

No. \_\_\_\_\_

---

---

**In the  
Supreme Court of the United States**

---

**Andrew U. D. Straw,**  
*Petitioner,*

v.

**Indiana Attorney General and  
Patricia McMath,**  
*Respondents.*

---

**On Petition for a Writ of Certiorari to the  
Seventh Circuit U.S. Court of Appeals  
at 17-3357 (7<sup>th</sup> Cir.)**

---

**PETITION FOR A WRIT OF CERTIORARI**

---

Andrew U. D. Straw  
1900 E. Golf Rd., Suite 950A  
Schaumburg, IL 60173  
T (312) 985-7333 F (877) 310-9097  
Email: andrew@andrewstraw.com  
*Petitioner, Proceeding Pro Se*

## QUESTIONS PRESENTED

Whether there is a First Amendment right to petition state government employees when they are defendants in a federal civil lawsuit where they were accused of violated the ADA to injure me, a disabled attorney, by attacking my ADA work.

Whether there is a First Amendment right against retaliation when one does petition state employees.

Whether the right to petition is limited and whether there is a requirement to prove in the complaint the damage done, or if the Court below can assume no damage happened and label petitioning rights as "frivolous."

Whether there is a right not to experience retaliation under the ADA and its regulations when a person petitions state government employees to address ADA violations.

Given that I have a right not to experience retaliation via letter THREATS, whether my *IFP* motion should have been granted in the Court below and the District Court.

## PARTIES TO THE PROCEEDINGS BELOW

I, *petitioner* Andrew U. D. Straw, a disability rights advocate living in Kane County, Illinois, was disciplined for my disability rights work, which was labeled as “frivolous” by several federal judges who denied me justice in four ADA cases. I worked for the Indiana Supreme Court and the state disciplinary complaint came in immediate retaliation for my own ADA-based complaint against the state supreme court. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind.) (Dkt. 1-11 is my complaint, labeled as a petition for redress of grievances; Dkt. 1-13 is the ADA Coordinator’s retaliation; Dkt. 1-22 is the corrupt hearing officer report). The defendants, the Indiana Attorney General and his deputy, Patricia McMath, are state government employees of the State of Indiana, at least during the relevant time here. Ms. McMath wrote a letter that is in the Appendix issuing threats of disciplinary action should I communicate with my defendants, suggesting that Rule 3.1 prohibits parties from communicating without the permission of an attorney on one side. Her letter was a false statement of law and violated my ADA rights against retaliation and my right to petition government employees. The 7<sup>th</sup> Circuit has attainted me and is protecting these violations, agreeing with the district court, which has suspended me reciprocally with Indiana. These Courts are civil rights violators.

## CORPORATE DISCLOSURE STATEMENT

No corporations are parties, and there are no parent companies or publicly held companies owning any corporation's stock to my knowledge. The Indiana Supreme Court is a state entity and covered by both ADA Title II and ADA Title V and the regulations at 28 C.F.R. § 35.134. The State of Indiana and its Attorney General are subject to the First Amendment obligation to accept petitions from the public.

I am a citizen judicially attainted in violation of the Fifth Amendment, with disabilities from public service to the Indiana Supreme Court and the U.S. Marine Corps. I am poor. I use public housing and food stamps and Medicaid because I seem unable to get justice as a lawyer and citizen from any court in the 7<sup>th</sup> Circuit. The 7<sup>th</sup> Circuit must not create a new ethics regime that allows them to hire the appellees in front of them and favor them, as has happened in my case. *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir. 7/6/2017). Just three weeks before, the 7<sup>th</sup> Circuit hired the Indiana hearing officer that McMath represented for the appeal. James R. Ahler's hiring has been on the 7<sup>th</sup> Circuit website since May of 2017:

[http://www.ca7.uscourts.gov/news/positions/2017\\_appt\\_Judge\\_Ahler.pdf](http://www.ca7.uscourts.gov/news/positions/2017_appt_Judge_Ahler.pdf)

It does not matter what the issue is that I bring to the federal courts in the 7<sup>th</sup> Circuit. I lose. They invent reasons and it does not matter what I argue, even when I am obviously and clearly right.

## TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDING BELOW	ii
CORPORATE DISCLOSURE STATEMENT	iii
TABLE OF CONTENTS	iv
INDEX TO THE APPENDIX	vi
TABLE OF AUTHORITIES	vi
LEGISLATIVE AND OTHER MATERIALS	viii
PETITION FOR WRIT OF CERTIORARI	1
OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL PROVISIONS AT ISSUE	2
INTRODUCTION	2
STATEMENT OF THE CASE	6
REASONS FOR GRANTING THE WRIT	7
I. Supreme Court Rule 10(c): “a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.”	7

<p>II. Disabled lawyers like me, evidenced in this case, need strong constitutional protections when there is an established long history of disability abuse in the state and federal courts. <i>Cf. Tennessee v. Lane</i>, 541 U.S. 509 (2004); ADA Amendments Act of 2008.</p>	7
<p>III. The U.S. Supreme Court has taken strong positions on the importance of the right to petition government without retaliation. <i>United States v. Cruikshank</i> (1876) calls this right part of national citizenship. The right to petition state government also has been incorporated through the 14<sup>th</sup> Amendment in <i>Edwards v. South Carolina</i>, 372 U.S. 229 (1963). The courts below would rather abandon 240 years of Bill of Rights protections to petition government rather than protect me, solely because I am attainted by the 7<sup>th</sup> Circuit and consistently insulted. Hiring and favoring my Indiana defendants is just one example. I am also afflicted by accusations of frivolous when I make a correct statement of law, such as objecting to a Court of Appeals hiring my appellee and then <i>favoring all</i> of my appellees.</p>	7

IV. The right to petition government or “the crown” is sacrosanct and has been an Anglo-American right since the British Parliament made it so in 1669. The 7 <sup>th</sup> Circuit does not have the power to overturn or disrupt this right and allow a state attorney general or his deputy to threaten <b>disciplinary action</b> for communicating with government. The very case in which I was suing Indiana was my ADA case against vicious and false discipline that the Virginia State Bar called “a drive-by shooting.” The right to petition government needs to be blisteringly clear so the 7 <sup>th</sup> Circuit finds it at least a little bit harder to deny.	8
CONCLUSION	8
CERT. OF TRUTH AND CORRECTNESS	10

### INDEX TO THE APPENDIX

COVER		A1
INDEX TO THE APPENDIX		A2
SEVENTH CIRCUIT ORDER	A	A3
MCMATH THREAT LETTER	B	A5
U.S. Constitution, Amendment I	D	A7
U.S. Constitution, Amendment XIV	E	A8

Press Release: 7 <sup>th</sup> Circuit Hires Ahler	F	A9
VSB ORDER	G	A10
AFFIDAVIT RE MCMATH & WITTE	H	A14
DISTRICT COURT ORDER DENYING IFP STATUS	I	A20

### TABLE OF AUTHORITIES

<i>Corrigan v. Buckley</i> , 271 U.S. 323 (1926)	4
<i>Edwards v. South Carolina</i> , 372 U.S. 229 (1963)	5, 6, 7
<i>In Re Straw</i> , 68 N.E.3d 1070 (Ind., 2/14/2017)	1, 3
<i>In Re Straw</i> , 17-000-108746 (VSB, Disciplinary Board, 2017)	A10
<i>McDonald v. Smith</i> , 472 U.S. 479 (1985)	9
<i>Straw v. Indiana Supreme Court, et. al.</i> , 17-1338 (7th Cir.)	1, 6
<i>Straw v. U.S. Court of Appeals, Seventh Circuit</i> , 2:18-cv-00028 (N.D. Ind.)	2, 6
<i>Tennessee v. Lane</i> , 541 U.S. 509 (2004)	7
<i>United States v. Cruikshank</i> , 92 U.S. 542 (1876)	5, 7

## LEGISLATIVE AND OTHER MATERIALS

Supreme Court of the U.S., Rule 10(c)	7
U.S. Constitution, Amendments I, XIV	passim
28 U.S.C. § 1254	1
28 U.S.C. § 2101(c)	2
42 U.S.C. § 12203 (ADA retaliation)	6
28 C.F.R. § 35.134 (ADA retaliation reg.)	6
Seventh Circuit U.S. Court of Appeals Press Release Re: <b>Hiring James R. Ahler</b> to be a Bankruptcy Judge. <a href="http://www.ca7.uscourts.gov/news/positions/2017_appt_Judge_Ahler.pdf">http://www.ca7.uscourts.gov/news/positions/2017_appt_Judge_Ahler.pdf</a>	passim
VSB ORDER <a href="http://www.vsb.org/docs/Straw-062217.pdf">http://www.vsb.org/docs/Straw-062217.pdf</a>	A10

## PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Seventh Circuit in this case.

---

## OPINIONS BELOW

The Indiana Supreme Court's disciplinary opinion is reported as *In Re Straw*, 68 N.E.3d 1070 (Ind., 2/14/2017). Without that damage to my law license, the threat of discipline could have been considered bluster, but I have lost 5 law licenses now because of what Indiana did to me. *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir. 7/6/2017) is the backdrop, my ADA case to oppose the Indiana discipline. The decision below on review here is *Straw v. Indiana Attorney General, et. al.*, 17-3357 (7<sup>th</sup> Cir.) and this final ORDER also denying me IFP status was done on January 26, 2018.

## JURISDICTION

The relevant judgment below was entered on January 26, 2018. Jurisdiction to this Honorable Court from the Court of Appeals is under 28 U.S.C. §1254. The time limit for appeal is 90 days from the 7<sup>th</sup> Circuit decision done on January 26, 2018. The deadline is

April 26, 2018. 28 U.S.C. §2101(c). Original jurisdiction in the Courts below is under Titles II and V of the ADA. This is obviously a First Amendment case incorporated against a state with the 14<sup>th</sup> Amendment. The Court of Appeals below has a history of violating my rights and exploded any pretense of fairness when it hired my appellee and favored him. *See, Straw v. U.S. Court of Appeals for the Seventh Circuit, 2:18-cv-00028-RL-JEM (N.D. Ind.)*. Refusing me the right to communicate and petition high level officers of the Indiana Supreme Court is just the biased opinion from the 7<sup>th</sup> Circuit, a court that has never given me justice over the course of many righteous appeals. It is not a court to me, but an injustice mill that grinds up my appeals and spits out false and misleading opinions to dispatch me.

#### CONSTITUTIONAL PROVISIONS AT ISSUE

U.S. Const., Amendments I, XIV App'x at A7, A8

#### INTRODUCTION

I, petitioner Andrew U. D. Straw, am petitioning for a writ of certiorari from this Honorable Court because the Indiana Supreme Court imposed discipline on me suspending my law license unlawfully and unconstitutionally and I believe they did so in violation of my rights as a disabled lawyer and disability rights advocate who used to work there.

One of the Indiana Attorney General deputies sent me a letter not *just* complaining about me communicating with her clients but threatening that one of the defendants in the appeal, G. Michael Witte, would punish me if I did so. The letter of this deputy, Patricia McMath, is in the appendix at A5.

While I might normally consider such a letter to be bluster, she stated that she was reporting me to Witte and that I was violating Rule 4.2 of the ethical rules for attorneys.

First of all, McMath was wrong about Rule 4.2. The ABA Model Rules, adopted by Indiana, state in the comments to Rule 4.2 that parties may communicate without any lawyer permission.

My right to petition these government officers was protected by Rule 4.2 and McMath's threats of discipline were abuses. I was right on this subject just like I was right on the Rule 3.1 grounds that were laid upon me to discipline me. *In Re Straw*, 68 N.E.3d 1070 (Ind., 2/14/2017)

My ADA work is law reform, protected by Rule 3.1, and I challenge abusive judges who use the word frivolous against me because it takes challenges to reform the law. I was fighting for disabled parent

rights, health privacy against extortion, for more disabled law students and lawyers through statistics, and against Indiana's supreme court's ADA coordinator violating me. All of my cases were reasonable, and the federal judges were just not cooperating like how the 7<sup>th</sup> Circuit hired the Indiana hearing officer. Nothing fair about any of it. Not a single honest judge, but instead abusers who use "frivolous" as a weapon to impose injustice and years of suffering. I have suffered for years.

The NAACP has been accused by the Supreme Court of the United States of making a frivolous argument when, in 1926, the NAACP said that discrimination in housing was illegal. *Corrigan v. Buckley*, 271 U.S. 323 (1926). It seems every civil rights movement has to suffer from accusations of frivolous until their positions become more established and accepted.

What this teaches me is that district judges should be recalcitrant and cautious in their language, and most district judges are not. If they disagree with an argument, they should dismiss it and move on, allowing appeal, not issue abuses like "frivolous" that may well be 100% wrong, but that a civil rights violating state court can pick up and use as a weapon. That's precisely what happened to me.

Patricia McMath should have been recalcitrant and cautious before sending me a letter threatening discipline by one of my appellees. So, I had one appellee getting hired by the Court of Appeals and another one issuing me unlawful threats through his counsel that he would discipline me even MORE.

There is no way on earth I am going to allow this to happen without a severe fight to show that this is just another angle of the Indiana Supreme Court's abuse and misuse of power.

The right to petition goes back to the British Parliament in 1669 and it appears in the First Amendment to the U.S. Constitution. In *United States v. Cruikshank*, 92 U.S. 542 (1876), the U.S. Supreme Court stated that petitioning government is a national right that is protected by the United States. It was incorporated using the Fourteenth Amendment and enforced on a state in *Edwards v. South Carolina*, 372 U.S. 229 (1963).

The Court of Appeals wishes to limit this right, but this position is just more of the 7<sup>th</sup> Circuit's bias against me speaking. After hiring my appellee, Ahler, I half expect the Court of Appeals to hire Ms. McMath and like a gaggle of demons, hiss at me some more.

## STATEMENT OF THE CASE

This case revolves around whether I have the right, in an ADA Title II appeal case to oppose Indiana's attacks on my ADA work, to communicate with my appellees. Apparently, the Court of Appeals thinks it is just fine to abuse me for communicating with my appellees, but when the Seventh Circuit hires my appellee and then favors all my appellees, there is nothing wrong with that ethical and due process mess. *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7th Cir. 7/6/2017); *Straw v. U.S. Court of Appeals for the Seventh Circuit*, 2:18-cv-00028 (N.D. Ind.)

These positions of the Court below are absolutely wrong. I have the right to petition my government appellees and this is protected by the First and Fourteenth Amendments. *Edwards v. South Carolina*, 372 U.S. 229 (1963). To make threats of discipline in the context of an ADA case ***about Indiana discipline*** for communication with my appellees violates both the constitutional right to petition and the rights in the ADA against retaliation. 42 U.S.C. § 12203; 28 C.F.R. § 35.134. The damage is in the **threat of discipline by Witte**, who is in charge of attorney discipline at the Indiana Supreme Court. It's not that hard to understand unless you are a Court of Appeals that has attainted me and cannot bring itself to allow me to win ***any*** argument.

## REASONS FOR GRANTING THE WRIT

- I. Supreme Court Rule 10(c): “a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.”
- II. Disabled lawyers like me, evidenced in this case, need strong constitutional protections when there is an established long history of disability abuse in the state and federal courts. *Cf. Tennessee v. Lane*, 541 U.S. 509 (2004); ADA Amendments Act of 2008.
- III. The U.S. Supreme Court has taken strong positions on the importance of the right to petition government without retaliation. *United States v. Cruikshank* (1876) calls this right part of national citizenship. The right to petition state government also has been incorporated through the 14th Amendment in *Edwards v. South Carolina*, 372 U.S. 229 (1963). The courts below would rather abandon 240 years of Bill of Rights protections to petition government rather than protect me, solely because I am attainted by the 7th Circuit and consistently insulted. Hiring and favoring my Indiana defendants is just one example. I am also afflicted by accusations of frivolous when I make a correct statement of law, such as objecting to a Court of Appeals hiring my appellee and then *favoring* all of my appellees.

- IV. The right to petition government or “the crown” is sacrosanct and has been an Anglo-American right since the British Parliament made it so in 1669. The 7th Circuit does not have the power to overturn or disrupt this right and allow a state attorney general or his deputy to threaten disciplinary action for communicating with government. The very case in which I was suing Indiana was my ADA case against vicious and false discipline that the Virginia State Bar called “a drive-by shooting.” The right to petition government needs to be blisteringly clear so the 7th Circuit finds it at least a little bit harder to deny.

#### CONCLUSION

This case is about protecting my right to petition state government officers without any retaliation of any kind, including threats of discipline AFTER McMath’s clients *disciplined me* for my ADA work. That is why this is not just a First and Fourteenth Amendment issue, but also an ADA Title V issue.

Petition for redress is the core of all the violations against me below. I sent a petition for redress of grievances labeled as such to the Indiana Supreme Court in August 2014. It received almost immediate retaliation. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind.) (Dkt. 1-11, my petition; Dkt. 1-13, ADA Coordinator

retaliation). The federal courts would not properly review the matter, and they continue to insist that a non-existent evaluation of my discipline creates *res judicata*. NO IT DOESN'T.

The Courts below have proven their bias against me, with judges at the district and circuit level recusing in that case, and the 7<sup>th</sup> Circuit hiring my appellee and favoring EVERY Indiana appellee against me just 3 weeks after that.

This McMath letter is just one more abuse on top of all the rest. I need a firm hand from the U.S. Supreme Court here because the lower courts have adulterated ADA law and First Amendment. They hate me and they have demonstrated it with impatience, baseless accusations of frivolous, and a total refusal to allow me to practice ADA law in that part of the United States. The networks of dishonesty are thorough in the Midwest and I do not expect to change it with any lawsuit, but by God, I do expect compensation when they violate me.

The Seventh Circuit invoked the case of *McDonald v. Smith*, 472 U.S. 479 (1985), but that was a case of libel, and is in no way like this case except that here, *I am the attorney being injured* by ADA violations and constitutional violations. I did not libel anyone in my communications and no one has accused

me of libel here. This is yet another false legal theory advanced by the Court of Appeals to deny my constitutional rights and narrow the First Amendment to inflict more damage on me.

This Court can confirm that communicating with government officers about their violations of the ADA or the Constitution must be protected. Violating these rights should lead to damages, compensatory damages under the ADA, Title V, and compensatory and punitive damages under the First and Fourteenth Amendment right to petition for a redress of grievances. Sending me a letter threatening me with discipline after I have been disciplined is not a frivolous matter at all. It must be denounced.

**CERTIFICATE OF TRUTH AND CORRECTNESS**

I, Andrew U. D. Straw, certify that my statements and factual allegations above and any in the attached appendix are true and correct to the best of my knowledge, information, and belief under penalty of perjury. **Date: March 12, 2018**

Respectfully submitted,  
s/ Andrew U. D. Straw  
1900 E. Golf Rd, Suite 950A  
Schaumburg, IL 60173  
Tel. 312-985-7333 Fax 877-310-9097  
andrew@andrewstraw.com