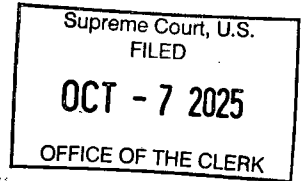


25 - 6056

ORIGINAL

SUPREME COURT OF THE UNITED STATES



Ruben Santoyo,

Petitioner,

v.

City of Chicago, et al.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

Ruben Santoyo

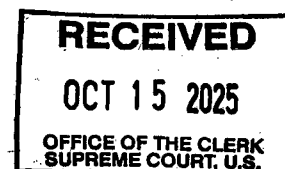
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QUESTIONS PRESENTED

1. **Jurisdiction after appeal.** Whether a district court may impose a punitive monetary sanction *sua sponte* after a notice of appeal has divested it of jurisdiction under *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), in light of **conflicting circuit authority** on whether such sanctions are "collateral" or "ministerial." (Compare *Overnite Transp. Co. v. Chicago Indus. Tire Co.*, 697 F.2d 789 (7th Cir. 1983) (barring such sanctions), with *Schlaifer Nance & Co. v. Estate of Warhol*, 194 F.3d 323 (2d Cir. 1999); *In re Ruben*, 825 F.2d 977 (6th Cir. 1987); and *Hicks v. S. Md. Health Sys. Agency*, 805 F.2d 1165 (4th Cir. 1986) (permitting post-appeal sanctions)).
2. **Due process for sanctions.** Whether the Due Process Clause permits a court to impose a substantial monetary sanction based solely on generalized warnings, without motion, specific notice, or a hearing—where **other circuits require explicit notice and a meaningful opportunity to be heard.** (See *Sanko Steamship Co. v. Galin*, 835 F.2d 51 (2d Cir. 1987); *CEATS, Inc. v. TicketNetwork, Inc.*, No. 21-40705 (5th Cir. June 19, 2023); *United States v. Tillman*, No. 13-10131 (9th Cir. June 30, 2014)).
3. **Access to justice & Artificial Intelligence.** Whether sanctioning a pro se litigant for the disclosed, good-faith use of AI-assisted drafting tools infringes upon the First Amendment right to petition and the fundamental right of access to courts, by chilling modern means of meaningful participation in the judicial process (contrary to the protections established in *Bounds v. Smith*, 430 U.S. 817 (1977), and *Haines v. Kerner*, 404 U.S. 519 (1972)).

PARTIES TO THE PROCEEDING

Petitioner: Ruben Santoyo (appearing pro se).

Respondents: City of Chicago, et al.

RELATED CASES

- *Santoyo v. City of Chicago*, No. 22-cv-3559 (N.D. Ill.) (sanction entered Apr. 2, 2025).
- *Santoyo v. City of Chicago*, No. 24-2352 (7th Cir.) (published opinion issued July 7, 2025).
- *Santoyo v. City of Chicago*, No. 24-2352 (7th Cir.) (nonprecedential disposition issued July 7, 2025).
- *Santoyo v. City of Chicago*, No. 24-2352 (7th Cir.) (rehearing en banc denied July 24, 2025).
- *In re Ruben Santoyo*, No. 25-cv-04558 (N.D. Ill. Exec. Comm. order Apr. 30, 2025) (filing restrictions order).

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TABLE OF AUTHORITIES

Cases

- *Bounds v. Smith*, 430 U.S. 817 (1977) i, 5, 9
- *CEATS, Inc. v. TicketNetwork, Inc.*, No. 21-40705 (5th Cir. June 19, 2023) i, 5, 8
- *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982) i, 4, 7, 8, 11, 12
- *Haines v. Kerner*, 404 U.S. 519 (1972) i, 5, 9
- *Hicks v. S. Md. Health Sys. Agency*, 805 F.2d 1165 (4th Cir. 1986) i, 5, 7
- *In re Ruben*, 825 F.2d 977 (6th Cir. 1987) i, 5, 7
- *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950) 5, 9
- *Overnite Transp. Co. v. Chicago Indus. Tire Co.*, 697 F.2d 789 (7th Cir. 1983) i, 6, 8
- *Roadway Express, Inc. v. Piper*, 447 U.S. 752 (1980) 4
- *Sanko Steamship Co. v. Galin*, 835 F.2d 51 (2d Cir. 1987) i, 5, 8
- *Schlaifer Nance & Co. v. Estate of Warhol*, 194 F.3d 323 (2d Cir. 1999) i, 5, 7
- *United States v. Tillman*, No. 13-10131 (9th Cir. June 30, 2014) i, 5, 8

OPINIONS BELOW

The District Court's sanction order (Apr. 2, 2025) is reproduced in the Appendix (A1).

The Seventh Circuit's **published opinion** (July 7, 2025) (A5), **nonprecedential order** (July 7, 2025) (A2), and **denial of rehearing en banc** (July 24, 2025) (A3) are reproduced in the Appendix.

The Northern District of Illinois Executive Committee's filing restriction order (Apr. 30, 2025) is also reproduced (A4).

JURISDICTION

The Seventh Circuit entered judgment on July 7, 2025, and denied rehearing en banc on July 24, 2025.

This petition is timely filed within 90 days under 28 U.S.C. § 2101(c).

This Court has jurisdiction to review the judgment of the United States Court of Appeals for the Seventh Circuit pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

- U.S. Const. amend. I (Right to Petition).
- U.S. Const. amend. V (Due Process).
- U.S. Const. amend. XIV (Equal Protection & Due Process).

STATUTES AND RULES

- 28 U.S.C. § 1254(1) (Jurisdiction of Supreme Court).
- 42 U.S.C. § 1983 (Civil Rights Action).
- Fed. R. Civ. P. 11 (Sanctions).

STATEMENT OF THE CASE

This case arises from Petitioner’s civil rights action under 42 U.S.C. § 1983 against the City of Chicago and its officers. After granting summary judgment to the defendants, the district court went further: on April 2, 2025, it imposed a \$1,500 monetary sanction *sua sponte* and recommended a filing bar—without motion, notice, or hearing. These sanctions were entered after Petitioner had already filed his notice of appeal, directly contravening this Court’s holding in *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982), that the filing of a notice of appeal divests the district court of jurisdiction over matters not collateral to the appeal. The sanction was imposed solely on the district court’s initiative. No Rule 11 motion was filed, no party requested sanctions, and Petitioner was afforded no hearing. The sanction order therefore exceeded the court’s jurisdiction and violated the most basic requirements of due process.

On April 30, 2025, the Northern District of Illinois Executive Committee compounded the injury by entering an order formally restricting Petitioner’s ability to file any new cases until sanctions and fees were paid, even though the case at issue was explicitly exempted from such restrictions. The practical effect has been to bar pursuit of legitimate constitutional claims based on a sanction entered without jurisdiction or due process.

On July 7, 2025, the Seventh Circuit affirmed in a published opinion (A5), reasoning that prior ‘warnings’ were sufficient to constitute notice and citing Petitioner’s candid acknowledgment of using AI-assisted drafting tools as grounds to question credibility—conflating formatting errors with intentional misconduct. On July 24, 2025, the court denied rehearing en banc without explanation, despite reliance on controlling precedent, including *Griggs, Roadway Express, Inc. v. Piper*, 447 U.S. 752 (1980), and *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950).

The Seventh Circuit has acknowledged that the district court sanctioned Petitioner while his appeal was pending, and it directed the district court Clerk to accept Petitioner's filings notwithstanding the Executive Committee's filing restriction. (A2, A4). This confirms both the timing and the practical chilling effect of the sanctions regime.

Jurisdictional Conflict. In its published opinion (A5), the Seventh Circuit affirmed a sua sponte sanction imposed after notice of appeal, even though no sanctions motion was pending. That holding cannot be squared with the court's own precedent in *Overnite Transp. Co. v. Chicago Indus. Tire Co.*, 697 F.2d 789 (7th Cir. 1983), which bars post-appeal sanctions absent a motion pending before the notice of appeal. But other circuits have held otherwise. The Second Circuit has permitted sanctions even after mandate (*Schlaifer Nance & Co. v. Estate of Warhol*, 194 F.3d 323 (2d Cir. 1999)). The Sixth Circuit distinguished *Overnite* and upheld post-appeal sanctions (*In re Ruben*, 825 F.2d 977 (6th Cir. 1987)). The Fourth Circuit expressly declined to follow *Overnite* and permitted sanctions after appeal (*Hicks v. S. Md. Health Sys. Agency*, 805 F.2d 1165 (4th Cir. 1986)). This conflict on the reach of jurisdiction after notice of appeal has persisted for decades, underscoring the need for clarity from this Court.

Due Process Conflict. Similarly, circuits are split on whether generalized warnings satisfy the constitutional requirement of notice and an opportunity to be heard. The Second Circuit vacated a sua sponte sanction where no notice was given (*Sanko Steamship Co. v. Galin*, 835 F.2d 51 (2d Cir. 1987)). The Fifth Circuit vacated sanctions where individuals had no advance notice they faced personal liability (*CEATS, Inc. v. TicketNetwork, Inc.*, No. 21-40705 (5th Cir. 2023)). The Ninth Circuit has likewise held that sanctions imposed without notice and a hearing must be vacated (*United States v. Tillman*, No. 13-10131 (9th Cir. 2014)). The Seventh Circuit, in its published opinion (A5), upheld sanctions based only on vague, generalized 'warnings.'

Here, the sanction was imposed without a motion, without specific notice of the sanctionable conduct, and without a hearing (A1). The court of appeals nevertheless upheld it by relying only on generalized warnings (A2). This case thus squarely presents the acknowledged split over whether prior warnings alone can satisfy due process.

Novel Constitutional Issue. This petition also arises in a nationally significant context: the candid disclosure by a pro se litigant that he relied on AI-assisted drafting tools. **The district court linked Petitioner's disclosed AI-assisted drafting to credibility concerns and fictitious citations (A1, A2), treating transparency about tool-use as aggravating. This risks chilling responsible reliance on modern drafting aids by pro se litigants, raising a novel access-to-justice issue.** This threatens to chill modern means of access to justice protected in *Bounds v. Smith*, 430 U.S. 817 (1977), and *Haines v. Kerner*, 404 U.S. 519 (1972).

This case is not about a \$1,500 penalty. It asks whether federal courts may:

- Exceed their jurisdiction by imposing punitive sanctions after appellate review has been invoked;
- Impose sanctions without motion, notice, or a hearing; and
- Penalize litigants for transparently disclosing the use of AI-assisted legal tools.

The cumulative effect of these errors undermines pro se litigants' constitutional rights to due process and equal access to justice. Left unchecked, the precedent below will chill responsible use of technology by self-represented parties nationwide, erode confidence in judicial neutrality, and expand sanctioning authority beyond constitutional limits.

REASONS FOR GRANTING THE WRIT

I. The Decision Below Deepens a Circuit Split on Post-Appeal Sanctions

This Court held in *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982), that a notice of appeal “divests the district court of its control over those aspects of the case involved in the appeal.” The rule is jurisdictional: once appellate jurisdiction attaches, the district court lacks authority to issue new substantive orders.

The circuits are divided on whether punitive sanctions imposed after an appeal qualify as “collateral” or “ministerial.”

- The **Seventh Circuit** itself has held that a district court may not impose sanctions post-appeal unless a sanctions motion was already pending. *Overnite Transp. Co. v. Chicago Indus. Tire Co.*, 697 F.2d 789, 793 (7th Cir. 1983).
- By contrast, the **Second Circuit** has treated post-appeal sanctions as collateral and permissible. *Schlaifer Nance & Co. v. Estate of Warhol*, 194 F.3d 323, 333–34 (2d Cir. 1999).
- The **Sixth Circuit** has likewise upheld such sanctions, reasoning they are “independent of the merits.” *In re Ruben*, 825 F.2d 977, 981–82 (6th Cir. 1987).
- The **Fourth Circuit** has taken a similar position. *Hicks v. S. Md. Health Sys. Agency*, 805 F.2d 1165, 1166–67 (4th Cir. 1986).

The Seventh Circuit’s ruling below cannot be reconciled with *Overnite*. By allowing a sua sponte sanction order imposed weeks after the notice of appeal, the panel aligned itself with circuits that permit post-appeal sanctions, while ignoring its own precedent to the contrary. This intra-circuit inconsistency alone warrants review. The Court’s intervention is needed to clarify whether punitive sanctions are truly

“collateral” or whether, under *Griggs*, they exceed the district court’s jurisdiction once an appeal is noticed.

II. The Decision Conflicts with Other Circuits on the Due Process Required for Sanctions

The Due Process Clause requires notice and a meaningful opportunity to be heard before sanctions may issue. *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 767 (1980); *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314–15 (1950).

The circuits are divided on whether generalized warnings suffice:

- The **Second Circuit** has held that specific notice of the alleged sanctionable conduct and a meaningful opportunity to respond are constitutionally required. *Sanko Steamship Co. v. Galin*, 835 F.2d 51, 53–54 (2d Cir. 1987).
- The **Fifth Circuit** recently reaffirmed that substantial monetary sanctions cannot be imposed absent explicit notice and a chance to contest them. *CEATS, Inc. v. TicketNetwork, Inc.*, No. 21-40705, slip op. at 8–10 (5th Cir. June 19, 2023).
- The **Ninth Circuit** likewise vacated a sanction where no motion or hearing preceded the order. *United States v. Tillman*, No. 13-10131, slip op. at 2–3 (9th Cir. June 30, 2014).

The Seventh Circuit departed from these authorities by holding that vague, generalized warnings in prior filings sufficed to satisfy due process. This Court’s review is necessary to resolve the conflict and to reaffirm that due process demands notice of the specific alleged violation, not merely generic admonitions.

III. The Case Presents the Court's First Opportunity to Define Constitutional Boundaries for AI-Assisted Filings

This petition arises in a novel and nationally significant context: the candid disclosure by a pro se litigant that he relied on AI-assisted drafting tools. Instead of treating this transparency as responsible, the courts below treated it as grounds for sanction.

This raises a profound constitutional question: whether courts may punish self-represented parties for using modern tools necessary to participate meaningfully in litigation. This Court has long recognized that pro se litigants are entitled to assistance that enables access to justice. See *Bounds v. Smith*, 430 U.S. 817, 828 (1977) (recognizing right of prisoners to legal assistance); *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972) (requiring liberal construction of pro se filings).

Artificial intelligence is, for many litigants, the functional equivalent of the “jailhouse lawyer” or law library access this Court protected in *Bounds*. Penalizing transparency about such tools threatens to chill their use nationwide, raising First Amendment petition rights and equal protection concerns. No circuit has yet squarely addressed the constitutional status of AI assistance in court filings. This Court’s guidance is urgently needed at this threshold moment.

IV. These Issues Are of Exceptional National Importance

The questions presented are not confined to one litigant. They implicate fundamental principles of judicial power, due process, and equal access to justice:

- **Jurisdictional clarity.** Lower courts are split on whether sanctions survive divestiture upon appeal.
- **Constitutional process.** Circuits disagree on whether generalized warnings satisfy due process for sanctions.
- **Technological adaptation.** Courts nationwide confront how to treat AI-assisted filings—an issue certain to recur.

The integrity of the appellate process, the constitutional guarantee of fair notice, and the future of equal access in the digital age all hang in the balance. Only this Court can provide the uniform rule needed.

RELIEF SOUGHT

Petitioner respectfully requests that this Court grant certiorari to resolve the conflicts and constitutional questions presented. Specifically, Petitioner asks this Court to:

Hold that a district court is divested of jurisdiction by a notice of appeal under Griggs and may not impose punitive sanctions sua sponte thereafter;

Hold that the Due Process Clause requires specific notice and a meaningful opportunity to be heard before substantial sanctions may issue;

Hold that sanctioning pro se litigants for the disclosed, good-faith use of AI-assisted drafting tools infringes the First Amendment right to petition and the fundamental right of access to the courts;

Vacate the Seventh Circuit's judgment and remand with instructions to:

- a. Vacate the \$1,500 sanction and related filing restrictions; and
- b. Reinstate the matter for further proceedings consistent with this Court's holdings; and

Grant such other relief as this Court deems just and proper.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted. This case presents an ideal vehicle to resolve entrenched conflicts among the circuits on:

1. Whether district courts retain jurisdiction to impose punitive sanctions after a notice of appeal has been filed (Griggs split);
2. What process the Constitution requires before substantial sanctions may issue (due process split); and
3. Whether courts may penalize pro se litigants for the transparent use of AI-assisted drafting tools, a novel constitutional question of profound national importance.

The questions presented here are not about the size of a sanction, but about the limits of judicial power, the guarantee of due process, and the future of equal access to justice in the digital age. Only this Court can provide the clarity and uniformity that the lower courts lack.

Respectfully submitted,

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