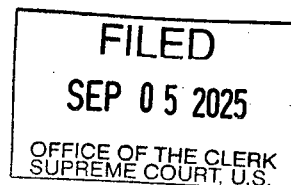


No. 25-6339

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL



Jeffrey Keller — PETITIONER
(Your Name)

VS.

Illinois — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Illinois Third District Appellate Court (DuPage County Cir Ct)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jeffrey Keller - Y24060
(Your Name)

5835 State Rte 154
(Address)

Pinckneyville, IL 62274
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the State of Illinois, with complete disregard for well plead facts of Causation for untimeliness, favored an arbitrary technicality over fairness and thereby failed their obligations as a Court of equity and to the detriment of due process?
2. Whether the State of Illinois disregarded the pro se petitioners right to Access the Court indicative of a deliberate indifference to the rights of Access for a putative class - civilly disabled prisoner pro se litigants?
3. Whether, by the unreasonable use of summary denial, the State of Illinois breached their fiduciary duty to the Pro Se litigant and their judicial duty to advance grievances to a merits Ruling?
4. Whether the State of Illinois disparate treatment of the pro se litigant represents a denial of four fundamental liberty interests?
 1. Rt to meaningful Access to Court
 2. Rt to an appeal in any matter (civil or crim) Statutory + Constit.
 3. Rt to defend or prosecute in proper person
 4. Rt to exhaust meritorious claims for later discretionary review
5. Whether the nature of the case raises the specter and appearance of impropriety, showing favoritism to a county judge over the fundamental right of access and explanation of the arbitrary actions of the Appellate Court?
6. Whether this court will use its equitable powers and reinstate this rightful appeal where State actors impeded petitioner's access?

LIST OF PARTIES

- ☒ 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:
-

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- APPENDIX B - The underlying controversy - granting of absolute immunity to a county judge. The Circuit Court refused to provide a written order or transcripts - Appx B is a proxy of the argued controversy - Brief in Opps.
- APPENDIX C - The IL Sup Ct denial of equitable supervision
- APPENDIX D - The IL Sup Ct denial of equitable reconsideration
- APPENDIX E - Petitioner's last attempt to resurrect the appeal in the State Supreme Court - restating circumstance and need for intervention
(A key factual restatement of circumstance beyond petitioner's control)
- APPENDIX F - A copy as provided by the Clerk of the Motion Docket filings and orders in this matter. (It appears to petitioner to be complete except for two filings Aug & Oct 2024) Petitioner's diligent efforts to exert his rights and is ample proof of communication of circumstances beyond his control.
Index provided within Appx F.

TABLE OF AUTHORITIES Cited

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Forrester v. White (1988) 484 US 219	1, 2, 4, 5 - B6, B7, B7, B13, B18
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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Appellate Court court appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Jan 28, 2025.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: June 11, 2025, and a copy of the order denying rehearing appears at Appendix D.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Art IV, Privileges and Immunity Clause

Art I § 6 Speech + Debate Cl (by comparison only)

Supremacy Clause

First Amendment Petition and Free Speech Clauses

Fifth Amendment Due Process Clause

Fourteenth Amendment Equal Protection and Due Process Clauses

Sixth Amendment

Statement of the Case

Petitioner seeks equitable relief from an arbitrary dismissal of a meritorious appeal by the Illinois Appellate court, Third District. Petitioner submits that the fair resolution of this matter does not require briefing or oral argument. Petitioner only seeks the sound reasoning and equitable fairness of this Honorable Court.

The underlying matter is a civil complaint filed against a County judge. The County judge willfully denied a civilly disabled prisoner prose litigant the literal access to the courthouse door. But for the filing of the complaint the judge refused to allow the disabled prose litigant access via a simple Zoom writ and without notice or ability to be heard ruled on multiple substantive collateral motions with life-long liberty interests at play. This access was denied over an eight month duration and the judge willfully ignored numerous writ ad testificantum petitions and a motion to appear. This in contrast to the clerk's online docket where friends of petitioner confirmed the online docket stated MUST APPEAR and a Zoom link was regularly placed in the docket. Appx B. The defendant judge won dismissal of the complaint with the affirmative defense of absolute judicial immunity as shown in Appx B. Petitioner argued that first appearance access is a preadjudicatory act and therefore not subject to absolute immunity as in the brief in opposition. Appx B. Therein lies the crux of the appeal. Whether under Forrester v. White (1988), 484 US 219, and in light

of the factual basis of the case, the county judge qualified for absolute immunity. The circuit court never considered the functional test as Forrester proscribes.

On appeal the state appellate court arbitrarily dismissed the meritorious appeal for failing to meet an arbitrarily assigned briefing date in light of well plead extraordinary circumstances beyond petitioners control. Appx E+F. Upon fully exhausting the matter in the Appellate court petitioners sought equitable oversight in the Illinois Supreme Court and rehearing. Appx C+D. Petitioner again plead the extraordinary facts beyond his control and the Illinois Supreme Court abused its equitable discretion. Appx E.

Neither State court provided clarity of reasoning that would permit petitioners to amend and advance the litigation, where the extraordinary facts were sworn by affidavit and were undisputed. A separate and second appeal of a petition for relief from judgment in the related underlying collateral matter was also dismissed by this same court for the same circumstances and overlapping dates. The Illinois Supreme Court has yet to deny the request for equitable relief in the second appeal. Appx F.

REASONS FOR GRANTING THE PETITION

The state of Illinois demonstrates arbitrary indifference to the fundamental right of Access to Court. Petitioner submits that this arbitrariness affects a putative class of litigants-- civilly disabled prisoner prose litigants. The disability creates unequal treatment and due process violations as shown in the incorporated appendix ^{A-F}. Multiple state actors, as exemplified by this case, show a persistent indifference to the fundamental right of meaningful access to Court.

Petitioner asks this Court, by use of discretionary power, to equitably restore this appeal and in so doing remind the state of Illinois that arbitrary denial of Access to Court is unacceptable. This reminder preserves the rights not only of petitioner but also a putative class of litigants in Illinois.

This Court has said that it is cases or controversies that shape and form the constitutional law. The underlying issue on appeal is a controversy involving absolute judicial immunity. The prose research suggests it is a matter of first impression and worthy of a merits ruling. Can a county judge deny a civilly disabled prisoner prose litigant literal access to the Court house door, rule on multiple matters without notice or ability to be heard, relent from the nearly year long denial only when served a civil complaint, and then claim absolute immunity? Is the denial of first appearance access a preadjudicatory act and subject to the functional test set by this Court in *Forrester v. White*? Appx ^B

The standard of review for abuse of equitable discretion is governed by Holland v. Florida (2016), 560 US 631 and mirrors the well recognized cause and prejudice test. To wit: a petitioner must demonstrate both that he has been diligent in pursuing his rights and that an extraordinary circumstance caused the untimeliness. The extraordinary circumstance must have been something beyond petitioner's control and external to himself.

Petitioner, in advance of the appellate court's arbitrary dismissal of the rightful appeal, notified the appellate court of facts pertinent to the briefing schedule. The first was a notice of adverse change in circumstance and extension of time. The second was a motion to compel the circuit court clerk to complete the record (transcripts) of the proceedings after having multiple requests ignored by the circuit clerk. The third was Notice of Written Objection to Certification of Record where the record is incomplete and non-compliant. The appellate court summarily denied all three. With calous indifference the court provided no clarity of reasoning and set a schedule without regard to the extraordinary circumstances. Notably, the defendant did not publicly object or respond to these motions. Appx E

As shown by the motion docket filings in the appellate court, interference by state officials made timely briefing impossible and the assigned briefing date arbitrary. The circuit clerk failed to produce transcripts despite independent status and specifically detailed requests. Although the circuit court judge read her order granting absolute immunity word for word from a prepared note she refused petitioner's request for a written order. The judge declined stating there will

be a transcript. So, without transcripts or written order the appellate court expected a brief challenging the circuit court reasoning and remained indifferent throughout. **Appx F**

The Illinois Department of Corrections interfered with Petitioner's meaningful access to the court through various acts. This includes chronic understaffing creating a defacto "Super-Max" effect on a facility classified as only maximum security. IDOC staff also performed an unlawful destruction of personal legal materials that included records for two pending prose appeals, work product inclusive of briefing in progress, and paper based legal research that had taken months to compile. These extraordinary facts were sworn to, verifiable or patently true and well plead. The chronic understaffing meets the *Sandin v. Connor* (1995), 515 US 472, 484 standard of atypical and significant hardship in relation to the ordinary incidents of prison life. The other acts of IDOC staff are in clear violation of the fundamental right of access to court. See Privileges and Immunity Clause of Art IV, First Amendment Petition and Free Speech Clause, Fifth Amendment Due Process Clause and the Fourteenth Amendment Equal Protection and Due Process Clause of *Christopher v. Harbury* (2002), 536 US 403, 415 n12 and also the Sixth Amendment right to litigate in proper person. **Appx E**

A third state actor interfered in this process -- the Third District Appellate panel or staff attorneys therein. It is a reasonable inference to conclude that the state court is willfully indifferent to a prose appeal. They attempt to paint this as a negligent prose appellant dilly-dallying away his rightful appeal. The incorporated appendix shows

a different reality. The record clearly shows petitioner diligently pursuing his rights under adverse circumstances beyond his control. A pro se brief should not be considered a perfunctory filing which proceeds a presumed order of denial. Petitioner submits he has a right to present a winning brief in an unbiased proceeding. Instead of working to advance the litigation the state court obscures the facts and, by reasoned inference, expects a perfunctory brief filed without a completed record, a clearly stated order from the Circuit judge who granted absolute immunity (the controversy), or the benefit of legal research and analysis. (The destroyed personal legal material included non-electronic caselaw research constraining Forrester in every Federal Circuit and ten prominent state supreme courts - in order to see the unique applications of judicial, legislative and executive immunity.) ^{Appx E + F} Further troubling in this matter is an appearance of impropriety. This appeal involves immunity for a county judge who blatantly denied petitioner access to court and due process and corrupted the liberty interest protected by the Illinois Post Conviction Hearing Act 725 ILCS 5/122 et seq. (also Young v. Ragan 337 US 235 and Marino v. Ragan 332 US 561.) The acts are well beyond satisfying any legitimate state interest and this appeal's arbitrary dismissal wrongfully prevents exhaustion and discretionary review in a cert-worthy controversy. Lastly, for purpose of clarity, petitioner is not simply a disgruntled litigant who is unhappy with the decision of the county judge. Petitioner fully understands the options available to remedy collateral errors and the unconstitutional trial. Those options are being diligently

persuade.

The Court should grant the Writ and provide a summary order to the Illinois Court in the interests of preserving judicial integrity and for the reasons stated above. Where the Illinois Courts abused their equitable discretion and demonstrate indifference to civilly disabled prisoners prose litigants, the Court must remind Illinois that, albeit diminished, these litigants still maintain the essential right, the right preservation of all others, to meaningful unimpeded access to Court.

May this Honorable Court say it is so.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jeffrey Kull

Date: Sept 5 2025