Case #24M7

24-7073

In The Supreme Court of The United States

Appeal From: Illinois Supreme Court
(Consolidation/Joining of two Impounded Mental Health Cases for a single innocent):

1. no. #130007 - IN RE: I.M. VS Lake County States Attorneys Office.

2. no. #129642 - IN RE: I.M. VS Kane County States Attorneys Office.

In RE: I.M.,

Petitioner (Pro Se – Illinois Resident)

v.

Illinois States Attorney's Offices
(People of Illinois/State of Illinois),
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO: Illinois Supreme Court

Petition for a Writ of Certiorari

Pro Se litigant – I.M.

To: OFFICE OF THE CLERK - SUPREME COURT OF THE UNITED STATES
1 First Street, N.E.
WASHINGTON, D. C. 20543

Questions Presented for Review:

1. The Illinois mental health and developmental disability code should be held unconstitutional as to violate habeas corpus doctrine and individual Constitutional due process rights at the expense of allowing Illinois DHS and Hospital Emergency rooms, per unadjudicated 'inter alia' medical opinion, to be above the law with no probable cause hearing set within 24-72 hours or within 5-day max? This is part of a post-judgement wrongful confinement relief petition nullified by the Illinois Courts.

2. Post-Judgement wrongful confinement relief petition should be obligated to be heard by the Federal Courts upon original jurisdiction created under Federal Question that this Writ of Certiorari allows consolidation of wrongfully severed Illinois mental health cases; Or be heard in State Courts when the State refuses to allow due process for wrongful confinement relief as part of 5th and 14th due process equal protections for incarcerated prisoners versus mental health defendants? Habeas Corpus Doctrine or U.S. Bill of Rights should then be held unconstitutional or held ambiguous in modern day time for mental health defendants prior to commitment or upon post-judgement wrongful confinement relief? 4th amendment per 5th and 14th due process right should end arbitrary mental health arrests from home as seen with an emergency petition that does not immediately schedule a probable cause hearing within 24–72-hour maximum time?

3. Unconstitutional to allow the Illinois Courts to make a post-judgement petition or appeal into a "live" mental health case, when one has already been discharged, as a due process violation per ones right to object under the Illinois Mental Health and Developmental Disability Confidentiality Act, per confidential records created, and Illinois Mental Health and Developmental Disability Code?

4. 8th amendment Cruel and Unusual punishment and excessive fines applies to the Illinois Mental Health and Developmental Disability Code when the State of Illinois forces unconstitutional excessive payment or liability to innocent defendants as a form of indefinite punishment or debtor prison? An instant punishment per a religious healing tax upon the mental institution bill as a concern for the 1st Amendment for a discharged defendant defeating a mental health petition? This liability assumes guilt on the innocent mental health defendant before it is paid. It also allows indefinite confinement even after mental health discharge due to a medical bill owed is an insinuation of 'guilty by association' per the fabricated medical records created without a mental health code expungement policy of records for the innocent discharged or a lack of post-judgement wrongful confinement relief for those wrongfully confined under the State's mental health code.

5. Unconstitutional for the State of Illinois Judicial Courts to strike or waive a post-judgement wrongful confinement relief petition, per 5th & 14th due process right to quasi-criminal jurisdictions, as part of the 9th and 10th amendment for Individual citizens to claim wrongful confinement relief as a Constitutional right rather than an equity right under State mental health or civil codes? 4th amendment right to privacy applies to unjustified capture of innocent defendants that proves no probable cause was warranted or adjudicated? Wrongfully confining a dual Federal and State citizen in a mental health institution is equal to deeming a person is a slave or involuntary servant as a concern for the 13th amendment and can be a form of cruel and unusual punishment per 8th amendment even if licensed Illinois professionals believe they are providing a medical service or benefitting the People of Illinois as to wrongfully accuse someone as a public threat or mental illness without a proper due process hearing? This U.S. Supreme Court case has original jurisdiction due to the consolidation of wrongfully severed

mental health cases and judicial ordered petition in Illinois upon request for Writ of Certiorari as a duty to protect dual citizens under the US Supremacy clause per the State's denial to review wrongful confinement in a mental health institution or that no such relief exists under the State's mental health code?

6. The Illinois Constitution should be held unconstitutional when it subjects mental health defendants, non-felons, to indefinite confinement, or punishment, or wrongful confinement in a mental health institution, where one is discharged and innocent but the Illinois Courts do not need for the body to be held in custody to subject such punishment, as a conflict of habeas corpus? Once the Illinois Constitution is held unconstitutional that an automatic Constitutional referendum should be held to replace any unconstitutional language that allows Illinois Judges the power to withhold U.S. Constitutional rights from individuals.

7. Two mutually exclusive MH petitions, one a judicial petition while the other is an involuntary petition from two different Illinois Counties applied to a single defendant, should be held unconstitutional as a concern for the Bill of Rights not correctly applied to quasi-criminal jurisdictions or mental health defendants?

8. The U.S. Supreme Court should have original jurisdiction under the Federal Question that the U.S. Supreme Court can consolidate wrongfully severed mental health cases of 21MH18 and 21MH034 under a single Writ of Certiorari? Illinois Supreme Court right to decline to review cases can ultimately ignore wrongfully severed cases or deny case consolidation as to only benefit their monopolized Illinois Supreme Court rules - where severance of cases benefits power to the State of Illinois Courts and Judges over individual U.S. Constitutional Rights for state citizens or dual citizens.

9. Due process Right to a new Medical Bill of Rights, essentially is an exact replica of the U.S. Bill of Rights but a question for the Court only to mimic this part of the U.S. Constitution for mental health defendants rather than criminals, upon an ambiguous U.S. Bill of Rights does not correctly apply to quasi-criminal jurisdictions per the Illinois Mental Health and Developmental Disability Code?

10. Due process right to a public defender upon emergency petition ordered, prior to a court ordered Sheriff arrest where no probably cause hearing or medical certificates exist, as a concern for the 4th amendment right to privacy or unwarranted search or seizures to force a mental health evaluation? Unconstitutional to allow emergency mental health petitions to defeat 4th amendment rights to be arrested from one's home to force an unnecessary medical evaluation with a State DHS Psychiatrist or hospital Emergency Room? Habeas corpus cannot be orally stated by defendant as to refuse medical services if false Illinois DHS Guardianship denies this habeas corpus right as unconstitutional behavior for unadjudicated defendants even with a late assignment of a public defender?

11. Unconstitutional under Federal Law to allow an emergency Mental Health petition, without probable cause, without first scheduling an immediate probable cause hearing within 24-72 hours (unless extended by defendant upon motion within 5-7 days) on the same petition as to be a voidable petition without a probable cause hearing set as part of 5th and 14th due process rights?

12. Wrongful confinement relief declined by the State should allow a deprivation of rights under color of law in Federal Court against all State Mental health professionals including Hospital Emergency Room Professionals, Judges and Clerks, Sheriff's Office, etc.?

13. Unconstitutional for habeas corpus to be overridden by Illinois professionals or unadjudicated guardianship upon mental health defendant's refusal of medical care by the defendant when the defendant was never in front of a judge during confinement to prove probable cause or prove any mental illness exists.

14. Right to minimum wages, as part of wrongful confinement relief, while involuntarily or judicially confined in a mental health institution, as to not have income counted against oneself and without need to do any actual defined work while confined, and right to income while Pro Se such that Pro Se is community service to benefit the people with ones own records and should be paid for by the U.S. Courts?

15. A Federal Question should allow a dual Federal and State citizen to plead a complaint for post-judgement wrongful confinement relief as discharged from a mental health institution as to believe one was wrongfully confined - even if relief is not owed or recognized under State law for mental health defendants upon discharge or appeal?

16. Federal Question can be allowed where a U.S. Supreme Court Writ of Certiorari should be fully confidential as part of a Mental Health Case State's Confidentiality protections, a Federally sealed case where only the case-caption is public, even if this Court ruled that a Writ of Certiorari is not individually sealable but does not recognize the mental health case conditions of confidentiality to protect the individual from harm?

17. Federal Question is that the U.S. Constitution is unconstitutional if it does not hold language to protect mental health defendants from State tyrants, where a Declaration of Independence cited punishments upon its own people, and that a mental health petition to confine a person, as well as mental health medication while confined, is indeed a punishment of coercion and manipulation of the Vote of the People?

18. The right to an automatic hearing under 5th and 14th due process rights upon any coercion of medication by a Psychiatrist or Medical professional under a like Mental Health Code as should be unconstitutional to coerce medication in any form without the right to an appeal hearing? Medication should be considered a weapon, even upon providing this as a medical service, as a concern for a Federal Question of 18 U.S. Code § 242 - Deprivation of rights under color of law?

19. If Wrongful Confinement Relief is granted a hearing and upon being awarded a court order deeming a former defendant was wrongfully confined that a separate Federal Complaint should recognize a Federal Question of deprivation of rights under color of law '18 U.S. Code § 242' for those found to be wrongfully confined in a Mental Health Institution?

20. A psychiatrist(s), and like professionals, Sheriff's Office, or petitioners including the assigned public defender and State Attorney's Office, can be held personally liable as a Federal Question per deprivation of rights under color of law '18 U.S. Code § 242' if a former mental health defendant is found to have been wrongfully confined in a State mental institution?

21. It is unconstitutional to allow Illinois DHS Guardianship to override habeas corpus upon a mental health defendant refusing medical services either with an Illinois DHS Psychiatrist, or Hospital emergency room, or while in custody at the mental health institution without allowing habeas corpus to demand an instantaneous or emergency probable cause hearing? Hearings should be held 24-hours a day, 7-days a week for emergency habeas corpus rights to allow probable cause hearing if the hearing was never scheduled within 24-72 hours after a mental health arrest?

22. The mental health division automatically court appointed public defender could be held liable for torture '18 U.S. Code § 2340' as a Federal Question, rather than just simply deprivation

of rights under color of law, as to not recognize the ability to submit a petition for discharge or habeas corpus application upon failure of the court to recognize a probable cause hearing within 24-72 hours or 5-days maximum (excluding weekends)? County loyalty might be shown to allow licensed professionals to be above the law as to be held longer than 30-days without proper due process as illegally lingered on by the Courts.

23. Illinois Judges should be held liable for fraud of the court as a Federal Question for concealing wrongful confinement relief under the States Mental Health Code? This is seen when the Illinois Judge does not recognize probable cause hearing as to only subject an innocent person to unnecessary medical treatment and should be recognized as a punishment if no probable cause is found.
24. Medical discrimination, mental health defendants would be targeted as if they were disabled thus could automatically lose U.S. Constitutional rights to a Illinois DHS unadjudicated guardianship or custody hold as to be less than a jailed prisoner but a slave – even punished post-judgement without the body needing to be held in custody, should be recognized as a Federal Question? The Civil Code understandings embedded into a State's mental health code can allow this type of medical discrimination which should be an act of medical discrimination done by Judges or State Attorneys or the like mental health professionals rather than just recognize Deprivation of Rights under Color of Law.
25. Federal Mental Health Case review and '42 U.S. Code § 9501 (H) - Bill of Rights' should adopt State language to allow full impound of a mental health case rather than allow this U.S. Supreme Court to lag court language as to only have adopted language for a "seal-only" for individual items or itemized items - as a Federal Question upon mental health defendants' rights to confidentiality and full case seal/impound?

26. Mental health confinement, or commitment, or any form of public exposure of confidentially protected mental health documents is indeed a punishment as a Federal Question? This perspective can viewed with or without the body held in custody such that medical records tries to create a form of custody hold on a person to punish individuals publicly without confining them. Wrongful confinement relief can also be assessed during confinement, if habeas corpus is ambiguous due to Illinois DHS Guardianship pre-commitment hold, or upon post-judgement petition for relief.
27. Emergency habeas corpus or oral habeas corpus is not well defined as a Federal Question for those who are not subjected under the State's criminal code but the state's mental health code? Oral habeas corpus is important part of a mental health defense as to have the right to refuse medical services or a mental health arrest immediately until an independent court order is recognized for restraints or for the protection against unlawful confinement under the fraudulent disguise of deeming medical or mental health services as necessary without probable cause or a recognized mental illness or that the person is indeed not a public threat to society, etc.
28. Unconstitutional to allow Civil Law or any practice of Civil practice law standards to bound or supersede the State's mental health code, where the Civil practice law ranks higher than the state's mental health code as a loophole (a concern for how slavery survived per the original U.S. Constitution as a concern for new constitutional amendment per 13th amendment) as to fail to define wrongful confinement relief or mental health confinement is indeed a punishment, as a Federal Question? This will allow State's mental health codes to be independent from any civil or criminal law for protections of individuals against the majority or People of the State as to compare a civil

mental health petition to a civil slavery contract of an individual. This will also allow for the U.S. Bill of Rights to apply correctly to mental health defendants and can also be seen applied against Social Security Disability hearings not allowing a defense against mental health accusations pertaining to disability.

29. Upon post-judgement mental health wrongful confinement relief petition under the same mental health cases that one has a right to a court appointed lawyer as a Federal Question under equal protections of due process per 5th and 14th amendment? A request for a Court Appointed attorney should come prior to docketing of a Federal Complaint or writ of certiorari.
30. Unconstitutional to allow the Illinois Appellate Court to publish a judicial opinion of confidential protected information, as to insinuate that this is now part of a live mental health defense without need for the body to be held in custody as a conflict of habeas corpus, without the right to object under the Illinois Mental health and Developmental Disability Confidentiality Act as part of equal protections per 14th and 5th due process rights?

LIST OF PARTIES

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

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Related court proceedings: --------

1) Illinois Supreme Court appeal for post-judgement appeal 2-22-0137 per #129642

2) Illinois Supreme Court appeal for Post-judgement joining appeal 2-22-0191 per #130007

3) Illinois 2nd District Post-Judgement Appellate Court of Elgin per #2-22-0137 from 21MH034

   a. joining Appellate Court appeal #2-22-0191, from 21MH18, into consolidated case number #2-22-0137. Combining both 21MH034 and 21MH18.

4) Mental Health Division 1) original case and; 2) post-judgement case appeal - Circuit Court of Kane County – #2021MH000034

5) Mental Health Division 1) original case and; 2) post-judgement wrongful confinement relief - Circuit Court of Lake County - #2021MH000018

6) US Supreme Court Case #23M40 – IN RE: I.M. v. Justice Jorgensen (Illinois Appellate Court 2nd District - Elgin, Illinois)

Unrelated cases but casually connected due to medical records and similarities of constitutional violation against SSA federal government party:

7) Federal District Court - Social Security Disability cases: #1-23-CV003526, & #23C3362

Table of Contents

TABLE OF AUTHORITIES CITED

Cases | PAGE NUMBER

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[1] https://law.justia.com/cases/illinois/supreme-court/1964/37795-5.html
[2] https://law.justia.com/cases/federal/district-courts/FSupp/340/125/1445407/
[3] https://supreme.justia.com/cases/federal/us/561/742/
[4] https://caselaw.findlaw.com/court/wi-court-of-appeals/1018566.html
[5] https://supreme.justia.com/cases/federal/us/504/71/
[6] https://law.justia.com/cases/federal/appellate-courts/ca5/14-30129/14-30129-2017-07-28.html
[7] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/b916cd71-e343-484e-a086-3bf55d3d2f08/MacKenna%20v.%20Pantano,%202023%20IL%20App%20(1st)%20210486.pdf
[8] https://www.supremecourt.gov/opinions/18pdf/17-1091_5536.pdf
[9] https://supreme.justia.com/cases/federal/us/489/1/
[10] https://supreme.justia.com/cases/federal/us/408/238/
[11] https://supreme.justia.com/cases/federal/us/461/660/
[12] https://www.law.cornell.edu/supct/pdf/14-6368.pdf

Statutes and Rules

Federal U.S Constitution

Federal U.S. Bill of Rights

Federal law

[13] https://supreme.justia.com/cases/federal/us/487/931/

Illinois Bill of Rights

Illinois

Wisconsin

Other

Citations of the official or unofficial reports (Orders, Opinions, Cases, etc.)

Any other Appendix is unable to be publicly or privately provided at this time. A Pro Se litigant can provide this confidential appendix after this petition has been accepted but not before due to being aggrieved by SCOTUS local rules as if I am required to disclose confidential items (even if they were made public by a Judge) per my objection for rights to MH confidentiality '(740 ILCS 110/) Mental Health and Developmental Disabilities Confidentiality Act' as well known that MH records are usually protected confidential '42 U.S. Code § 9501'.

INDEX TO APPENDICES

Public Appendix

1) Appendix A

    a. Illinois Supreme Court denying review of case #129642 - Petition for Leave to Appeal (Public Record as part of a fully sealed case – impounded MH case)

2) Appendix B

    a. Illinois Supreme Court denying review of #130007 - Petition for Leave to Appeal (Public Record as part of a fully sealed case – impounded MH case)

IN THE
SUPREME COURT OF THE UNITED STATES

Petition for Writ of Certiorari

1. OPINIONS BELOW

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

[X] For cases from state courts: The opinion of the highest state court to review the merits appears at 'Appendix A & B' to the petition, as consolidated final judgements to a single filing of the petition for a writ of certiorari per U.S. Sup. Ct. R. 12.4, and is

[X] reported under the Illinois Supreme Court Orders (for an impounded/fully-sealed MH jurisdiction case).

2. JURISDICTION

[X] For cases from state courts:

The date on which the highest state court decided my case was 11/29/2023. A copy of that decision appears at 'Appendix A & Appendix B' for consolidated cases upon writ of certiorari. The jurisdiction of this Court is invoked under **28 U. S. C. § 1257(a)**.

3. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Illinois

- Illinois Mental Health and Developmental Disability Code (405 ILCS 5/) (Appendix O)
- Illinois Mental Health and Developmental Disability Confidentiality Act (Appendix P)
- Petition for a certificate of innocence that the petitioner was innocent of all offenses for which he or she was incarcerated. (735 ILCS 5/2-702) (Appendix R)
- Relief of Judgements (735 ILCS 5/2-1401) (Appendix Q)
- Medical Patient's Rights Act (410 ILCS 50/3)(a) (Appendix T)

The right of each patient to care consistent with sound nursing and medical practices, to be informed of the name of the physician responsible for coordinating his or her care, to receive information concerning his or her condition and proposed treatment, to refuse any treatment to the extent permitted by law, and to privacy and confidentiality of records except as otherwise provided by law.

- (5 ILCS 283/) Public Corruption Profit Forfeiture Act.

Sec. 5. Legislative declaration. Public corruption is a far-reaching, continuing and extremely profitable criminal enterprise, which diverts significant amounts of public money for illicit purposes. Public corruption-related schemes persist despite the threat of prosecution and the actual prosecution and imprisonment of individual participants because existing sanctions do not effectively reach the money and other assets generated by such schemes. It is therefore necessary to supplement existing sanctions by mandating forfeiture of money and other assets generated by public corruption-related activities. Forfeiture diminishes the financial incentives which encourage and sustain public corruption, restores public moneys which have been diverted by public corruption, and secures for the People of the State of Illinois assets to be used for enforcement of laws governing public corruption.

- Criminal Identification Act. (20 ILCS 2630/5.2) - Expungement, sealing, and immediate sealing. (Appendix S)

Wisconsin

- WI Stat § 51.20(7)(a) (2022) - Probable-cause hearing.

"(a) After the filing of the petition under sub. (1), if the subject individual is detained under s. 51.15 or this section the court shall schedule and hold a hearing to determine whether there is probable cause to believe the allegations made under sub. (1) (a) within 72 hours after the individual is taken into custody under s. 51.15 or this section, excluding Saturdays, Sundays and legal holidays. At the request of the subject individual or his or her counsel the hearing may be postponed, but in no case may the postponement exceed 7 days from the date of detention."

Federal U.S.

- 1st Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

- 4TH Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

- 5th Amendment

"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."

- 8th amendment

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

- 9th amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

- 10th amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

- 13th amendment – Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

- 14th amendment – Section 1

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

- 15th amendment – Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

- Habeas Corpus Doctrine – U.S. Constitution - ArtI.S9.C2

"The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

- 28 U.S. Code § 2241 - Power to grant writ

Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

- 28 U.S. Code § 1251(b)(2) - Original jurisdiction

"The Supreme Court shall have original but not exclusive jurisdiction of: All controversies between the United States and a State."

- ArtIII.S2.C2 Supreme Court Review of State Court Decisions

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

- Supremacy Clause – U.S. Constitution - ArtVI.C2

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

- Inferior Courts – U.S. Constitution Article III.S1

"The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office."

- 28 U.S. Code § 1331 - Federal question

"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

- 52 U.S. Code § 10101(a) - Voting rights

Race, color, or previous condition not to affect right to vote; uniform standards for voting qualifications; errors or omissions from papers; literacy tests; agreements between Attorney General and State or local authorities; definitions

4. Statement of the Case

The State of Illinois has perfected a jail system elaborate enough to convince its own residents that a person involuntarily/judicially/emergency/etc. confined in a mental health institution under the Illinois Mental Health and Developmental Disability Code (405 ILCS 5/) has less rights than incarcerated felon jailed (720 ILCS 5/) under supervision of the Illinois Prisoners Review Board[1]. This is seen when Illinois allows incarcerated citizens the right to petition for a certificate of innocence (735 ILCS 5/2-702) as part of their right to restore their state citizenship to normal status, but a discharged mental health defendant (Appendix I) does not have this right to claim wrongful confinement relief (Appendix K) upon post-judgement appeal (405 ILCS 5/4-613)(b) (Appendix I) as to challenge the final orders upon discharge (Appendix I) that one was wrongfully confined as similar to a certificate of innocence (735 ILCS 5/2-702) for an incarcerated prisoner.

Essentially, the chain-of-command shows that an involuntary mental health defendant upon discharge (Appendix I) can submit a post-judgement petition (Appendix K) or appeal of final orders (405 ILCS 5/4-613)(b) under the MH & DD Code (405 ILCS 5/), similar to relief of judgements under the Civil Code (735 ILCS 5/2-1401) and within two-years per the time-calculation for relief fraudulently withheld under the MH & DD Code (735 ILCS 5/2-1401)(c) during confinement (Appendix E) (Appendix F) or upon discharge (Appendix I), which should have the same substance to submit a post-judgment petition for wrongful confinement relief (Appendix K) upon the same mental health case number 21MH034 in Kane County Circuit Court (Appendix F) that discharged (Appendix I) the confined person for which the innocent

[1] https://prb.illinois.gov/

confined person believed to be wrongfully confined in a Illinois Mental Health institution[2] without the right to a court appointed attorney post-judgement (405 ILCS 5/4-613)(b).

The Kane County Circuit Court denial (Appendix H) of the petition for post-judgment wrongful confinement relief (Appendix K) should be recognized as if relief was fraudulently withheld (735 ILCS 5/2-1401)(c) under the MH& DD Code (405 ILCS 5/) thus jurisdiction applied to appeal original final orders (Appendix I) and post-judgement orders (Appendix H) under Ill. Sup. Ct. R. 301[3] per Ill. Sup. Ct. R. 303[4] as not contrary or inconsistent to do so (405 ILCS 5/6-100) to mesh mental health codes and civil code understandings for the best interest of the defendant innocence as a non-felon (405 ILCS 5/4-100). The Illinois Appellate Court denying the ability to recognize wrongful confinement relief under the MH & DD code (Appendix C) where the App. Ct. Justices only supported a finding that the Illinois Court of Claims like petition for wrongful confinement, such as a for a Certificate of Innocence (735 ILCS 5/2-702), does not apply as an equity claim with the Illinois Court of Claims or with the Circuit Court. It should be recognized that the Illinois Courts made a decision (Appendix C) (Appendix H) (Appendix A) (Appendix B) to deny not only the equity claim perspective of relief for those formerly confined under the MH & DD Code, but also hide the fact of any constitutional protections or due process right as to not be given the right to restore citizenship and innocence[5] as if a person can be indefinitely confined per the mental health records (740

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[2] The Illinois Kane County Circuit Court Clerks (Appendix F) would not allow a new case number for a post-judgement Petition for Wrongful Confinement Relief (Appendix K) as to keep the original MH cases.

[3] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/96cc09b4-102c-4d56-8be1-433e088f79d8/Rule%20301.pdf

[4] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/d7ab6199-0e6f-49bc-8a11-017ec66815b6/Rule%20303.pdf

[5] Medical records provided only under a mental health institution should be allowed to be expunged and destroyed as a form of wrongful confinement relief as similar to arrest expungement (20 ILCS 2630/5.2) under the Illinois Criminal Identification Act (20 ILCS 2630/). There is no understanding of innocence under the Illinois MH&DD Code as to indefinitely punish rather than be free from the courts wrongful hold even without the body being held in custody per the MH Records created as a concern for habeas corpus and the U.S. Bill of Rights/Constitution.

ILCS 110/3) assuming guilty by association and public punishment of judicial opinion (Appendix C) of exposing confidential records which could have been objected to under the Illinois Mental Health and Developmental Disability Confidentiality Act (740 ILCS 110/10)(a). This is a form of indefinite punishment per creation of an Illinois DHS medical record and using public Appellate Court judicial opinion against a discharged person protected under the Illinois Mental Health and Developmental Disability Confidentiality Act (740 ILCS 110/)(a)[6].

The Illinois General Assembly recognizes former incarceration of citizens trying to restore full citizenship rights (735 ILCS 5/2-702) (a) as part of the Illinois Court of Claims (735 ILCS 5/2-702)(h), but the Illinois General Assembly fails to translate wrongful confinement in an Illinois institution correctly not only for those confined under the criminal code (720 ILCS 5/) but for the quasi-criminal understandings of the MH&DD Code (405 ILCS 5/). Full expungement of mental health arrest (Appendix E; Pg. 42-45) and both Kane County 21MH034 (Appendix F) and Lake County 21MH18 (Appendix E) cases should be allowed, after a successful hearing for wrongful confinement relief that can prove that the former defendant was wrongfully confined per mutually exclusive petitions in Lake County (Appendix J) and Kane County (Appendix F), even if rights are not given under the Illinois MH & DD Code because the State of Illinois as no right to guardianship or further punishment after discharge (Appendix I) of a person who defeated the confinement custody hold under Lake County petition (Appendix J) as to also have to defeat an illegal Kane County involuntary petition (Appendix F) (405 ILCS 5/3-700) covering up Lake County judicial petition (Appendix J) (405 ILCS 5/4-500).

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[6] The former defendant filed for a US Supreme Court writ of certiorari upon the indefinite punishment of a person already discharged per case #23M40. This new writ of certiorari against the State of Illinois will focus on wrongful confinement relief more so with the Federal consolidation of two State of Illinois MH Cases unconstitutionally severed in the Illinois Courts per the unique petitions presented by two different judges in two different Counties as a concern for a coverup.

A Court appointed lawyer from Kane County Public Defender's Office (Appendix F; Pg. 87-91), the former defendant is indeed from Lake County (Appendix E) where no Lake County public defender was court appointed and the defendant did not receive a probable cause hearing as an unadjudicated public threat (Appendix J) (Appendix F) and no habeas corpus right (405 ILCS 5/4-617) in Lake (Appendix E) or Kane County Circuit Courts (Appendix F), can wrongfully silence the defendant to not be able to utilize a petition for discharge (405 ILCS 5/4-705) or habeas corpus application (405 ILCS 5/4-617) as seen under an unadjudicated Kane County custody hold (Appendix F) of a Mental Health defendant still awaiting a Kane County court hearing for probable cause prior to any Judicial admission hearing (405 ILCS 5/4-609). The former defendant was held longer than 30-days (Appendix F) rather than the required 5-day maximum (405 ILCS 5/4-505), as a conflict of no defined probable cause hearing within a maximum 5-days (405 ILCS 5/4-505) for a Lake County judicial petition (Appendix J) (405 ILCS 5/4-500) (405 ILCS 5/3-701)(b) versus a confliction for judicial admission hearing (405 ILCS 5/4-609) within 5-days (405 ILCS 5/4-505) with neither allowing a hearing within 5-days during COVID Pandemic, where the former defendant never appeared in front of a judge during confinement. After the discharge (Appendix I), a post-judgement petition for wrongful confinement relief (Appendix K) is not given the right to a court appointed attorney (405 ILCS 5/4-613)(b) to challenge the final orders (Appendix I) upon appeal (405 ILCS 5/4-613)(b) of the same case number of discharge (Appendix I) for wrongful confinement under 21MH034 because the Pro Se could not possibly petition for wrongful confinement relief in two different County Circuits at the same time as to petition in Kane (Appendix K) rather than Lake (Appendix E) even though former defendant resides in Lake County (Appendix E) and there is no legitimate transfer of Lake County records to Kane County for which Kane wrongfully assumes original

jurisdiction per involuntary petition illegal coverup of the original judicial petition. Pro Se did try to consolidate Lake County records 21MH18 (Appendix E) with Kane County Circuit Court 21MH034 records (Appendix F), wrongfully severed Circuit Court case records, upon appeal, but the Ill. 2nd District App. Ct. did allow consolidation (Appendix D) and failed to review both Lake (Appendix E) and Kane (Appendix F) records as to only recognize Kane records (Appendix F) for which the Illinois Supreme Court (Appendix A) (Appendix B) also failed to consolidate mental health cases as a right to the former defendant believed to be wrongfully confined.

Review of two joined State-Court Judgments are Sought

The Illinois Circuit Court of Kane County #21MH034 (Appendix H) and Illinois 2nd District Appellate Court #2-22-0137 (Appendix C), failed to acknowledge meritorious joining appeal #2-22-0191 (Appendix D) holding Lake County Circuit Court 21MH18 records (Appendix E), have denied wrongful confinement relief in its entirety to those seeking a wrongful confinement relief petition under the Illinois Mental Health and Developmental Disability Code[7]. The Illinois Supreme Court (Appendix A & B) also denied consolidation of Lake County 21MH18 (Appendix E) and Kane County 21MH034 (Appendix F) case records to support an appeal for petition for wrongful confinement relief (Appendix K) under a single appeal as to only be allowed to consolidate upon joining final state-court judgements (Appendix A & B) into a single U.S. Supreme Court writ of certiorari per wrongfully severed State cases and records only combinable in Federal Court. Pro Se does have another separate writ of certiorari under U.S. Supreme Court Case #23M40 due to the entanglement of 2nd District App. Ct. Justice Jorgensen subjecting indefinite punishment upon release of confidential protected information (740 ILCS

[7] https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=34&ActID=1496

110/10)(a) as protected under the Illinois Mental Health and Developmental Disability Confidentiality Act[8].

The Federal Question as a dual Federal and State Citizen is then presented as entangled in the ability to claim wrongful confinement relief as wrongfully confined in a State mental health institution. This quasi-criminal jurisdiction is conflicted when the State of Illinois can deprive innocent residents of their U.S. Constitutional rights under a relaxation or trance of the State mental health code to allow Illinois mental health professionals advantages under the civil code likeness. The Federal law recognizes false imprisonment[9] but because this is court ordered under a State's mental health code per the Illinois MH & DD Code that malicious prosecution is a correct understanding as to show no possible innocence to the former defendant, but wrongful confinement relief is better understood because it relates to criminal code relief under the Certificate of Innocence (735 ILCS 5/2-702) as if the Court itself can make the mistake of confining an innocent person to serving time in prison even if a MH Defendant is a non-felon (405 ILCS 5/4-100):

Mental Health Institution wrongful confinement - False imprisonment 'relatables only'

1. "The defendant acted without probable cause and with malice toward the plaintiff"

- There was no probable cause hearing (Appendix E) (Appendix F) to confine a person. Probable cause is conflicted with an unconstitutional emergency judicial mental health petition (Appendix J) (405 ILCS 5/4-500) when a probable cause hearing is not scheduled immediately.

2. "But for the defendant's actions, the prosecution would not have proceeded"

- Kane County DHS actions showcased to coverup the Lake County Circuit Court judicial (405 ILCS 5/4-501) petition (Appendix J) with an illegal (405 ILCS 5/3-701)(c) Illinois DHS

[8] https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2043&ChapterID=57
[9] https://www.law.cornell.edu/wex/false_imprisonment

involuntary (405 ILCS 5/3-701) petition (Appendix F; Pg. 70-76) thus confined the former defendant with unadjudicated medical certificates (Appendix F; Pg. 77-79) without a probable cause hearing longer than 30-days (Appendix I) past the understanding of a maximum 5-days (405 ILCS 5/4-505). Lake County records were never transferred into Kane County (405 ILCS 5/4-101) as failed to be recognized post-judgement (Appendix C & D & K) as well.

3. "The plaintiff did not engage in the alleged misconduct"

- The former defendant would be claiming innocence that one is not a threat and defends against any wrongful targeting of an accused mental illness even without probable cause adjudication. Former defendant was never in front of a judge to argue or object that there was no probable cause (Appendix E) (Appendix F). The conflict of interest shows that a previous 911 call (Appendix N) showcases the local police did not confine anyone where then the petitioner utilized an emergency mental health petition (Appendix J) after-the-fact to go around the local police authority without medical certificates but where the Illinois States Attorney Office and Judge should be obligated to recognize the flaws of any emergency petition such to say the Illinois DHS MH petition form is not owned or approved by the Judicial courts and only crafted under Illinois DHS[10] as if Illinois DHS is above the law and the courts.

Essentially, the State wrongfully confining an innocent dual Federal and State citizen, dual citizenship as part of post-judgement protections or relief is a Federal Question (28 U.S. Code § 1331) as an original jurisdiction controversy of U.S. versus State '28 U.S. Code § 1251(b)(2)' or U.S. Constitution Art.III.S2.C2, in a mental health institution could be considered a crime against humanity[11] because the State Courts can hold anyone without probable cause as a political gesture to corrupt the vote per 15th amendment of the local County residents '52 U.S.

[10] https://www.dhs.state.il.us/onenetlibrary/12/documents/Forms/IL462-2005.pdf
[11] https://www.law.cornell.edu/wex/unlawful_confinement

Code § 10302(b)', as a test of character to essentially try to disable, medication can be defined as a weapon as a separate complaint from wrongful confinement relief (not purely equity relief), a person that would defeat the right to vote of a sound mind '52 U.S. Code § 10101(a)' when civil confinement prior to civil commitment hearings is not necessarily considered a punishment per the perspective of licensed professionals where wrongful confinement relief can object to any wrongful custody hold of a dual-citizen even post-judgement release, especially during the time of COVID International Pandemic and near the 2020 US elections. (even if the Geneva Convention protections do not apply)

5. Reasons for granting the Petition

"(c) a state court or 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." - Rule 10. Considerations Governing Review on Writ of Certiorari – U.S. Supreme Court Rules

The State of Illinois is indeed a party per U.S. Constitution Art.III.S2.C2 original jurisdiction to hear this Writ of Certiorari involving a post-judgement wrongful confinement relief petition as part of being wrongfully confined in an Illinois mental health institution where the State of Illinois chose to strike relief. (Appendix A & B & C & D & H) Both 21MH034 (Appendix F) and 21MH18 (Appendix E) are only consolidated upon this Writ of Certiorari as unconstitutionally severed mental health cases to bring such claim of relief in this Court.

The Illinois Mental Health and Developmental Disability Code should be held Unconstitutional

1. The Illinois Mental Health and Developmental Disability Code should be held unconstitutional as to violate habeas corpus doctrine and individual Constitutional due process equal protection rights at the expense of allowing Illinois DHS and Hospital Emergency rooms, per unadjudicated 'inter alia' medical opinion, to be above the law with no probable cause hearing set within 24-72 hours or within 5-day max? This is part of a post-judgement wrongful confinement relief petition for those wrongfully confined in a mental health institution by court order where wrongful confinement relief is fraudulently withheld by the Illinois Courts.

This question is understood that every state mental health code should require an immediate hearing on probable cause if a person is truly a public threat or set a 5-day maximum time to hold a hearing (405 ILCS 5/4-505) not only as part of habeas corpus doctrine protections (405 ILCS 5/4-617), but also part of a recognition a person can be wrongfully confined in a mental health institution without the mental health code allowing proper relief as to recognize 5th and 14th amendment due process rights due to the quasi-criminal jurisdictions (405 ILCS 5/4-100), (405 ILCS 5/3-100) lacks U.S Constitutional protections afforded to those under the Illinois criminal code. Former defendant is a resident of Lake County Illinois (405 ILCS 5/4-100) and would be subjected to the jurisdiction of the Illinois Mental Health and Developmental Disability Code (Illinois MH & DD Code) (405 ILCS 5/) in two different counties with two mutually exclusive petitions (Appendix E; Pg. 43) (Appendix F). The Illinois MH & DD Code (405 ILCS 5/) does not recognize wrongful confinement relief per denial of relief in Circuit Court (Appendix H) and Appellate Court (Appendix C), but it should be recognized that the State of Illinois does not equally prohibit wrongful confinement relief which can be challenged under the 9th and 10th amendment of the U.S. Constitution. Illinois Congress would grant something similar to former incarcerated prisoners per a certificate of innocence (735 ILCS 5/2-702) where the root cause of the Illinois MH & DD Code failed to allow a proper hearing within the set-time frame of 5-days (405 ILCS 5/4-505) (Appendix J) or any probable cause hearing recognizing if a person is actually a public threat or not (Appendix F):

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." – Amendment X

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." – 9th Amendment

There was a lack of a required verbatim record (405 ILCS 5/4-614) for both Circuit Courts (Appendix E) (Appendix F) showcasing that the former defendant never made an appearance in front of a Lake County Judge (Appendix E) or a Kane County Judge (Appendix F) during confinement (405 ILCS 5/4-606). The former defendant was subjected to an illegal (405 ILCS 5/3-701)(c) Illinois Department of Human Services (DHS) Elgin involuntary petition in Kane County Circuit Court never approved by the Judge (405 ILCS 5/3-700) with unadjudicated medical certificates (Appendix F; Pg. 70-79) with the defendant unable to claim habeas corpus (405 ILCS 5/4-617) or right to object (405 ILCS 5/4-606), (405 ILCS 5/4-608) with right to a jury (405 ILCS 5/4-602) per Elgin DHS wrongfully covering up the original Lake County Circuit Court judicial petition (405 ILCS 5/4-500) (Appendix J) as to hold the former defendant longer than 30-days (Appendix F) without a hearing to simply be discharged (Appendix I) without a finding of fact or conclusion of law (405 ILCS 5/4-613)(a).

It should be seen that upon post-judgment wrongful confinement relief petition (Appendix K) during the COVID era that the original Illinois MH & DD Code Circuit Court Judge denied my ability to plead for wrongful confinement relief (Appendix H) as to inappropriately mute the Pro Se upon their professional realization that the Judge and States Attorney's Office was simply enjoying a strike on my petition (Appendix H) as to allow the Pro Se to talk but ultimately cut the Pro Se off (Appendix G) where no transcript exists during confinement. Kane County Judge wrongfully believed wrongful confinement relief only exists under the Civil Code for incarcerated prisoners per the Certificate of Innocence (735 ILCS 5/2-702)[12] but failed to recognize a custom form for wrongful confinement relief (Appendix H) for those confined in a mental health institution under the Illinois MH & DD Code upon post-judgement petition appeal

[12] https://services.cookcountyclerkofcourt.org/Forms/Forms/pdf_files/CCCR0715.pdf

(405 ILCS 5/4-613)(b), due to the lack of Illinois Standardized forms for Mental health defendants against the People of Illinois[13], as like any other Civil Code within two-years (735 ILCS 5/2-702)(i), (735 ILCS 5/2-1401)(c) per like relief of Civil Code judgements. Wrongful confinement relief was fraudulently withheld by Kane County Judge (Appendix H) (735 ILCS 5/2-702)(c) as a conflict of interest of the Illinois Courts to not require multiple Mental Health Judges available in the Circuit Court (405 ILCS 5/4-100) where this monopolized power to sit only one Illinois Mental Health Circuit Court Judge at one time can be used for political advantages as to condone wrongful confinement relief is not an option under the MH & DD Code. Fraudulently concealing wrongful confinement relief should be viewed as contrary and inconsistent (405 ILCS 5/6-100) to the goals of the Illinois MH & DD Code (405 ILCS 5/2-100) as to not confine those who are not a public threat to society (405 ILCS 5/4-500), (405 ILCS 5/3-700), or do not need of any form of emergency medical treatment or observation thus any Illinois resident can be subject to wrongful confinement in an Illinois mental health institution as seen per Emergency petition (Appendix J) without probable cause hearing (Appendix F) with an unjust and unadjudicated observation (Appendix F) as a form of coercion and intimidation to innocent Illinois residents confined.

The Illinois 2nd District Appellate Court[14] wrongfully exploited the post-judgment petition for wrongful confinement relief appeal (405 ILCS 5/4-613)(b) (Appendix K) by declaring this a live mental health status defense (740 ILCS 110/10)(a)(1), upon disclosing confidentially protected information (740 ILCS 110/3) to the public as a concern for a public threat, without the right to a court appointed lawyer (405 ILCS 5/4-613)(b) or without my 5th and 14th amendment

[13] https://www.illinoiscourts.gov/documents-and-forms/uniform-mental-health-orders/

[14] The Illinois Supreme Court allowed a Motion for Supervisory Orders as a separate case. This is seen appealed for a separate Writ of Certiorari as part of U.S. Supreme Court Case #23M40

due process right to object to quasi-criminal court disclosures (740 ILCS 110/10)(a) under the Illinois Mental Health and Developmental Disability Confidentiality Act (740 ILCS 110/). Pro Se believe the 2nd District App. Ct. Justice might have utilized an unconstitutional Illinois Supreme Court Rule 371[15], Illinois Judges can utilize monopolized Illinois Supreme Court Rules to squash U.S. Constitutional Rights, to publish any judicial opinion (Appendix C) freely without need to recognize confidentiality protections to allow for an objection (740 ILCS 110/10)(a). Thus, the Justice allowed publication of the Appellate Court opinion (Appendix C) as to breach confidentiality where the former defendant should be recognized as aggrieved (740 ILCS 110/15) especially since this is not a live mental health case (740 ILCS 110/10)(a)(1) as a concern for post-judgement punishment, as also appealed in the U.S. Supreme Court under a separate Writ of Certiorari per case#23MH40, without need for the body to be held in custody as a conflict of habeas corpus '28 U.S. Code § 2241' protections only recognized for jailed prisoners rather than quasi-criminal mental health defendants with or without the body held in custody per punishments as if this were a live mental health case (740 ILCS 110/10)(a)(1).

It should be recognized that the Illinois MH & DD Code (405 ILCS 5/) in full should be held unconstitutional because it violates U.S. Constitutional due process protections for quasi-criminal jurisdictions where a Mental Health defendant should have the same U.S. Constitutional protections (405 ILCS 5/2-100) as any suspected criminal defendant under the State's criminal code even if the MH & DD Code is conducted under the similarities of Civil Practice Law (405 ILCS 5/6-100). This is because emergency judicial petition in Lake County (Appendix J) did not require any type of probable cause set hearing, Illinois MH & DD Code does not define probable cause for a person perceived to be a public threat and only defines clear and convincing judicial

[15] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/f7ac38d2-e9a7-4d92-8bb7-951f4fd8467c/061121-2.pdf

admission policies (405 ILCS 5/4-608), or any adjudication with the MH defendant within 5-days (405 ILCS 5/4-505) (Appendix E) (Appendix F) or within 24-hours for a required diagnostic report (405 ILCS 5/4-503) under judicial petition (Appendix J). Kane County Circuit Court allowed relaxation of these Civil laws while confined (Appendix F) as to circumvent U.S. Constitutional protections to benefit Illinois DHS medical observation to be above the law where Illinois DHS Elgin filed unadjudicated involuntary petition and medical certificates (Appendix F; Pg. 70-77) to illegally cover up the judicial petition (Appendix J) as if the judicial petition (405 ILCS 5/4-501) does not exist in Kane County anymore per the fault of the Lake and Kane County States Attorney's Office (405 ILCS 5/4-101) showcasing no records transferred from Lake County (Appendix E) to Kane County (Appendix F). Emergency Room restraints (Appendix L) not supporting an independent hospital court order or oral habeas corpus (405 ILCS 5/4-617) for their own independent public ER hospital and Illinois DHS assuming custody over the former defendant without any court adjudication can also defeat habeas corpus rights (405 ILCS 5/4-617) protections as to punish someone with the body held in custody; or seen without need for the body to be held in custody per post-judgement judicial opinion (Appendix C) public disclosure of protected information (740 ILCS 110/10)(a) as a form of intimidation and punishment as a concern for medical discrimination to those previously confined as if they were a public threat and cannot be seen as an innocent upon discharge (Appendix I). Illinois residents are then involuntary exposed to kidnapping '18 U.S. Code § 1201' and torture '18 U.S. Code § 2340A' as a concern for color under law '18 U.S. Code § 242' where post-judgement wrongful confinement relief does not specifically target medical licenses or assumes any type of voluntary exposure:

"In Bartholf v. Baker, (Fla. 1954) 71 So.2d 480, 483, it was said: "Voluntary exposure is the bed rock upon which the doctrine of assumed risk rests. Appreciation of danger is an essential to the

defense of assumption of the risk, * * * as is knowledge of the condition which creates the risk." (See also: City of Williston v. Cribbs, (Fla. 1955) 82 So.2d 150; Wilson-Toomer Fertilizer Co. v. Lee 90 Fla. 632, 106 So. 462, 465-466; Gallespie v. Thornton, 95 Fla. 5, 117 So. 714, 717.) Here, there was neither pleading nor proof that plaintiffs had knowledge of the unsafe cable and sheaves or of the inadequate safety devices which created the risk. Without knowledge of such defects, and a condition of mental willingness to ride the hoist despite them, plaintiffs cannot be said to have legally assumed the risk. Smith v. Kelly, Inc. (D.C. cir.) 275 F.2d 169; Youngblood v. Beck Co. 93 Ga.App. 451, 91 S.E.2d 796." - 31 Ill.2d 69 (1964) - 199 N.E.2d 769 – CHARLES JOSEPH NELSON et al., Appellants, v. UNION WIRE ROPE CORPORATION et al., Appellees. - Supreme Court of Illinois. - Opinion filed March 18, 1964.

"In summary, we are faced with a complaint that charges the hospital, doctors, and court appointed conservator with conspiring to effectuate a plan under color of state law." - Holmes v. Silver Cross Hospital of Joliet, Illinois, 340 F. Supp. 125, 136 (N.D. Ill. 1972)

The former defendant's 5th and 14th amendment due process right for quasi-criminal jurisdictions should have afforded an immediate hearing within maximum time of 5-days (405 ILCS 5/4-505), but this can be exploited and continuously rolled over by the Circuit Court Mental Health Judge for longer than 30-days (Appendix E) (Appendix F) until discharge (Appendix I) without a finding of fact or conclusion of law (405 ILCS 5/4-613)(a). Thus, the 5-day rule (405 ILCS 5/4-505) can be exploited as to be a relaxed Illinois Civil Practice law to favor MH professionals rather than to benefit those wrongfully confined defendants. Illinois Courts can waive liability by subjecting a judicial petition in Lake County (Appendix J) and try to erase the petition in Kane County with an illegal brand-new Kane County Circuit Court involuntary petition (Appendix F; Pg. 70-76) as to showcase County loyalty against outsiders for which the former defendant from Lake County and was only arrested per court ordered writ in Lake County (Appendix E; Pg. 42-45) due to Lake County judicial petition (Appendix J). This is a concern for Illinois Court corruption upon a mental health court ordered defendant receiving any type of MH service under the Illinois MH & DD Code that they are automatically in debt to the services of the County MH Court (405 ILCS 5/4-605) and County MH professionals (405 ILCS 5/5-105). Thus, this is a debtor prison as part of public corruption (5 ILCS 283/) that failed

to set a probable cause hearing within 24-72 hours or 5-days maximum (405 ILCS 5/4-505) to simply revoke a defendant's ability to a probable cause hearing because the local Lake County Government cannot afford a Illinois DHS mental health institution (Appendix E) and this failure piggybacked to Kane County DHS mental health institution (Appendix F) (405 ILCS 5/5-107.2) and Kane County Hospital Emergency Room (Appendix L) to force payment liability (405 ILCS 5/5-105) upon custody hold of an innocent person under the Illinois MH & DD Code where no true adjudicated emergency or mental illness existed (Appendix J) and the former defendant while held with Lake County Sheriff or Kane County DHS custody never appeared in front of a Judge (405 ILCS 5/4-606) to be allowed to object.

Former defendant should have one's 14th or 5th amendment due process right to a probable cause hearing under a quasi-criminal jurisdiction per Equal Protection Clause for non-felons (405 ILCS 5/4-100). It is recognized in the neighboring State of Wisconsin Court that a probable cause hearing must be set within 24-72 hours per WI Stat § 51.20(7)(a) (2022) under like Mental Health Code. Illinois MH & DD code should be held unconstitutional because a probable cause hearing is not defined for emergency petitions (405 ILCS 5/3-701)(b) and only defines procedures for admission (405 ILCS 5/4-609) as to allow Illinois professionals to be unconstitutionally above the law per the Illinois Supreme Court Rules or Judges justifying monopolized power to Illinois licensed professionals over protected individuals U.S. Constitutional Rights:

"(7) Probable-cause hearing.

(a) After the filing of the petition under sub. (1), if the subject individual is detained under s. 51.15 or this section the court shall schedule and hold a hearing to determine whether there is probable cause to believe the allegations made under sub. (1) (a) within 72 hours after the individual is taken into custody under s. 51.15 or this section, excluding Saturdays, Sundays and legal holidays. At the request of the subject individual or his or her counsel the hearing may be

postponed, but in no case may the postponement exceed 7 days from the date of detention." - WI Stat § 51.20(7)(a) (2022)[16]

Many adult individuals actually have insurance to pay per right to healthcare under the Federal Affordable Care Act as a dual Federal and State citizen (28 U.S. Code § 1331). Thus, a debtor court for mental health institutions is still well and alive despite being able to pay per the Affordable Care Act sponsorship where no innocent person should be confined in a mental health institution if they can take care of themselves with their own medical insurance. A petitioner trying to steal guardianship rights by emergency per judicial (405 ILCS 5/4-400) (Appendix J), even if the former defendant does not have an intellectual disability to qualify for a judicial petition (Appendix J) or that the former defendant is an independent adult with independent medical insurance, or if DHS tries to cover up the judicial petition (Appendix J) by involuntary petition (405 ILCS 5/3-701)(Appendix F; A: Pg. 70-79) should also be subject to recognize the conflict of interest of wrongful guardianship by emergency petition without a probable cause hearing:

"(am) A subject individual may not be examined, evaluated or treated for a nervous or mental disorder pursuant to a court order under this subsection unless the court first attempts to determine whether the person is an enrollee of a health maintenance organization, limited service health organization or preferred provider plan, as defined in s. 609.01, and, if so, notifies the organization or plan that the subject individual is in need of examination, evaluation or treatment for a nervous or mental disorder." - WI Stat § 51.20(7)(am) (2022)

As a concern for a public threat by professional detail upon a call to 911 (405 ILCS 5/4-404) where a future petitioner might deceptively utilize local police to conspire to steal guardianship (405 ILCS 5/6-102) that the local police might refuse to take someone into behavioral custody upon their own professional judgement (Appendix N), but it is recognized that upon petitioner court order (Appendix J) that the Lake County Sherriff's Office is obligated

[16] https://law.justia.com/codes/wisconsin/2022/chapter-51/section-51-20/

to perform duties (Appendix E) thus, it should be held unconstitutional to arrest a mental health defendant per 4th amendment rights when the unconstitutional Illinois MH & DD Code fails recognize a 5th and 14th equal protection for a probable cause hearing within 24-72 hours for a person who presented no clear or present danger upon a previous local 911 police check (Appendix N). Obviously, the police check (Appendix N) is thus then obligated to be disclosed by the Illinois States Attorney General's (405 ILCS 5/4-101) under the 'Brady Rule'[17] per 'Brady v. Maryland, 373 U.S. 83 (1963)' '28 U.S. Code § 1331'as a conflict of interest not known on the judicial petition (Appendix J), or should have been disclosed prior to a Sheriff's court ordered arrest (Appendix E; Pg. 42-45) upon Illinois Sheriff police database flagging a local 911 police call resulting in no arrests or ambulance custody (Appendix N), as to showcase innocence upon a defendant.

Pro Se consolidates Illinois Supreme Court appeals (Appendix A & B) into this single Writ of Certiorari as to resolve any wrongful severance, illegal-monopoly-of-law, practices in Illinois as part of U.S. Supreme Court original jurisdiction (28 U.S. Code § 1251). This resolves conflicts of post-judgement appeal 2-22-0137 (Appendix C) denying joining appeal 2-22-0191 (Appendix D) holding 21MH18 as to showcase wrongful severance of meritorious records (Appendix E). A U.S. Medical Bill of Rights should be organically created by the U.S. Supreme Court or the U.S. Supreme Court should create a new Medical Court room upon under Article III Section I[18] of the U.S. Constitution , as to be pending 'ordain and established' by U.S. Congress, upon lack of rights to innocent dual Federal and State citizens (28 U.S. Code § 1331) as innocent mental health defendants are deceived by State Civil Code practices in quasi-criminal jurisdictions that do not apply U.S. Constitutional protections correctly to individuals.

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[17] https://www.law.cornell.edu/wex/brady_rule
[18] https://www.law.cornell.edu/constitution/articleiii

Post-Judgement Wrongful Confinement Relief should be a due process right

2. Refer back to Question 2 on List of Questions per Writ of Certiorari.

Quasi-Criminal jurisdiction (Appendix E) (Appendix F) under the Illinois Mental Health and Developmental Disability Code (405 ILCS 5/) (MH & DD Code) is likely not going to champion the U.S. Constittuional rights as similar to those held under a criminal code jurisdiction for equal due process protections. Illinois Judges (Appendix H) (Appendix C) will not support post-judgement wrongful confinement relief (Appendix K) under the MH & DD Code to challenge final orders (405 ILCS 5/4-613); or recognize fraud of the court upon fraudulently concealing such relief (735 ILCS 5/2-1401)(c). Illinois Due process relief is said to not be due if it is not owed under State law, as denied due process rights per 'McDonald v. City of Chicago' but overturned by this Court, because the Illinois Constitution and Illinois Courts have monopolized itself as an independent power against the U.S. Bill of Rights altogether as a deception as if their narrow scope is only gunning to protect the People of Illinois against dual Federal and State of Illinois residents with dual-powers (28 U.S. Code § 1331); or ultimately against a futuristic U.S. Medical Bill of Rights:

"(b) The Bill of Rights, including the Second Amendment, originally applied only to the Federal Government, not to the States, see, e.g., Barron ex rel. Tiernan v. Mayor of Baltimore, 7 Pet. 243, 247, but the constitutional Amendments adopted in the Civil War's aftermath fundamentally altered the federal system." – McDonald v. City of Chicago, 561 U.S. 742 (2010)

"Two years ago, in District of Columbia v. Heller, 554 U. S. ___ (2008), we held that the Second Amendment protects the right to keep and bear arms for the purpose of self-defense, and we struck down a District of Columbia law that banned the possession of handguns in the home. The city of Chicago (City) and the village of Oak Park, a Chicago suburb, have laws that are similar to the District of Columbia's, but Chicago and Oak Park argue that their laws are constitutional because the Second Amendment has no application to the States. We have previously held that most of the provisions of the Bill of Rights apply with full force to both the Federal Government and the States. Applying the standard that is well established in our case law, we hold that the Second Amendment right is fully applicable to the States." - McDonald v. City of Chicago, 561 U.S. 742 (2010)[19]

[19] https://supreme.justia.com/cases/federal/us/561/742/

Due process right under the 5th and 14th amendment of the U.S. Constitution should hold equal protections for mental health defendants seeking wrongful confinement relief (Appendix K) if Illinois law holds similar relief for former incarcerated prisoners per a certificate of innocence (735 ILCS 5/2-702). The Illinois MH & DD Code fails to recognize non-felon (405 ILCS 5/4-100) defendants should not be held to standards or rank-in-society less than a criminal in the hierarchy of rank of civilian rights. Wrongful Confinement relief is not an equity civil claim but a Constitutional right to restore citizenship and innocence after mental health discharge (Appendix I) being deemed a public threat (Appendix J). Mental health defendants rank-in-society is not a slave per 13th amendment rights as if a slave-rank is the only hierarchy of rank of civilian left to mental health defendants when rights are deemed less than a jailed prisoner as to be deemed a slave if no relief of innocence is provided per Illinois DHS medical records (Appendix C) indefinite hold on a person (Appendix M):

"The General Assembly finds and declares that innocent persons who have been wrongly convicted of crimes in Illinois and subsequently imprisoned have been frustrated in seeking legal redress due to a variety of substantive and technical obstacles in the law and that such persons should have an available avenue to obtain a finding of innocence so that they may obtain relief through a petition in the Court of Claims." - (735 ILCS 5/2-702)(a)

"All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State." - SECTION 11. LIMITATION OF PENALTIES AFTER CONVICTION - Source: Illinois Constitution, Article I - Bill of Rights[20]

The former defendant should be able to object (740 ILCS 110/10)(a) to any need for a live mental health status defense (740 ILCS 110/10)(a)(1), as subjected punishment by Justice Jorgensen (Appendix C) upon release of confidential information per post-judgement opinion, or not need to point blame at a specific doctor's state medical license (740 ILCS 110/10)(a)(1) per

[20] https://www.ilga.gov/commission/lrb/con1.htm

treatment of care. This is an embedded due process right of the 5th and 14th amendment, as a concern for federal language '21 U.S. Code § 829' of prescriptions (Appendix M) as a dangerous weapon '18 U.S. Code § 242' obligated to have an automatic due process right to appeal that can wrongfully disable and harm an innocent person without probable cause as a public threat, that the Federal District Court or Illinois Court should be allowed to hear and award wrongful confinement relief petitions (Appendix K), even though the former defendant is already discharged (Appendix I) but was held longer than the 5-day maximum (405 ILCS 5/4-505) as a form of torture and coercion, where neighboring Wisconsin law recognizes due process right for probable cause hearings while confined:

"¶ 13 Because we conclude that Wis. Stat. § 51.15(10) cannot reasonably be interpreted to authorize the continued detention of an individual who has not received the mandated probable cause hearing within seventy-two hours, we also reject the County's additional contention that the second statement of emergency detention did not run afoul of our holdings in Getto, 175 Wis.2d at 501-02, 498 N.W.2d 892, and Judith G., 250 Wis.2d 817, ¶ 19, 640 N.W.2d 839.

¶ 15 For the above reasons, we conclude that the continued detention of Stevenson L.J. at Mendota beyond the expiration of the time limit established by Wis. Stat. § 51.20(7)(a) was unlawful, and the statement of emergency detention filed by the treatment director of the Mendota Mental Health Institute pursuant to Wis. Stat. § 51.15(10) following the expiration of that time period did not operate to cure the unlawful detention." -Court of Appeals of Wisconsin - In Re: The Mental Commitment Of Stevenson L.J.: Dane County, Petitioner-Appellant, v. Stevenson L.J., Respondent-Respondent. - No. 2008AP1281. - Decided: May 21, 2009

The former defendant was not present in front of Lake County Circuit Court Judge (Appendix E) or Kane County Circuit Court Judge (Appendix F) until after post-judgement petition/appeal (Appendix K) (405 ILCS 5/4-613) within two-years, as likeness for fraud of the court (735 ILCS 5/2-1401)(c) and certificate of innocence time calculations (735 ILCS 5/2-702)(i), which means the former defendant was held without probable cause within the maximum time of 5-days (405 ILCS 5/4-505) and that this Lake County judicial petition (Appendix J) (405 ILCS 5/4-500) with no medical certificates attached was covered up with an

illegal (405 ILCS 5/3-701)(c) unadjudicated Kane County involuntary petition (405 ILCS 5/3-700) and medical certificates (Appendix F; Pg. 70-79). The cause for concern becomes that a unadjudicated public threat (Appendix J) is then not afforded basic U.S. Constitutional rights because the State of Illinois allows Illinois licensed medical professionals to be above the law (Appendix F) as a corruption State policy to monopolize the Illinois law[21] and Illinois Supreme Court Rules[22] to supersede U.S. Constitutional Bill of Rights. This is seen upon 'Foucha v. Louisiana' that doctor testimony can be above the law when the State Courts allow it where there is no proven mental illness or probable cause hearing (Appendix E) (Appendix F) deeming a person is actually a public threat to society:

"Pursuant to this statutory scheme, a state court ordered petitioner Foucha, an insanity acquittee, returned to the mental institution to which he had been committed, ruling that he was dangerous on the basis of, inter alia, a doctor's testimony that he had recovered from the drug induced psychosis from which he suffered upon commitment and was "in good shape" mentally; that he had, however, an antisocial personality, a condition that is not a mental disease and is untreatable; that he had been involved in several altercations at the institution; and that, accordingly, the doctor would not "feel comfortable in certifying that he would not be a danger to himself or to other people."

The State Court of Appeal refused supervisory writs, and the State Supreme Court affirmed, holding, among other things, that Jones v. United States, 463 U. S. 354, did not require Foucha's release and that the Due Process Clause of the Fourteenth Amendment was not violated by the statutory provision permitting confinement of an insanity acquittee based on dangerousness alone.

Held: The judgment is reversed. 563 So. 2d 1138, reversed.

Justice White delivered the opinion of the Court with respect to Parts I and II, concluding that the Louisiana statute violates the Due Process Clause because it allows an insanity acquittee to be committed to a mental institution until he is able to demonstrate that he is not dangerous to himself and others, even though he does not suffer from any mental illness." - Foucha v. Louisiana, 504 U.S. 71 (1992)[23]

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[21] https://www.ilga.gov/legislation/ilcs/ilcs.asp

[22] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/7ae8a196-2a43-4484-9666-43098da60282/S_Ct_Rules_full.pdf

[23] https://tile.loc.gov/storage-services/service/ll/usrep/usrep504/usrep504071/usrep504071.pdf

Former defendant was also not able to orally object (405 ILCS 5/4-617) to medical treatment (410 ILCS 50/3)(a) (Appendix L) (Appendix M) as to not receive habeas corpus protections if no probable cause was given even when given a court appointed lawyer (Appendix F; A: Pg. 88-89) (405 ILCS 5/4-605). Habeas corpus doctrine should then be held unconstitutional or ambiguous to mental health defendants because Illinois MH Court Justice Jorgensen (Appendix C) does not need the body in custody to subject mental health punishment as to release confidential protected information publicly as if the former defendant were a public threat without the due process right to object (740 ILCS 110/10)(a). Wrongful confinement is a form of punishment, Pro Se disagrees with 'Poree v. Collins' that civil commitment is not considered a punishment, as if these MH Cases are not quasi-criminal in-nature as a flaw of an outdated Civil court rule upon dual citizens, even though the former defendant would defeat any civil commitment petitions (Appendix J). Innocent targeted MH defendants can be subjected to arbitrary arrests from their home without probable cause per emergency petitions (Appendix J) as a concern for 4th amendment per 5th and 14th due process privacy rights due to ambiguous or unconstitutional U.S. Bill of Rights protections applied to quasi-criminal or state mental health jurisdictions:

"Civil commitment is not criminal commitment; unlike a criminal sentence, civil commitment is not a sentence of punishment. The Supreme Court "repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." Although Poree's 1977 crime looms over these proceedings, he was adjudicated not guilty by reason of insanity. The task of this Court is to analyze the state court's decision with respect to his ongoing civil confinement under 28 U.S.C. § 2254(d)." - Poree v. Collins, No. 14-30129 (5th Cir. 2017) [24]

Indefinite punishment

3. Refer back to Question 3 on List of Questions per Writ of Certiorari.

[24] https://law.justia.com/cases/federal/appellate-courts/ca5/14-30129/14-30129-2017-07-28.html

Even though Pro Se sounds repetitive it should be recognized that indefinite punishment can be subjected onto a mental health defendant or former MH defendant if the Bill of Rights, due process, or habeas corpus, per Federal and State likeness, is ambiguous to quasi-criminal mental health jurisdiction (405 ILCS 5/4-100) versus a Federal/State's criminal code. This is seen when a person confined under the Illinois Mental Health and Developmental Disability Code (Appendix E) (Appendix F) does not have the right to expunge records of arrest with no charge (Appendix I), rights afforded to only suspected criminals arrested under the Illinois Criminal Identification Act (20 ILCS 2630/5.2), as similar to not having the right to post-judgement wrongful confinement relief. It should be seen that Justice Jorgensen subjected punishment by disclosing protected confidential information (740 ILCS 110/3)(a) as if the former defendant were a public threat to society (740 ILCS 110/10)(a)(1). The former defendant should be allowed to object (740 ILCS 110/10)(a) to any wrongful disclosure as a due process right under the 14th amendment per case 'MacKenna v. Pantano':

"¶ 49 Defendants have not made the necessary showing to bring these records within the narrow exceptions provided in either section 10(a)(2) or 10(a)(3) of the Act. This ruling is without prejudice. If defendant can show he was actually treating Ursitti for her mental health issues, and/or that somehow her mental health issues precluded him from ordering tests for lung cancer, then he may attempt to assert the exception to the privilege. There has been no showing of this to date.

¶ 50 We therefore find that the trial court erred in ordering plaintiff to produce Ursitti's unredacted mental health records and in finding that Dr. Rao, and his experts, could review and testify to those records. Further, we reverse the contempt finding against plaintiff. See Reda, 199 Ill. 2d at 63 (" 'where the trial court's discovery order is invalid, a contempt judgment for failure to comply with the discovery order must be reversed' " (quoting In re Marriage of Bonneau, 294 Ill. App. 3d 720, 723 (1998)))." - MacKenna v. Pantano, 2023 IL App (1st) 210486[25]

The former defendant was aggrieved (740 ILCS 110/15) as a conflict of habeas corpus doctrine in modern day time for which mental health punishment does not need the body to be

[25] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/b916cd71-e343-484e-a086-3bf55d3d2f08/MacKenna%20v.%20Pantano,%202023%20IL%20App%20(1st)%20210486.pdf

held in custody anymore. Justice Jorgensen would "play doctor" (Appendix C) for Illinois DHS, per 'Simpson v. Commissioner', as to release confidential medical information as if the Judge is a medical doctor or speak for the medical licensed professionals which should be condemned as unconstitutional to spark a live mental health case and punishment upon releasing protected information as if the former innocent defendant were still or indefinitely accused as a public threat to society without due process of a right to an objection (740 ILCS 110/10)(a):

"Medical opinions are defined as "statements from physicians and psychologists or other acceptable medical sources that reflect judgments about the nature and severity of [a claimant's] impairment(s), including [her] symptoms, diagnosis and prognosis, what [she] can still do despite impairment(s), and [her] physical or mental restrictions." 20 C.F.R. §§ 404.1527(a)(2) and 416.972(a)(2); Bass, 499 F.3d at 510. "The ALJ is not bound to accept the opinion or theory of any medical expert, but may weigh the evidence and draw his own inferences." McCain v. Dir., OWCP, 58 Fed.Appx. 184, 193 (6th Cir. 2003) (citing Underwood v. Elkay Mining, 105 F.3d 946, 951 (4th Cir. 1997)). In weighing medical expert opinions, the ALJ is required to consider their quality and, thus, "should consider the qualifications of the experts, the opinions' reasoning, their reliance on objectively determinable symptoms and established science, their detail of analysis, and their freedom from irrelevant distractions and prejudices." Underwood, 105 F.3d at 951. Nonetheless, an ALJ "may not substitute his own medical judgment for that of the treating physician where the opinion of the treating physician is supported by the medical evidence." Meece v. Barnhart, 192 Fed.Appx. 456, 465 (6th Cir. 2006); see also Rohan v. Chater, 98 F.3d 966, 970 (7th Cir. 1996) (stating "ALJs must not succumb to the temptation to play doctor and make their own independent medical findings")." - Simpson v. Commissioner of Social Security, 344 F. App'x 181 (6th Cir. 2009)[26]

Excessive Fines imposed is Cruel and Unusual upon the innocent discharged defeating a MH Petition

4. Refer back to Question 4 on List of Questions per Writ of Certiorari.

Illinois Judicial courts (Appendix C & D & E & F & H) allows Illinois DHS mental health institutions (Appendix L & M) to be above the law. It is seen when unadjudicated medical opinions (Appendix F; Pg. 77-79) or emergency petition without certificate (Appendix K) can subject a person to confinement without ever being in front of a judge. This is a cruel and unusual punishment, even if civil MH petitions are not considered punishments per 'Poree v.

[26] https://casetext.com/case/simpson-v-commr-of-social-sec

Collins', as compared to 'Foucha v. Louisiana' because no probable cause hearing was determined to recognize if the person is actually a public threat to society as if this is not a due process right. Thus, the Illinois Mental Health and Developmental Disability Code (405 ILCS 5/) requests payment for these medical services (405 ILCS 5/5-105) even if the innocent defendant defeats the court ordered petition as to be subject to discharge without any conditions other than to pay as a concern for guilty-by-association as an excessive fine or bill under the 8th amendment:

"Sec. 5-105. Each recipient of services provided directly or funded by the Department and the estate of that recipient is liable for the payment of sums representing charges for services to the recipient at a rate to be determined by the Department in accordance with this Act." - (405 ILCS 5/5-105)

"Held: The Eighth Amendment's Excessive Fines Clause is an incorporated protection applicable to the States under the Fourteenth Amendment's Due Process Clause. Pp. 2–9." - Timbs v. Indiana, 586 U.S. ___ (2019)[27]

The First amendment issue then becomes that Illinois Courts and Illinois Congress, including U.S. Congress per '42 U.S. Code § 9501', is allowing the Illinois DHS medical services to become a religious tax or liability punishment (405 ILCS 5/5-105) as some form of religious healing upon every defendant who enters an Illinois mental health institution even without adjudicated probable cause for the custody hold or who does not have an adjudicated mental illness. Lake and Kane Counties failed to define a probable cause hearing per emergency judicial petition. This is a conflict of interest for Illinois DHS medical professionals, not as part of direct medical services, but to simply allow Illinois residents to be held in custody or observation as an unadjudicated public threat where Kane County Circuit Court simply discharged without a finding of fact or conclusion of law (405 ILCS 5/4-613):

"In proscribing all laws "respecting an establishment of religion," the Constitution prohibits, at the very least, legislation that constitutes an endorsement of one or another set of religious

[27] https://www.supremecourt.gov/opinions/18pdf/17-1091_5536.pdf

beliefs or of religion generally. It is part of our settled jurisprudence that "the Establishment Clause prohibits government from abandoning secular purposes in order to put an imprimatur on one religion, or on religion as such, or to favor the adherents of any sect or religious organization."" - Texas Monthly, Inc. v. Bullock, 489 U.S. 1 (1989)[28]

The cruel and unusual punishment is the indefinite punishment created per the fabricated Illinois DHS medical records (Appendix L) representing the People of Illinois for which the Pro Se have not tried to expunge (20 ILCS 2630/5.2) the Sherrif's Arrest (Appendix E; Pg. 42-45) (20 ILCS 2630/5.2)(b), but these understandings should be part of a post-judgement wrongful confinement relief petition (Appendix K) as to showcase the Illinois DHS records have merit defining that a person was wrongfully confined in a mental health institution. Defining that one was wrongfully confined must come first prior to expunging records. As part of wrongful confinement relief prior to expunging records, it should be held unconstitutional as part the 8th amendment of the U.S. Constitution to require an innocent person to be charged excessive fines per any medical liabilities or fees (405 ILCS 5/5-105), as a concern for the 1st amendment unconstitutional religious healing liability, which is an indefinite punishment or deems a person guilty-by-association indefinitely as cruel and unusual. An innocent discharged person should have a due process 5th and 14th amendment right to innocence and restoration of citizenship upon mental health institution discharge as to be reimbursed, to oneself or to the medical plan that paid ultimately could be a conflict of interest if the State pays its self under Illinois Medicaid, if charged medical fines or Illinois DHS medical records are not automatically expunged upon defeating a petition where one was not committed or adjudicated as a public threat to society as part of cruel and unusual and equal protections per case 'Furman v. Georgia':

"Mr. Justice Field, dissenting in O'Neil v. Vermont, 144 U. S. 323, 144 U. S. 340, said,

"The State may, indeed, make the drinking of one drop of liquor an offence to be punished by imprisonment, but it would be an unheard-of cruelty if it should count the drops in a single glass

[28] https://supreme.justia.com/cases/federal/us/489/1/

and make thereby a thousand offences, and thus extend the punishment for drinking the single glass of liquor to an imprisonment of almost indefinite duration."

What the legislature may not do for all classes uniformly and systematically a judge or jury may not do for a class that prejudice sets apart from the community. There is increasing recognition of the fact that the basic theme of equal protection is implicit in "cruel and unusual" punishments." - Furman v. Georgia, 408 U.S. 238 (1972)

Wrongful confinement relief as a pathway to innocence or release from confinement must be embedded in the U.S. Constitution as "All Men are Created Equal"[29] as to equally recognize excessive fines can proclaim guilt upon a person as something that is not expungable or refundable. Only the Illinois Government per the People of Illinois would showcase themselves as a tyrant upon subjecting excessive medical healing liabilities (405 ILCS 5/5-105), as to make Illinois licensed professionals dependent on the tyrant's Will alone, upon the innocent defendants whom do not need medical attention as to defeat any court ordered petition (Appendix J):

"He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only"[30]

"He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries"[31]

Thus, a debtor mental health prison is created per mental health institution liability owed (405 ILCS 5/5-105) to everyone court ordered by petition as a form of attack on indigent[3233] to receive this type of court ordered medical care outside of their private medical care, without a due process probable cause hearing per my cases #21MH18 (Appendix E) & #21MH034 (Appendix F), to an Illinois DHS mental health institution. This is also a conflict of habeas

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[29] https://www.archives.gov/founding-docs/declaration
[30] https://www.archives.gov/founding-docs/declaration-transcript
[31] https://www.archives.gov/founding-docs/declaration-transcript
[32] The Affordable Care Act has allowed Americans to obtain medical insurance but this can become corrupted by the MH regime as to try to take rights away from individuals and corrupt medical benefits.
[33] https://www.govinfo.gov/app/details/PLAW-111publ148/PLAW-111publ148

corpus while in custody which should be a 14th amendment right to refuse medical services (410 ILCS 50/3) as an oral objection (405 ILCS 5/4-617) rather than be coerced with restraints upon medical evaluation to an actual Emergency Room (Appendix L) by Illinois DHS (405 ILCS 5/4-504). The 14th amendment equal protections per 'Bearden v. Georgia' recognize the limits of forcing payment upon those confined in custody as to steal a form of innocence such as parole:

"[o]nce the State has defined the outer limits of incarceration necessary to satisfy its penological interests and policies, it may not then subject a certain class of convicted defendants to a period of imprisonment beyond the statutory maximum solely by reason of their indigency." - Bearden v. Georgia, 461 U.S. 660 (1983)[34]

'Kingsley v Hendrickson' showcases a complaint for deprivation of rights under color of law '42 U.S. Code § 1983' as to reaffirm 'objectively unreasonable' versus 'subjective inquiry.' Thus, a debtor Illinois mental health prison is created to use force in a form of an excessive fine per mandatory religious healing upon a 'subjective inquiry' as if Illinois professionals are above the law to not need probable cause hearing or recognize due process right of a maximum hold of 5-day (405 ILCS 5/4-505) or 24-72 hour for probable cause rather than 30-days of unnecessary confinement (Appendix E & F) as to be simply discharged as homeless in Waukegan (Appendix M) as a form of cruel and unusual punishment instead of being returned home as a conflict of 4th amendment due process rights for non-felons (405 ILCS 5/4-100):

"At the trial's conclusion, the District Court instructed the jury that Kingsley was required to prove, **inter alia**, that the officers "recklessly disregarded [Kingsley's] safety" and "acted with reckless disregard of [his] rights."

Held: 1. Under 42 U. S. C. §1983, a pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable to prevail on an excessive force claim. Pp. 5-13.

(a) This determination must be made from the perspective of a reasonable officer on the scene, including what the officer knew at the time, see Graham v. Connor, 490 U. S. 386, 396, and must account for the "legitimate interests [stemming from the government's] need to manage the facility in which the individual is detained," appropriately deferring to "policies and practices

[34] https://supreme.justia.com/cases/federal/us/461/660/

confinement can only survive upon these corrupt payments of services forcing liability (405 ILCS 5/5-105), upon the innocent and discharged, as to not go extinct or bankrupt but to steal innocent people's money or private/public insurance money as if they owe money upon being kidnapped from their home (Appendix E; Pg. 42-45) per court order (Appendix J) as a concern for 4th amendment due process rights and being dropped off as homeless (Appendix M) unable to be returned home:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." – The Declaration of Independence[37]

The State of Illinois should thus pay out of its own pocket as to recognize corruption of a Tyrant (405 ILCS 5/6-102) comes in the form of forcing payment for services (405 ILCS 5/5-105) that are not needed where no probable cause hearing or mental health illness exists (Appendix E & F) to define the need of a custody hold on an innocent person as a concern for wrongful confinement and indefinite punishments of forced liability payment.

Wrongful Confinement Relief in a Mental Health Institution should not be stricken

5. Refer back to Question 5 on List of Questions per Writ of Certiorari.

Pro Se submitted a post-judgement wrongful confinement relief petition (Appendix K) and it was stricken in Kane County Circuit Court (Appendix H) and Ill. 2nd District App. Ct. of Elgin (Appendix C), failing to recognize Lake County Circuit Court Records per 2-22-0191 joining post-judgement appeal or 21MH18 (Appendix E) per original judicial petition (Appendix J) as a concern for fraud of the court (735 ILCS 5/2-1401)(c) (Appendix D), only on their own judicial constructed basis that the Pro Se was applying for an equity claim under the Civil Code (735 ILCS 5/2-702) for which is incorrect because Wrongful Confinement Relief can be given

[37] https://www.archives.gov/founding-docs/declaration

upon challenging the mental health circuit court's final orders (405 ILCS 5/4-613)(a) post-judgement or upon appeal (405 ILCS 5/4-613)(b) as not contrary or inconsistent (405 ILCS 5/6-100) to proving 5th and 14th due process innocence under the 9th and 10th amendment or that one's due process was wrongfully severed, per 21MH18 (Appendix E) & 21MH034 (Appendix F) mutually exclusive petitions where a judicial petition[38] (Appendix J) (405 ILCS 5/4-500) cannot be combined, cover up mistakes, or be replaced by a second involuntary petition (405 ILCS 5/3-701)(c), as wrongfully confined. This is as similar to the Civil Code relief of judgments (735 ILCS 5/2-1401) or Certificate of Innocence for former incarcerated prisoners (735 ILCS 5/2-702) within two years (735 ILCS 5/2-702)(i), (735 ILCS 5/2-1401)(c) but relief should not be defined under the Civil Code but only under the State's mental health code per the original mental health case number of 21MH034 Post-judgement (Appendix H) for which Kane County Judge never recognized Lake County Judge per 21MH18 (Appendix E). The U.S. Supremacy Clause per U.S. Constitution, Article VI, Clause 2[39] dictates the act of innocence for dual federal and state citizens (28 U.S. Code § 1331) per wrongfully severed case of 21MH034 (Appendix F) & 21MH18 (Appendix E) as to allow consolidated cases upon writ of Certiorari per U.S. Supreme Court Rule 12.4[40] to showcase original jurisdiction ArtIII.S2.C2.2[41] for which the State of Illinois is a party and can wrongfully confine innocent dual citizens (28 U.S. Code § 1331) as part of conflict of unnecessary court ordered (Appendix J) medical care or services[42] per 'Douglas v. Independent Living Center':

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[38] Former defendant does not have an intellectual disability and defeated any corrupt understanding of being subjected to being institutionalized with medication - even without a due process probable cause hearing.
[39] https://www.law.cornell.edu/constitution-conan/article-6/clause-2
[40] https://www.law.cornell.edu/rules/supct/rule_12
[41] https://www.law.cornell.edu/constitution-conan/article-3/section-2/clause-2/supreme-court-original-jurisdiction
[42] The former defendant would be forced to pay for these services (405 ILCS 5/5-105) as if unable to claim innocence as a cruel and unusual punishment to not release the former defendant as a proven innocent rather than a "unopposed" release as if not to recognize full restoration of citizenship as a right as a concern for slavery or

"The federal statutory provision relevant here says that a State's Medicaid plan and amendments must:

"provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan . . . as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area." 42 U. S. C. §1396a(a)(30)(A) (emphasis added)." - Douglas v. Independent Living Center of Southern Cal., Inc., 565 U.S. 606 (2012)[43]

The strike (Appendix H & C) should be held unconstitutional as part of 5th and 14th due process right to restore citizenship as fully innocent under a quasi-criminal State mental health code as part of equal protections to those under the criminal code for which U.S. Bill of Rights should be held ambiguous for quasi-criminal mental health defendants per 4th amendment:

"Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly." – Illinois Constitution – Article I Bill of Rights - Section 12. Right To Remedy And Justice

"All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State." - Illinois Constitution – Article I Bill of Rights - Section 11. Limitation Of Penalties After Conviction

Thus, wrongful confinement relief under a State's Mental Health Code is not the same as claiming false imprisonment[44] or deprivation of rights '42 U.S. Code § 1983[45]' because the Illinois DHS mental health institution records are created indefinitely as a form of punishment to the defendant even if defeating a court ordered petition and the final discharge orders (Appendix I) fail to state a conclusion of law or finding of facts (405 ILCS 5/4-613) to showcase innocence

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indefinite confinement per the deception of the MH records unable to be expunged upon innocence realized per discharge.

[43] https://supreme.justia.com/cases/federal/us/565/606/

[44] https://www.law.cornell.edu/wex/false_imprisonment

[45] https://www.law.cornell.edu/uscode/text/42/1983

or that one was wrongfully confined. This punishment is seen post-judgement when Justice Jorgensen opinion (Appendix C), as a form of indefinite punishment per 'United States v. Kozminski', publicly discloses confidential information without rights to object (740 ILCS 110/10) as to indefinitely punish a former defendant for the better good of the Illinois people versus individual U.S. Constitutional rights as if one were less than a citizen but a slave or servant indefinitely to the People of Illinois. The U.S. Supreme Court should honor wrongful confinement relief as part of due process equal protections for all State mental health codes. U.S. Constitution Supremacy Clause ArtIV.P2 should prevent an innocent dual federal and state citizen (28 U.S. Code § 1331) from indefinite punishment or wrongful confinement per final discharge orders (Appendix I) as a concern for the 13th amendment and 8th amendment where probable cause hearing is not given (Appendix J) (405 ILCS 5/4-501) as if this can be simply taken away per 'Wilkinson v. Skinner':

"Writing for the Second Circuit in United States v. Shackney, supra, Judge Friendly reasoned that "a holding in involuntary servitude means to us action by the master causing the servant to have, or to believe he has, no way to avoid continued service or confinement, . . . not a situation where the servant knows he has a choice between continued service and freedom, even if the master has led him to believe that the choice may entail consequences that are exceedingly bad."" - United States v. Kozminski, 487 U.S. 931 (1988)

"We do not wish nor intend to make due process safeguards turn on whether a court chooses to define a particular punishment as "substantial" or not. Suffice it to say, that the punishment meted out in this case must carry with it at least the minimal safeguards afforded by the due process of law. Confining someone in a segregation cell is not a minor punishment. Equally important, an inmate's prison record may have a great effect on the future punishment he will receive and may even affect his chances for parole. (See Hudson v. Hardy, 424 F.2d 854, 856.)" - Wilkinson v. Skinner, 34 N.Y.2d 53, 356 N.Y.S.2d 15, 312 N.E.2d 158 (N.Y. 1974)

"The Amendment is "self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances," Civil Rights Cases, 109 U. S. 3, 109 U. S. 20 (1883), and thus establishes a constitutional guarantee that is protected by § 241. See Price, supra, at 383 U. S. 805." - United States v. Kozminski, 487 U.S. 931 (1988)[46]

[46] https://supreme.justia.com/cases/federal/us/487/931/

Fraudulently concealing wrongful confinement relief under the Illinois MH & DD Code (735 ILCS 5/2-1401)(c) is triggered upon denial of the Illinois Courts. Equal protection is implicit in cruel and unusual punishments per 'Furman v. Georgia' thus Equal protections should be recognized to innocent discharged defendants that seek wrongful confinement relief, not as party of an equity civil claim but specifically under the States Mental Health Code, where this U.S. Supreme Court can hold any strike against such relief unconstitutional:

"The State may, indeed, make the drinking of one drop of liquor an offence to be punished by imprisonment, but it would be an unheard-of cruelty if it should count the drops in a single glass and make thereby a thousand offences, and thus extend the punishment for drinking the single glass of liquor to an imprisonment of almost indefinite duration."

What the legislature may not do for all classes uniformly and systematically a judge or jury may not do for a class that prejudice sets apart from the community. There is increasing recognition of the fact that the basic theme of equal protection is implicit in "cruel and unusual" punishments." - Furman v. Georgia, 408 U.S. 238 (1972)

Being punished as a disease of society without adjudicated probable cause and the ability to object is a form of torture per 8th amendment where emergency court order (Appendix J) without probable cause should not be confused as medical help as if Illinois medical licensed immunity is holy enough to be above the law as allow by the Illinois Courts monopolized Illinois Supreme Court Rules:

"Henry continued:

"But Congress may introduce the practice of the civil law, in preference to that of the common law. They may introduce the practice of France, Spain, and Germany -- of torturing, to extort a confession of the crime. They will say that they might as well draw examples from those countries as from Great Britain, and they will tell you that there is such a necessity of strengthening the arm of government that they must have a criminal equity, and extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone."

3 J. Elliot's Debates 447-448 (2d ed. 1876). Although these remarks have been cited as evidence that the Framers considered only torturous punishments to be "cruel and unusual," it is obvious that Henry was referring to the use of torture for the purpose of eliciting confessions from suspected criminals. Indeed, in the ensuing colloquy, see n. 3, infra. George Mason responded

that the use of torture was prohibited by the right against self-incrimination contained in the Virginia Bill of Rights." - [Footnote 2/2] Furman v. Georgia, 408 U.S. 238 (1972)[47]

A Medical Bill of Rights should be a constitutional question upon this professional religious deception. A U.S. Medical Bill of Rights would specifically protect those who are not defined criminals during confinement and upon discharge where the Federal law '42 U.S. Code § 9501' is not the true voice of the people. Thus, '42 U.S. Code § 9501' should be held unconstitutional as to only favor the law for those who prefer to be confined versus those who were discharged and believe they were wrongfully confined and should have never received any medical attention. Wrongful State guardianship (Appendix L & M) is also a pathway to steal the vote, protected per 15th amendment as to influence the mind for years to come '52 U.S. Code § 10101(a)', from the local county residents as a form of intimidation in the local County to influence voters as to punish individual residents as sacrifices as a concern for wrongful confinement:

"This case is about our sacred right to vote-won at great cost in blood and treasure. Courts have long recognized that, because "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." Reynolds v. Sims, 377 U.S. 533, 561-62 (1964)." - League of Women Voters of Fla. Inc. v. Lee, 4:21cv186-MW/MAF (N.D. Fla. Mar. 31, 2022)

Thus, '42 U.S. Code Subchapter IV' and the Illinois MH & DD Code should be held unconstitutional to protect the vote per 15th amendment and to protect the 4th amendment right to privacy when arrested from one's home (Appendix E) as a concern for wrongful confinement per 'In Re: The Mental Commitment Of Stevenson L.J'.

Unable to recognize all Writ of Certiorari Questions

[47] https://supreme.justia.com/cases/federal/us/408/238/

I am unable to recognize all of my questions per my Writ of Certiorari. Wrongful confinement relief language in State MH codes, for those confined or for those discharged per post-judgement petition for relief, must be recognized per 9th and 10th amendment.

6. CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted, IM Date: 12/6/2024

No. 24M7

IN THE SUPREME COURT OF THE UNITED STATES

— PETITIONER

IN RE: I.M.

VS.

Illinois States Attorney's Office (Lake & Kane) (State of Illinois) — RESPONDENT(S)

PROOF OF SERVICE

I, IN RE: I.M. , do swear or declare that on this date, Dec. 6th, 2024 , as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, ~~by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery~~ within 3 calendar days.

"When a party is not represented by counsel, service shall be made on the party, personally, by mail, or by commercial carrier. Ordinarily, service on a party must be by a manner at least as expeditious as the manner used to file the document with the Court."

Pro Se filing and in forma pauperis will excuse the service by mail. The service is made personally via email only per PDF electronic documents. The names and addresses of those served are as follows:

1) Kane County States Attorney Office - mosserjamie@co.kane.il.us ; 2) States Attorneys 2nd District Appellate Prosecutor - 2nddistrict.eserve@ilsaap.org 3) Lake County States Attorney Office - StatesAttorney@lakecountyil.gov

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 6th, 2024 (Signature)

IM