No. ____________________

In the
Supreme Court of the United States

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

v.

Indiana Supreme Court, et. al.,
***Respondents*.**

APPENDIX to Petition for a Writ of Certiorari to the Seventh Circuit, Case Number 18-1497

APPENDIX

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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ORDER

March 27, 2018

By the Court:

No. 18-1497	ANDREW U. D. STRAW, Plaintiff - Appellant v. INDIANA SUPREME COURT, et al., Defendants - Appellees

Originating Case Information:
District Court No: 1:15-cv-01015-RLY-MPB Southern District of Indiana, Indianapolis Division District Judge Richard L. Young

The following are before the court:

1. **BRIEF REGARDING JURISDICTION**, filed on March 9, 2018, by the pro se appellant.

2. **MOTION FOR IFP STATUS**, filed on March 6, 2018, by the pro se appellant.

On March 9, 2018, the court issued an order requiring the petitioner-appellant to file a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. On consideration of appellant's responsive filing and review of the short record,

IT IS ORDERED that this appeal is **DISMISSED** for lack of jurisdiction.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case, judgment was entered on February 5, 2016. Over a year later, appellant filed a motion for clarification of the judgment. The district judge issued an order in response on December 5, 2017. Appellant then requested that the district court allow him to proceed on appeal in forma pauperis and extend his time to file an appeal. The district court denied both requests. Appellant filed his notice of appeal on March 2, 2018, too late to appeal from the judgment. The order from December 2017 is not appealable, and even if it were, the appellant filed his notice of appeal too late.

The district court denied appellant's motion for an extension of time to appeal, finding that "none of the elements of Rule 4(a)(5) and 4(a)(6) of the *Federal Rules of Appellate Procedure* are satisfied." We have reviewed the appellant's motion and the district court's order and conclude that the district court did not abuse its discretion in denying appellant's motion. *See Sherman v. Quinn*, 668 F.3d 421, 425 (7th Cir. 2012)(a district court's determination whether to extend the time to appeal is reviewed for an abuse of discretion).

U.S. Constitution, Amendment V

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 offense 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.

Federal Rules of Appellate Procedure

RULE 2

Rule 2. Suspension of Rules

On its own or **a party's motion**, a court of appeals may—to expedite its decision or **for other good cause**—suspend any provision of these rules in a particular case and order proceedings as it directs, except as otherwise provided in Rule 26(b).

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

PRESS RELEASE

Chief Judge Diane P. Wood of the United States Court of Appeals for the Seventh Circuit is pleased to announce the appointment of Judge James R. Ahler to a 14-year term as United States Bankruptcy Judge for the United States District Court for the Northern District of Indiana to sit in Hammond. He will replace Bankruptcy Judge Philip J. Klingeberger, who will retire on June 15, 2017.

Judge Ahler earned his bachelor's degree from Indiana University-Bloomington and his law degree from Saint Louis University School of Law. He was admitted to practice in Indiana in 1997 and in Illinois in 2000.

In 2007 Judge Ahler was appointed and then elected and reelected to the Jasper County Superior Court in Renesselaer, Indiana, where he handles criminal and civil cases. Prior to being a judge he practiced in both state and federal courts specializing in commercial litigation, appellate, and criminal defense. After law school he was a law clerk for Circuit Judges Michael Kanne and William Bauer.

Judge Ahler serves as a panelist at continuing legal education seminars and a judge at moot court programs. He is a frequent lecturer at the Indiana judges conferences. He serves annually as a mock trial judge and legal training speaker for nurses working to obtain their S.A.N.E. (Sexual Assault Nurse Examiner) certification. He teaches law and state government at junior and senior high schools. He has also served as a guest lecturer for the Jasper County Police Department on the topics of search and seizure and trial procedure.

Judge Ahler is the current chair of the Indiana Judicial Community Relations Committee, a member of the Indiana Judicial Strategic Planning Committee, Indiana Public Defender Commission, Indiana Judges Association, American Bar Association, Indiana State Bar Association, Jasper County Bar Association and the Seventh Circuit Bar Association

He has received certificates for completing the Indiana Graduate Program for Judges and the Indiana Judicial College.

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
ANDREW U.D. STRAW

VSB DOCKET NO.: 17-000-108746

ORDER OF DISMISSAL

THIS MATTER came on to be heard on May 19, 2017, before a panel of the Disciplinary Board ("Board") consisting of John A.C. Keith, 2nd Vice Chair, Michael A. Beverly, Sandra L. Havrilak, Sandra M. Rohrstaff, and Stephen A. Wannall, lay member. The Virginia State Bar was represented by Paulo E. Franco, Jr., Assistant Bar Counsel ("Bar Counsel"). The Respondent appeared by telephone and was not represented by counsel. Barbara Johnston, a registered professional court reporter, 241A Brittany Drive, Streamwood, Illinois 60107, identified the witness and administered the oath. Jennifer L. Hairfield, court reporter, Chandler and Halasz, Inc., P.O. Box 9349, Richmond, Virginia 23227, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Chair polled the members of the Board Panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (Clerk) in the manner prescribed by Part 6, § IV, ¶ 13-12(C) of the Rules of Court. The Respondent testified on his own behalf, and no other witnesses testified on behalf of the Respondent or the Bar. Exhibit 1 was received into evidence without objection.

This matter came before the Board pursuant to Rule 13-24 (as amended on March 1, 2017) on the Rule to Show Cause and Order of Summary Suspension and Hearing entered on April 21, 2017 (the "Rule to Show Cause"), based upon the order of the Indiana Supreme Court dated February 14, 2017 suspending for a period not less than one hundred eighty (180) days the Respondent's license to practice law in the State of Indiana, as to why the same or equivalent discipline should not be imposed by the Board. The Indiana Supreme Court is a jurisdiction within the meaning of Rule 13-24(A). The Respondent filed a preliminary Motion to Dismiss on May 16, 2017 which was denied due to the fact that it was untimely filed. The Respondent also filed a written response pursuant to Rule 13-24(C) alleging numerous grounds for dismissal.

The Board finds, by clear and convincing evidence, that the conduct resulting in the Respondent's suspension in Indiana is not conduct that would be grounds for disciplinary action in Virginia. Pursuant to Rule 13-24, when another jurisdiction has suspended or revoked an attorney's license to practice law in that jurisdiction, the Board must enter an Order requiring the respondent to show cause why the same or equivalent discipline should not be imposed by the Board; and, upon a hearing, the Board is required to impose the same or equivalent discipline upon the respondent unless it finds, by clear and convincing evidence, that (1) the record of the proceeding in the other jurisdiction would clearly show that such proceeding was so lacking in notice or opportunity to be heard as to constitute denial of due process, (2) the imposition by the Board of the same or equivalent discipline upon the same proof would result in an injustice, (3) the same conduct would not be grounds for disciplinary action or for the same or equivalent discipline in Virginia, or (4) the misconduct found in the other jurisdiction would warrant the imposition of substantially lesser discipline in the Commonwealth of Virginia.

The Respondent was licensed to practice law in the Commonwealth of Virginia on April 23, 1999. On February 14, 2017, the Indiana Supreme Court suspended the Respondent's license to practice law in the State of Indiana for a period of not less than one hundred eighty (180) days, without automatic reinstatement, as a result of four disciplinary counts arising from frivolous claims and arguments advanced by the Respondent in four separate lawsuits, all pertaining to alleged ADA violations and disciplinary law reform. The Respondent filed a Petition for Writ of Certiorari in the Supreme Court of the United States on May 4, 2017 requesting that the Court review the judgment of the Indiana Supreme Court.

The Respondent testified that he had never received any discipline from a court or a monetary fine as a result of the conduct leading to the suspension of his license to practice law in Indiana. He also provided testimony regarding what he believes to be the excessive nature of the disciplinary process in Indiana.

In his argument, Bar Counsel discussed *Anthony v. Virginia State Bar* and *Moseley v. Virginia State Bar* as mitigating factors. In *Anthony*, Mr. Anthony accused the Supreme Court of Virginia of engaging in conspiracy; yet, his only punishment was a public reprimand. *See Anthony v. Virginia State Bar ex rel. Ninth Dist. Comm.*, 270 Va. 601 (2005). Furthermore, in *Moseley*, Mr. Moseley was sanctioned by the trial court for filing frivolous pleadings; however, a three-judge panel of the disciplinary board dismissed a disciplinary charge relating to Rule 3.1 as it found no clear and convincing evidence that the claims were totally frivolous. *Virginia State Bar v. Moseley*, In the Circuit Court of Loudoun County, CL 52390 (July 28, 2009) (appealed on other grounds).

In the present case, the complaints against the Respondent were made by the ADA Coordinator of the Indiana Supreme Court; and, just as the district court observed in *Anthony*, they have "all the grace and charm of a drive-by shooting." *Anthony v. Virginia State Bar ex rel. Ninth Dist. Comm.*, 270 Va. 601, 606 (2005). Furthermore, although his complaints were dismissed and criticized by the courts in which they were filed, no complaint was ever made against the Respondent by a client or opposing counsel, and he was never sanctioned by any court for his conduct.

DISPOSITION

Having considered the evidence at the hearing, the Board recessed to deliberate and determine whether the same or equivalent discipline as that imposed by the Indiana Supreme Court should be imposed by the Board. After due deliberation, the Board reconvened and stated its finding that the Respondent had proven, by clear and convincing evidence, that his conduct was not conduct that would have resulted in disciplinary action in the Commonwealth of Virginia. Accordingly, pursuant to Rule 13-24(C)(3) and upon consideration of the issues raised by the Respondent and the Bar, it is ORDERED that the Rule to Show Cause be and the same hereby is DISMISSED; and, it is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent at his address of record with the Virginia State Bar, being 1900 East Golf Road, Suite 950A, Schaumburg, IL 60173 by certified mail, return receipt requested, and by hand delivery to Paulo E. Franco, Jr., Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED this 20th day of June, 2017.

VIRGINIA STATE BAR DISCIPLINARY BOARD

John A. C. Keith Digitally signed by John A. C. Keith Date: 2017.06.20 10:34:39 -04'00'

John A.C. Keith, 2nd Vice Chair

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANDREW U. D. STRAW, Plaintiff,	)	
v.	)	1:15-cv-01015-RLY-MPB
INDIANA SUPREME COURT, BRENDA FRANKLIN RODEHEFFER, LILIA GEORGIV JUDSON, KEVIN SEAN SMITH, and the U.S. EQUAL OPPORTUNITY COMMISSION, Defendants.	)	

ORDER ON MOTION FOR CLARIFICATION OF ORDER

On January 28, 2016, the court granted the State Defendants' Motion for Summary Judgment and the Equal Employment Opportunity Commission's ("EEOC") Motion for Summary Judgment. On that same day, the court entered final judgment in favor of the State Defendants and the EEOC, and against the *pro se* Plaintiff, Andrew U.D. Straw. Nineteen months after the court's ruling (August 14, 2017), Plaintiff filed the present Motion for Clarification. In it, he asks whether the case was dismissed with prejudice, whether he can sue defendants if he effects service within the statute of limitations, whether he can sue the same defendants based on new actions taken against him, and whether he can sue new defendants for new actions taken against him.

The court has considered Plaintiff's Motion, and finds it should be **GRANTED in part** and **DENIED in part** (Filing No. 58). It is **GRANTED** to the extent he asks whether the 2015 lawsuit was dismissed with or without prejudice. The State Defendants' Motion to Dismiss was granted; Plaintiff failed to appeal. Therefore, the dismissal was tantamount to a dismissal with prejudice. *Kramer v. Stelter*, 588 F. Supp. 2d 862, 869 (N.D. Ill. 2008) ("A dismissal under Rule 12(b)(6) becomes a final judgment on the merits for res judicata purposes when plaintiff fails to appeal."). With respect to the rest of the Motion, it is **DENIED**. It is not the court's proper function to give legal advice to a *pro se* plaintiff.

SO ORDERED this 5th day of December 2017.

RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

ANDREW U. D. STRAW	)	
Plaintiff,	)	Appeal#: 18-1497
v.	)	Case No.: 1:15-cv-1015
BRENDA FRANKLIN	)	Jury Trial **Not Demanded**
RODEHEFFER,	)	Hon. Richard L. Young
LILIA GEORGIEV JUDSON,	)	Judge Presiding
KEVIN SEAN SMITH,	)	
INDIANA SUPREME COURT,	)	
Defendants.	)	

BRIEF REGARDING JURISDICTION

I, *plaintiff* Andrew U. D. Straw, provide this brief on jurisdiction as requested:

1. It did take me a while to get to the focus of my appeal in my docketing statement because I wanted to give the Court a full picture of the problem.
2. My appeal is about 5th Amendment violations done in the handling of the case in the Court below. I did not appeal in 2016.
3. That Court made me believe that I could refile and that is why I filed the lawsuit after James R. Ahler turned in his 6 months late hearing officer report against me.

4. That seemed to be the right time to file and the majority of the 2017 appeal ORDER confirmed that I filed at the right time and proceeded so as to avoid *Rooker-Feldman* and *Younger* problems. *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7^{th} Cir.).
5. At a minimum, my motion for a declaratory judgment should have been granted and that would have solved the entire matter because the Indiana Supreme Court violated the ADA in attacking me. No amount of denials from that state court matter because they can't judge themselves. To do so is both an ADA issue and an ethical issue for all of justices.
6. But instead of acting as if my case here had allowed me to refile because of the service issue, this Court of Appeals decided that the earlier case was dismissed with prejudice despite the service issue, which was absolutely ignored once broached.
7. This is why I brought up *Ligas* and *Cardenas*, opinions written by Judges Posner and Sykes, who happen to be my panel members in the 2017 appeal.
8. It appears that someone pulled a fast one on me.

9. Given the previous precedents of this Court and others, lack of service normally allows one to refile. This led me to believe that I could refile at the appropriate time, as I did in December 2016, with different defendants and still within the statute of limitations, including James R. Ahler, this Court's new bankruptcy judge.

10. So, I challenged Judge Young to tell me if his case was dismissed with prejudice or not, since this Court assumed that it was.

11. It is important to understand that my law license was under threat after I was attacked by the Indiana Supreme Court ADA coordinator in retaliation for my own ADA complaint to her. She attacked my U.S. Marine Corps disability that the Court forced out of me in 2001 when I took the Indiana bar exam. That behavior, by the way, is now prohibited due to the 2011 *Perdue* injunction.

12. I have mental disabilities and when someone attacks my disability to prevent me from being able to use the ADA, it is a crisis of the highest order for me.

13. No federal court wanted me to have a sanction because in the 4 ADA cases, **none of them imposed any sanction**, not even a private formal reprimand. But my former employer where I broke both of my legs and my pelvis and my ribs and my nose wanted to punish me for ADA work ***precisely*** because I made an ADA complaint about ***them*** to ***their*** ADA coordinator.

14. This is unbelievable and created brutal pressure on me simply because I asked for disability rights in 4 cases and the judges got it wrong and insulted me when I know more about disability than they ever will.

15. **THE FOUR CASES.** What's frivolous about parenting time rights for disabled parents when the NCD and the ABA now have my exact same position? What's frivolous about wanting statistics on disability in law school admissions like is done for gender and race, especially now that Harvard Law School **agrees with me**? What's frivolous about protecting my Medicare information from law firm threats of $1,000 per day so that firm can give my Medicare claims database access to its **newspaper client**? And of course I wanted to sue the ADA coordinator of the Indiana

Supreme Court for having given information about her disciplinary complaint against me to a lawyer who was suing me in an Indiana trial court. How is that frivolous? To deny me is an abuse. No ADA coordinator has the right to do that to me. Much less the one that I had just complained to!

16. Judge Young issued an opinion that gave me the impression that I could refile because service was an issue. February 2016.

17. My actions showed what I believed. I refiled. December 2016.

18. This Court said on July 6, 2017, that the February 2016 decision created *res judicata*, even though Ahler clearly does not appear in the caption and he did many things to injure me in 2016. *Straw v. ABA*, 1:17-cv-5714-RPP (N.D. Ind.) (Dkt. 40) is my affidavit about Ahler and I incorporate it by reference.

19. Judge Young then answered me below that his ORDER was with prejudice, meaning that I could not refile. But this was ***after*** the decision in July of 2017. I should have had that information in February of 2016 so that I could decide about appeals and refiling.

20. <u>I am lacking fundamental fairness</u> that has resulted in my having 5 suspended law licenses, a terminated ABA membership, and interference with me and my family (Camp LeJeune poisoning victims, all) in a multitude of ways. Not least of which is my appellee, **James R. Ahler**, being hired by this Court in a blatant and obvious unethical attempt to influence the outcome of my appeal, and it was <u>**successful**</u>.

21. Basic fairness should dictate that I won my appeal as a matter of equity. This Court could easily have said that *res judicata* did not apply because of the service issue. End of story.

22. Then I could have had my fair trial, my ACTUAL hearing, my discovery, maybe even with a judge who will evaluate my evidence instead of complaining that I attached exhibits to the complaint.

23. My due process. But instead, I got this. ADA violations shoved down my throat, attacking my disabilities from public service and ***<u>making me just take it</u>*** because this Court does not have the integrity NOT to hire my appellee and favor him and all the others.

24. Just a little reminder of this Court hiring him and then telling the whole world about Ahler, humiliating me ever since:

25. www.ca7.uscourts.gov/news/positions/2017_appt_Judge_Ahler.pdf

26. The jurisdiction is under the 5th Amendment. *Bell v. Hood*, 327 U.S. 678 (1946) provides jurisdiction for a constitutional claim of this kind under the 5th Amendment.

27. The Fifth Amendment's guarantee of due process is critical for someone like me who lost 5 law licenses with no hearing and a hearing officer so crooked that he would join your bankruptcy court in the middle of me suing him before the 7th Circuit.

28. I had a hearing. That was the Virginia State Bar, and everybody else needs to treat that hearing as full faith and credit.

29. http://www.vsb.org/docs/Straw-062217.pdf

30. VSB rejected Indiana's attack in 2016, reactivating my Virginia license as a nose-thumbing exercise to Indiana, which was proceeding with its *in-absentia* hearing and absolutely forbidding me from making any pleading in my defense. Virginia

rejected Indiana twice, once before the bogus Indiana discipline, once after.

31. If this Court took the result of the ONLY evidentiary hearing before a neutral and fair tribunal that I have had and applied it to the mass of violations done to me, it would quickly note that the VSB calls what Indiana did a **"drive-by shooting"** using the ADA coordinator. It would also note that Virginia said ***I proved*** by "clear and convincing evidence" that my actions would not be punished in Virginia. This is the opposite of the unfair violation of due process that was Young's ORDER, based on no hearing and leaning heavily toward the defense, in particular the ADA coordinator, instead of the normal procedure with a motion to dismiss.

32. Unfair at every turn.

33. Jurisdiction: **5th Amendment & *Bell v. Hood***

34. To the extent that the 5th Amendment and procedural and substantive fairness to me require, this Court should suspend its rules under **FRAP Rule 2** and give me the justice long overdue.