

No. 25-6658

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jeffrey Keller

(Your Name)

— PETITIONER

vs.

State of Illinois

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third Dist Appellate Court - Illinois

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jeffrey Keller

(Your Name)

5835 St Rte 154

(Address)

Pineknayville, IL 62274

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether the Illinois Courts abused their equitable discretion and denied meaningful access to the court by arbitrarily dismissing a meritorious appeal.

Whether by arbitrarily dismissing the appeal the Illinois Courts deny meaningful access to the Post Conviction Act -- a state created liberty interest.

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:

State of Illinois
Justices of the Appellate Court

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Holland v Florida 560 US 681
Sandin v Connor 515 US 472
Christopher v Harbury 536 US 403
Young v Ragen 337 US 239
Masimo v Ragen 332 US 561

STATUTES AND RULES

IL Code of Civil Procedure 735 ILCS 5/2-1401-Relief from Judgment
IL Post Conviction Act 725 ILCS 5/122-1 et seq.

OTHER

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☐ is unpublished.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☐ is unpublished.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 A 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☒ is unpublished.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 Supreme Court appears at Appendix B to the petition and is _____ court

- ☐ 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 5/27/25.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: 9/23/25, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

The Supremacy Clause - Common Law Preemption

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 properly filed petition for relief from judgment under Illinois Code of Civil Procedure 735 ILCS 5/2-1401, and an arbitrary denial of access to court in the postconviction circuit court. The 2-1401 is a civil statutory code used in place of common law writs of error (*coram nobis*, *coram vobis*, and bills of review). Petitioner as a collateral plaintiff was litigating in a stand alone civil proceeding (not a continuation of direct appeal) under the Illinois PostConviction Act 725 ILCS 5/122-1 et seq. Petitioner filed for relief from judgment of a summary denial of postconviction process by the County judge on the basis of a blatant denial of procedural due process and willful denial of access to court with liberty interests protected by the Illinois Post Conviction Act. (PCA)

Under the Illinois PCA petitioner was entitled to a three stage post conviction proceeding, with the showing of one or more deprivations of constitutional rights. Under Illinois's collateral scheme the first stage is a summary review by the judge. This first stage is intended to be a ~~burden~~^{bar} and the standard of review of the prose claims is whether the petition states a "gist of a constitutional claim". If found, the petition is advanced to later stages -- 2nd stage adversarial contest -- 3rd stage evidentiary hearings.

The postconviction judge did not preside over the trial that led to the conviction, and only advanced to the courtroom upon the trial judge's

retirement. Petitioner first learned of his involvement after the summary denial. The postconviction judge functioned under a conflict of interest where he was a named culpable party in a claim of pervasive misconduct. One of six main claims in a 280 page prose petition for collateral relief. In a hearing on the pervasive misconduct claim (evidence tampering) the judge is a witness and cannot be both judge and witness in the same matter.

Upon learning of the conflicted county judges involvement as postconviction judge and being dismayed by the conclusory oral summary denial under the "gist" standard, petitioner timely filed for substitution of judge for cause and reconsideration of the summary denial. Simultaneously petitioner filed for writs ad testificandum in order to appear pro se and to complete the record in both the independent review of SOJ for cause and then subsequent reconsideration. Thus began the blatant and willful eight month denial of access to court by the county judge.

The county judge refused to act on multiple writ petitions and a motion to appear. The judge willfully denied a civilly disabled prisoner prose litigant the literal access to the court-house door. The judge refused simple zoom writs and without notice of action or ability to be heard ruled on multiple substantive collateral motions with life-long liberty interests at play. This in contrast to the clerk's online docket where friends of petitioner confirmed the online docket stated MUST APPEAR and zoom links were regularly placed in the docket. Court access for all but the civilly disabled prose litigant, although advised of this imbalance, the judge failed to act.

The 2-1401 petition for relief from judgement was premised on the denial of procedural due process, access, and common law precedent in Illinois stating that ruling on a Substitution of judge for cause petition

without holding a "hearing" invalidates the judgment. The law also specifies that the minimum requirement for a "hearing" is that the petitioner must be present. A fairly obvious element, one may conclude. The county judge then refused, yet again, a writ petition for the pro se petition for relief from judgment. At that point a civil complaint was filed against the county judge for denial of access to court sounding in 42 USC Sec 1983 filed in state court. (Note: There is a pending Pet. for Certiorari on the civil appeal - No number yet assigned. Case Mgr is Katie Heidricks (202) 479-3038) Only then under threat of civil complaint did the county judge relent and issue a simple Zoom writ for the civilly disabled prose appearance.

In a questionable turn of legal scholarship, the state attacked the petition for relief from judgment on technicality not merits. The state conflated the petition for relief as pertaining to the underlying conviction when it was clearly intended for relief in the independent civil proceeding under the postconviction act and the conflicted judge's summary denial. A judgment reached in complete denial of procedural due process. In essence, the state's argument denied petitioner access to the code of civil procedure's instrumentality for relief from judgment by erroneously conflating the substantive argument to the conviction (outside the 2yr limitations rule) as opposed to the post conviction civil proceedings. The conflicted county judge accepted the state argument and declined petitioners request for a written order or specification as to Authority relied upon. Notice of appeal was timely filed.

The Appellate Court perpetuated the unreasonable denial of access to court by an unreasonable dismissal of the appeal. The appeal was plagued by multiple state actors who unreasonably impeded petitioner's meaningful access to a rightful appeal. Specifically, the clerk and the reporter in the county court and the Illinois Dept. of Corrections impeded the proper access to the appeal while the appellate court motion docket judge or staff attorney failed to use equitable fairness in the pro se efforts to achieve a ruling on the merits via a winning brief.

Petitioner, as appellant, accepted his duty to supply the record on appeal. Despite clear and detailed instructions to the County actors an incomplete record was sent to the appellate court who blindly and negligently accepted and certified the non-compliant record which lacked a complete report of proceedings. The facts showed that petitioner was absent from all proceedings (due to the County judge's denial of access) and transcripts that were included showed clear signs of bias by the judge. Petitioner demanded full transcripts in order to properly brief the appeal.

The pro se efforts to procure the complete record were prolonged and exhaustive. First efforts were expended in the circuit court. Petitioner, pro se, subpoenaed the clerk and the reporter for a hearing on the matter. The County judge refused to allow petitioner to speak, ran the hearing at his will and placed his thumb on the scales refusing to complete the missing transcripts. A point of futility had been reached in the circuit court.

Actions in mandamus were filed in the appellate court, state

Supreme Court, and again in the appellate court -- all to no avail. In a last desperate attempt, a simple motion to compel completion was filed in the appellate court. The appellate court, indicative of some unknown investigation, selected only some of the missing dates and issued an order for completion. However, the order placed the burden of policing the order on the civilly disabled prisoner pro se appellant. The circuit court actors never complied with the order. (Appx. —).

In the same timeframe as the motion to compel completion petitioner confronted detrimental damage to two pro se appeals. Due to damaging circumstances, caused by the unlawful destruction of personal legal materials by IL Dept of Corr Staff member, two appellate pro se briefs and a supplemental brief were placed in jeopardy. (Appx. —).

The appellate court arbitrarily dismissed the meritorious appeal for failing to meet an arbitrarily assigned briefing date in light of the well plead extraordinary circumstances beyond petitioner's control. (Appx. —). Upon fully exhausting the matter in the appellate court petitioner sought equitable oversight in the Illinois Supreme Court including rehearing. (Appx B+C). Petitioner plead the extraordinary facts beyond his control and the Illinois Supreme Court abused its equitable discretion. (Appx B+C).

Neither state court provided clarity of reasoning that would permit petitioner to amend and advance the litigation, where the extraordinary facts were sworn by affidavit and were undisputed.

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 pro se litigants. The disability creates unequal treatment and due process violations as shown in the incorporated appendix. Multiple state actors, as exemplified by petitioner's cases, 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 issues, as shown in the prior section, involve numerous due process and court access violations by a county judge. A controversy that was deserving of a merits ruling. Can a county judge deny a civilly disabled prisoner pro se litigant literal access to the court house door, rule on multiple matters without notice nor ability to be heard, relent from the nearly year-long denial only when served a civil complaint, and then get rescued by an arbitrary appellate court?

The standard of review for abuse of equitable discretion is governed by *Holland v. Florida* (2010), 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 court's arbitrary briefing schedule. This included notice of adverse change in circumstance and equitable extension of time. It also included notice that the circuit court had not complied with the order for completion of the record. The appellate court summarily denied all pleadings. With calous indifference the court provided no clarity of reasoning and set a schedule without regard to the extraordinary circumstances (APPX. —). Notably, the State did not object or respond to these motions.

As shown by the motion docket filings in the Appendix, interference by state officials made the court imposed briefing impossible and the assigned date arbitrary. The circuit court actors failed to produce transcripts despite the exhaustive efforts and a court order. Although the court knew or should have known that the county court failed to comply with the order to complete the reports of proceedings the court expected a brief and remained indifferent to the circumstances.

The Illinois Dept of Corrections interfered with Petitioner's access to the court through various acts. This included chronic understaffing creating a de-facto "supermax" 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 pro se 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, verifiably or patently true and well plead. IDOC's chronic understaffing, meets the *Sandlin v. Connor* (1995), 515 US 472, 484 standard of atypical and significant hardship in relation to the ordinary incidents of prison life. The destruction of legal materials by IDOC staff is 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; cf. *Christopher v. Harbury* (2002), 536 US 403, 415 n12, and also the Sixth Amendment right to litigate in proper person. (Appx. _____).

A third state actor interfered in this process - the Third District Appellate Court. It is a reasonable inference to conclude that the state court is willfully indifferent to a pro se appeal. They attempt to paint this as a negligent pro se appellant dilly-dallying away his rightful appeal. The incorporated appendix shows a different reality. The facts clearly show petitioner diligently pursuing his rights under adverse circumstances beyond his control.

A pro se brief should not be considered a perfunctory filing which preceeds 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 complete record or the benefit of legal research and analysis.

Further troubling in this matter is an appearance of impropriety. The appeal involves a county judge who blatantly denied petitioner access to court and due process, and corrupted the liberty interest protected

by the Illinois Post Conviction Act 725 ICS 5/122 et seq. (also Young v. Ragen, 337 US 235 and Marino v. Ragen, 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 later courts. This matter involves life-long liberty and the substantial denial of constitutional rights in the trial that produced the conviction.

Lastly, for purpose of clarity, petitioner is not simply a disgruntled litigant who is unhappy with the decision of the county judges. Petitioner understands the options available to remedy collateral errors and the unconstitutional trial. Those options are being diligently pursued.

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 prisoner pro se litigants, the Court must remind Illinois that, albeit diminished, these litigants still maintain the essential right, the right preservative 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 Keller

Date: 12/08/25