately, I was taken to Holy Cross Hospital, treated, released, and taken back to the police station whereas, I was detained overnight.

5. The next day, I was allowed a phone call without success. Afterwards, I was fingerprinted and Mugshot against my will, as I waited for a bus to take me to the Cook County Jail, and asking myself, what happened? I was uncomfortable and frighten as my career was on the line. I began thinking about my job working for the United States Postal Service as a mail Handler, and teaching music in the Chicago Public Schools. I had two full-time positions.

6. When I arrived at the Cook County Jail, I was placed in a cell with several people, and became more uncomfortable. I believe to the best of my recollection, I was allowed another phone call and was successful. In addition, I told my story to a public defender at the Cook County Jail, and he addressed the judge and told me I had to pay a bond, and was given an official court date for Domestic Violence. I stayed overnight at the Cook County Jail and was released the following day. I wanted to go home but my daughter had a restraining order against me.

7. I was forced to stay with my sister in Flossmoor, Illinois until my court date. I stayed and I received a letter from the police telling me to surrender my Firearm Owners Identification Card (FOID). I surrendered my card and waited for my court date. My court date arrived under Index Number: **14 DV 75696**, and my daughter, Amanda, failed to show up. My case was dismissed and I was grateful and moved on with my life. Finally, I thought my life was back to normal, as I celebrated.

8. in addition, my daughter recanted, and admitted that everything that led up to my wrongful arrest was her fault, as she explained in her affidavit that was addressed to the United States District Court. (See Appendix G) **COUNT 4**, I was wrongfully arrested. The police officers were in violation of 735 ILCS 5/2-702, and 42 U. S. C. Subsection 1983. My Civil Rights were violated.

9. Time elapsed, and I thought everything was back to normal, and moved on with my life. In the year of 2017, while teaching my music class at Corliss High School, my music student saw my Mugshot on the internet and said to me, "This is you." I denied it, and said to myself, "How?" Also, on that day, I suffered from **Post Traumatic Stress**

Disorder. (PTSD) I was never convicted in the court of law, and the case never went to trial.

10. I was in disbelief, shock, embarrassment, couldn't teach effectively, nervous, couldn't sleep, barely ate my food, didn't want to teach, in an uncomfortable setting, freaking out, hiding my face from my peers, trying to duck and hide from school administrators, parents discovered that I was a CRIMINAL, according to them, and asked, "How did I slip through the cracks?" I failed to show up for work, was made fun of, and was furious with the African American Chicago Police Officer who told me with this Mugshot, that I didn't have to worry about anything. He lied.

11. I went to a Professional Therapist and it was determined that I indeed, suffered from **Post Traumatic Stress Disorder. (See Appendix H)** I suffered from (PTSD), and I went to the Domestic Courthouse and received a copy of my dismissed case. Before I filed my case in the U. S. District Court, I tried to retain an attorney, with no luck. I mailed a **Notice Of Intent** to sue ALL the Chicago Police Officers who's name appeared on the false Arresting Report. I filed my lawsuit in the United States District Court Northern District of Illinois, and Justice Amy J. St. Eve presided.

12. As I was a nervous wreck, coupled with (PTSD), and NEVER experiencing this type of case in a criminal setting, to be clear, because I wanted to return to both jobs with confidence, teaching my music class back in the Chicago Public Schools and returning to my Federal job at the United States Postal Services without shame and disrespect, I decided to address the court.

13. I, addressed the court, in my unstable mental capacity, coupled with (PTSD), and stated to Justice Amy J. St. Eve, "**I will be willing to dismiss this case with**

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prejudice "IF," "IF," "IF," the Mugshot goes away from the internet." It was on a "CONDITIONAL" basis to dismiss the case. Again, I said, if, if, if, if, if, the Mugshot goes away, then the case can be dismissed with prejudice. THAT'S ALL I WANTED! I just wanted my life back to normal.

14. I didn't give the Chicago Police Officers a "Free Ride." That's asinine. In other words, if the Mugshot *doesn't* go away, by all means, yes, I want to go to trial. Justice Amy J. St. Eve said, "It *doesn't* work that way." She failed to say how it should work. I was Pro Se. There was no explanation on how the Mugshot would be removed. She was vague, and I wanted that Mugshot removed at any cost. That was (PTSD) on my behalf speaking to the court. The court date was March 7, 2018. I'm in court, and I'm not in court due to my (PTSD). My asking of the court to dismiss the case with prejudice if the Mugshot goes away doesn't appear on the transcript. Basically, it's the judge addressing Corporation Counsel's motion to dismiss the case, and for me to follow-up. (See Appendix I)

15. Court was adjourned and we were calendared to appear on the next court date. That was April 18, 2018. Corporation Counsel Ms. McClelland is asking the judge for a Motion to Dismiss with prejudice, speaking about the false arrest, the Mugshot staying on the internet, and saying if I choose to sue under 42 U.S.C. subsection 1983, I'm supposed to be time barred.

16. Judge Amy J. St. Eve states that if the Mugshot is public, then there is nothing she can do. The judge ask me if I want to pursue the claim. In my frail mind, and indecisive, I tell the judge I want the case to be Dismissed with prejudice. That was my unstable mind talking. I had a mental issue. However, the judge is saying to

Corporation Counsel, **WORK OUT THE RELIEF THAT I WAS SEEKING.** (See Appendix J) That was April 18, 2018. It didn't happen. Corporation Counsel, Ms. McClelland DROPPED THE BALL.

17. I NEVER GOT THE RELIEF THAT I WANTED, and that relief was compensation from the City of Chicago. It never happen. To date, I am still waiting. Once again I'm suffering from (PTSD). I'm in a fog, and not thinking clearly, and how it's affecting my case. I was there and I wasn't there. My mind was fogged with the (PTSD), because trauma often leads to emotional distress, anxiety, and depression. My emotion can effect my ability to focus and provide clear and consistent testimony. Corporation Counsel should have worked out a settlement with me. State of Illinois v. City of Chicago 1:17-cv-06260.

18. I tried to move forward with my life because my Mugshot was no longer on the internet. However, I discovered it on a web sight called **RADARIS**. Unlike the web sight of my Mugshot appearing on the previous internet, **RADARIS** revealed my date of birth. I also discovered the Malicious **CHICAGO POLICE DEPARTMENT ARREST REPORT, FINAL APPROVAL**. The report revealed how the police lied under oath in their official capacity. 18 U.S. Code subsection 1621 (1) (2) (See Appendix K), and lastly, I discovered that the Dismissal With Prejudice was erred by the judiciary, Justice Amy J. St. Eve. (PTSD) was in full swing again. When I discovered all the Inequities in this case, I filed a Motion at the courthouse to reopen the case with the same judge.

19. Upon discovering the intentional torts, I tried to change the caption to the correct police officers that signed off on the tort, but was denied. When I filed my Motion with the clerk of the court to re-open my case with the same judge, he told me

that Justice Amy J. St. Eve is no longer in the U.S. District Court. I was told that her position is in the Court of Appeals for the Seventh Circuit. I was also told that another judge will look at the case, as a Transfer of the case to the executive committee for reassignment was in consideration. (See *Appendix E*) because COVID was in full swing, and judges were not allowing people to sit in their court. I had to wait on the judge to decide.

20. Time elapsed and I complained to the clerk of the court about the judge making a decision on the matter to re-open the case. The clerk told me he will check into it. I waited and waited, and the case was dropped into the lap of Justice Robert M. Doll, Jr. who rendered his decision and stated that "Guidance" is needed. (See *Exhibit D*). He rendered his decision on June 7, 2022. Justice Robert Dow Jr. sat on the case long for a long time. Again, I inquired with the clerk of the court. He told me that Justice Dow will be leaving the court.

21. He told me that he will be retiring and go to join the United States Supreme Court. Justice Dow didn't take the case. I became frustrated with the outcome, and decided to file my case **DE NOVO** in the State Court and received an unfavorable decision on November 9, 2023. (See *Appendix C*) I was still suffering from (PTSD).

22. Still within the Statute of Limitations, and my (PTSD), reluctantly, I had to return to the court of origination, and the clerk of the court. At this point, my Motion was before Justice Martha Pacold, and she denied my Motion to reopen the case. (See *Appendix B*) I was forced to appeal to the the United States Court of Appeals Seventh Circuit, and it ended with the case being Affirmed.

XII.

REASONS FOR GRANTING THE WRIT

The reason for granting the Writ is based on Rule 60(b) of Federal Rules of civil Procedure. It allows a court to grant relief from a final judgment based a mistake, fraud, and newly discovered evidence.

XIII.

ARGUMENT

1. The United States District Court Northern District of Illinois, coupled with the presiding Justice of the Court, Amy J. St. Eve, erred when she dismissed my case with prejudice against two Chicago Police Officers, C. E. Kleidon & R.J. Bilottias. In order to dismiss a case with prejudice, it has to be based on several factors that must coincide with case. They are as follows:

A) A dismissal with prejudice means, the party fully settled their cases.

Response-Under case number 1:17-cv-09277 in the U. S. District Court, Corporation Counsel and I **NEVER** came to terms on a settlement, even after the judge **Ordered a RELIEF** for myself, that is located in the transcript on page 8, April 18, 2018, in my mental state of (PTSD). Corporation Counsel is in Contempt of the court.

B) The full settlement has been paid and there is nothing left to do.

Response-Once again, we never reached a settlement, and nothing, nothing has been settled in this matter.

C) The case is based on an Adjudication on the Merits.

Response-There was no trial at all. There was no trial based on the Adjudication on the Merits.

D) Voluntary Dismissal with prejudice

Response-a Voluntary Dismissal with Prejudice must include a settlement. There was never a settlement.

E) Errors in the case pertaining to the defendants and constitutional rights.

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Response-The errors in the case were mentioned. In addition, the defendants constitutional rights were *not* violated. My rights were violated on a dismissal with prejudice.

F) There were fundamental flaws in the case.

Response-The integrity of that court needs revamping. The Chicago Police Officers violated the law with the Arrest Report Final Approval. They lied under oath on page 4, on the Incident Narrative Report. It's na lie, and my daughter says differently. It is inaccurate.

G) The Plaintiff acted irresponsible and in bad faith

Response-At no time did I, Frederick S. Koger, act irresponsible or in bad faith. The question is, Why did Corporation Counsel act in Bad Faith?

2. All in all, (PTSD) has an affect on a case. The trauma can lead to feelings of self-doubt and second-guessing. An individual may have difficulty trusting their own judgement, leading to indecisiveness or decision paralysis. My Mugshot could have been removed based on a Florida Statute. In the State of Florida, the Statute pertaining to a Mugshot, Statute 9012.43 requires web sights to remove mugshots within 10 days of receiving a written request. Web sights can be penalized for failing to comply. That was never reveled to me. Justice Amy J. St. Eve didn't spell that issue out.

3. The Florida Statute says it has to be removed according to 9012.43, and Justice Amy J. St. Eve says it doesn't work like that. Justice Amy J. St. Eve ORDED Corporation Counsel to work it out with Petitioner Koger. That's on the stenographer's report. To Date, with my (PTSD), I have never been compensated by the City of Chicago under Title 42 U S C subsection 1983.

4. And/or Assuming if the case is beyond the Statute of Limitations, it tolls the time with respect to Rule 60, Relief from a judgment or order that tolls the statute of limitations, based on judicial error, no matter how many years elapsed, as the dismissal with prejudice was in error by the judiciary. Corporation Counsel is currently in

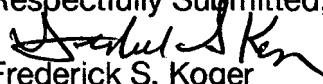
Contempt of the the Court, who disregarded a COURT ORDER to give me the relief that I deserved. Don't fault me.

5. All of these issues were raised under Justice Martha Pacold of the United States District Courthouse, and it was ignored. Again, a dismissal with prejudice constitutes, the case was insignificant, frivolous, or issues have been resolved, and Under Federal Rules of Civil Procedure Rule 41(b) states a dismissal is considered an adjudication based on the merits of the case and concludes with prejudice.

6. On Page 6 on the Arrest Report, the supervising Chicago Police Officers signed off on the frivolous official report. It states, Presently taking medication? Its answered No. I take High Blood medication since the year of 1981. The Biggie, First time ever been arrested? Its' answered, No. Year after year after year after year after year, I demand to see the arrest report. It doesn't take years and years and years to produce a prior arrest report, after all the two Respondents said they can prove it. It's defamation of character.

CONCLUSION

WHEREFORE, Petitioner Koger ask this court to VACATE the Dismissal With Prejudice, Reverse and Remand as my rights have been violated and prejudiced with wrong information, by there judiciary. The defendants can't raise Res Judicata nor Double Jeopardy, because there was NO TRIAL OF THE ISSUES based on Merit. NONE! Or, order Corporation Counsel to give me the relief that I demand, because they are in violation of a court order according to the Transcript, and that's why the Statute Of Limitations TOLL. I was never compensated for the Relief that I wanted from the City of Chicago, and yes my (PTSD) played a roll in this case. My mental state was altered. My rights were violated. Again, the Respondents rights **WOULD NOT BE PREJUDICED**. To reiterate, there was no trial of the issues, and I was never composted for the dismissal with prejudice. The Respondents rights **are not** prejudiced. Also, if the the dismissal with prejudice is overturned, according to Google, the case would return to the lower court for further proceedings. Voluntary dismissal with prejudice was in error because I followed the lead from Justice Amy J. St. Eve. Lastly, Petitioner Koger ask this court to deny attorney fees to Corporation Counsel. For all intent and purposes, Corporation Counsel has to be held accountable for violating a court order with respect to my pain and suffering.

Respectfully Submitted,

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