

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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



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APPENDIX C

ORDER

Submitted February 6, 2018

Decided February 7, 2018

Before

DIANE P. WOOD, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

DANIEL A. MANION, *Circuit Judge*

No. 18-1174	UNITED STATES OF AMERICA, Plaintiff - Appellee v. ANDREW J. JOHNSTON, Defendant - Appellant
Originating Case Information:	
District Court No: 1:17-cr-00517-1 Northern District of Illinois, Eastern Division District Judge Rebecca R. Pallmeyer	

The following is before the court:

1. **PETITION FOR WRIT OF MANDAMUS**, filed on February 5, 2018, by non-counsel for the appellant.
2. **ADDENDUM TO PETITION FOR WRIT OF MANDAMUS**, filed on February 5, 2018, by non-counsel for the appellant.
3. **MOTION FOR RELEASE FROM CUSTODY**, filed on February 5, 2018, by the pro se appellant,

- over -

IT IS ORDERED that the appeal is **DISMISSED** for lack of jurisdiction. The appellant must wait to appeal until the district court has issued a final judgment. We construe the appellant's petition for writ of mandamus as a response to this court's order to show cause why the appeal should not be dismissed for lack of jurisdiction. But even if we were to consider it as a petition for writ of mandamus, we would deny it. The appellant does not show such a clear right to the relief sought that the drastic remedy of mandamus is appropriate here. And this court already has affirmed the district court's denial of release pending trial. The appellant is warned that further attempts to evade the final-judgment rule may result in monetary sanctions.

**Additional material
from this filing is
available in the
Clerk's Office.**