IN THE SUPREME COURT OF THE UNITED STATES

Allababidi v. Junkin, Fontana, and Chief Adult Probation Officer

EHAB ALLABABIDI,	**Emergency Application No. _____** *(To Be Assigned)* 7th Cir. No. **26-2212** (perfected appeal) 7th Cir. Nos. **26-2162 / 26-2163** (prior) N.D. Ill. Nos. **1:26-cv-01077 / 1:25-cv-15181** Hon. John Robert Blakey

EMERGENCY APPLICATION FOR AN INJUNCTION PENDING APPELLATE REVIEW

Pursuant to 28 U.S.C. § 1651 and Supreme Court Rules 22 and 23

TO THE HONORABLE AMY CONEY BARRETT, ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES
AND CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT:

This Application asks the Circuit Justice to enjoin, pending the filing and disposition of a petition for a writ of certiorari, the execution of a no-bond arrest warrant procured by a sworn statement that told the issuing judge half of what the State's own file records. In a Petition for Revocation sworn on May 12, 2026, Assistant State's Attorney Nicholas Shepherd of Lake County, Illinois, alleged—"upon information and belief"—that Applicant "tested positive for Amphetamine (illegal substance)" on or about November 10, 2025. (App. H.) Five months earlier, on December 10, 2025, the State's own supervising officer—Cook County Adult Probation Officer Adison Weeks—had resolved that very test in a single written sentence: "Your drug test results were positive for amphetamine, but it is all negative in my eyes because I know you are still taking the Adderall"—a prescription the Probation Department had verified. (App. G.) The Petition swore to the first half of that sentence and omitted the second. The half it omitted is the half that makes the result legally innocent.

The warrant built on that sworn statement is not a paper threat. It is a no-bond custodial warrant, entered into LEADS/NCIC, and it is being actively executed: on June 6, 2026, police execution teams attempted forced entries at Applicant's residence at 1:03 PM and again at 5:51 PM. If the warrant is executed before this Court can act, Applicant—a pro se litigant—will be held without bond, and the federal proceedings described below will be decided by default rather than on their merits. No later remedy can undo that.

Applicant did what comity demands: he attempted to raise these defenses in the state forum first. The state forum refused to receive them. On June 8, 2026, the Lake County Circuit Court clerk

declined in writing to docket Applicant's pro se *Faretta* motion and Omnibus Filing—"the motion must be filed by your attorney" (App. L)—while the attorney in question, appointed Public Defender Bailey Russell, had been silent for ten consecutive days during active warrant execution. (App. M.) When Applicant escalated, the Clerk's Department Chief confirmed the refusal in writing as the policy of the circuit, and the June 9 emergency call passed without any response at all. (App. N.) Applicant does not ask the Court to accept his characterization of any of these events. Every dispositive fact recited in this Application is established by a written record authored by the State itself or by a federal court and reproduced in the Appendix; the remaining facts are documented in Applicant's verified filings in the courts below, which no Respondent has controverted in any forum.

The procedural posture is equally concrete. The District Court denied emergency injunctive relief under *Younger v. Harris* without holding an evidentiary hearing on the documented bad-faith exception. (App. C, D.) The Seventh Circuit dismissed Applicant's first appeal as premature (App. B); Applicant cured the defect within one day by filing a perfected notice of appeal, docketed as No. 26-2212 (App. E); and on June 8, 2026, the Seventh Circuit denied Applicant's emergency motion under Federal Rule of Appellate Procedure 8 and dismissed the perfected appeal as frivolous, without merits briefing, within twenty-four hours of docketing. (App. A.) Whatever labels those orders bear, their combined effect is undisputed: no federal judge at any level has yet passed on Appendix G or Appendix L. This Court is the first tribunal to which those documents can now be presented—and the last with the power to act before execution of the warrant moots them.

In Forma Pauperis status and format (Rules 39, 22.2, 33.2, 29): The District Court granted Applicant leave to proceed *in forma pauperis* under 28 U.S.C. § 1915 in both underlying actions on April 13, 2026, upon an express finding that Applicant "is impoverished." (No. 1:26-cv-01077, Dkt. 11; No. 1:25-cv-15181, Dkt. 11; App. O, P.) Pursuant to Rule 39.1, a motion for leave to proceed in forma pauperis accompanies this Application, with copies of both orders granting leave appended. This Application and its Appendix are prepared on 8½-by-11-inch paper as Rules 22.2 and 33.2 require for applications to an individual Justice, and are filed with the Clerk in paper form as Rule 29.1 requires, by deposit of the original and two copies with the United States Postal Service for expedited delivery. Given the active execution attempts at Applicant's residence, Applicant is also notifying the Clerk's Office by telephone of the emergency nature of this filing, and stands ready to transmit an electronic courtesy copy immediately upon the Clerk's direction.

I. OPINIONS AND ORDERS BELOW

Four orders are at issue, none of which is published. **First**, the order of the United States Court of Appeals for the Seventh Circuit entered June 8, 2026, in No. 26-2212, denying Applicant's emergency motion for an injunction pending appeal under Rule 8 and summarily dismissing the appeal as frivolous under *United States v. Fortner*, 455 F.3d 752, 754 (7th Cir. 2006), in reliance on *Younger v. Harris*. (App. A.) **Second**, the order of the Seventh Circuit entered June 4, 2026, dismissing Appeal No. 26-2162 as premature and dismissing Appeal No. 26-2163 as frivolous on the ground that the order under review was an unappealable "stay" under *Sherwood v. Marquette Transportation Co.*, 587 F.3d 841 (7th Cir. 2009). (App. B.) **Third**, the minute order of the United States District Court for the Northern District of Illinois (Blakey, J.) entered May 29, 2026, denying Applicant's emergency motion for a temporary restraining order and preliminary injunction in No. 1:26-cv-01077 on *Younger* abstention grounds. (App. C.) **Fourth**, the companion minute order entered May 28, 2026, denying emergency relief in No. 1:25-cv-15181 on the same grounds. (App. D.)

II. JURISDICTION

The judgments of the Seventh Circuit are subject to this Court's review under 28 U.S.C. § 1254(1). The Circuit Justice has authority to grant an injunction pending appellate review under the All Writs Act, 28 U.S.C. § 1651(a), and Supreme Court Rule 23. This Application is properly directed to the Circuit Justice for the Seventh Circuit under Rule 22.3. As Rule 23.3 requires, the relief sought here was first sought and denied in both courts below: the District Court denied emergency injunctive relief on May 28 and 29, 2026 (App. C, D), and the Seventh Circuit denied the corresponding Rule 8 motion and dismissed the perfected appeal on June 8, 2026 (App. A). Except for this Court, every avenue of federal review has been exhausted.

Two threshold objections can be anticipated, and this Court's precedent answers both. **First**, the Seventh Circuit's dismissal does not defeat jurisdiction under § 1254(1): a case is "in" a court of appeals once it is docketed there, and § 1254 review extends to any case so situated, whatever disposition the court of appeals later makes of it. *United States v. Nixon*, 418 U.S. 683, 690–92 (1974). **Second**, the District Court's orders are not insulated from § 1292(a)(1) because the motions they denied were styled as seeking a "temporary restraining order and preliminary injunction." Each order denied all injunctive relief outright, on abstention grounds, without setting a hearing or contemplating further injunction proceedings—a disposition with "serious, perhaps irreparable, consequence" that could be "effectually challenged" only by immediate appeal. *Carson v. American Brands, Inc.*, 450 U.S. 79, 84

(1981). Form aside, an order that finally refuses to enjoin imminent custodial process is a refusal of an injunction.

III. STATEMENT OF THE CASE

A. The Verified Prescription and the State's Written Adjudication of Compliance

Applicant is on probation in Lake County, Illinois, Case No. 23 CF 1146, with supervision administered through Cook County Adult Probation. Applicant takes Adderall under a lawful prescription. On November 10, 2025, a routine drug screen returned the result one would expect from a verified Adderall prescription. On December 10, 2025, the supervising officer, Adison Weeks of Cook County Adult Probation, resolved the matter in a single written sentence: "Your drug test results were positive for amphetamine, but it is all negative in my eyes because I know you are still taking the Adderall." (App. G.) That sentence records, together, the laboratory result and the verified prescription that makes it legally innocent. It was the State's last word on the subject for five months.

B. The Petition for Revocation

ASA Shepherd then swore a Petition for Revocation of Probation, on "information and belief." (App. H.) Its jurat is dated May 12, 2026; the accompanying Notice setting arraignment for May 28, 2026, at 9:00 AM in Courtroom T-611 is dated and sworn May 14, 2026—an internal two-day discrepancy in the State's own papers. The Petition alleges five grounds (¶¶ 3.A–3.E). Paragraph 3.B alleges that Applicant "tested positive for Amphetamine (illegal substance)"—the same November 10 test Officer Weeks had resolved in writing as attributable to the verified prescription. Paragraph 3.A alleges willful nonpayment of court-ordered financial obligations; no ability-to-pay hearing was held or scheduled, although a federal court had adjudicated Applicant indigent. Paragraph 3.C alleges willful failures to report on five dates; the only documented contact concerning any of them was a single call from an officer who declined to identify herself, and no written directive, call log, or e-mail instructing Applicant to report on the remaining dates exists. Paragraphs 3.D and 3.E allege failures to complete public service hours and a victim impact panel, without alleging any deadline, scheduling directive, or communication. The principal allegations, and the state records that answer them, are set out side by side in Table 1.

Table 1: The Sworn Charge Beside the State's Own Record (Franks / Napue Matrix)

Sworn State Representation to the Court	Contemporaneous State Business Record	Federal Constitutional Violation
"The defendant tested positive for Amphetamine (illegal substance) on or about 11/10/2025." *(Petition for Revocation ¶ 3.B, sworn "upon information and belief"; App. H)*	"Your drug test results were positive for amphetamine, but it is all negative in my eyes because I know you are still taking the Adderall." *(Cook County Probation Officer Adison Weeks, in writing, Dec. 10, 2025; App. G)*	**Material omission / reckless disregard.** The Petition swore to the first half of the State's own sentence and omitted the second—the verified lawful prescription that makes the result legally innocent. *Franks v. Delaware*; cf. *Napue v. Illinois*; *Alcorta v. Texas*, 355 U.S. 28 (1957) (per curiam) (false impression).
"The defendant willfully failed to pay court ordered financial obligations." *(Petition for Revocation ¶ 3.A; App. H)*	No ability-to-pay hearing was held and no financial disclosure was requested before the no-bond custodial warrant issued. Applicant holds a federal indigency adjudication (IFP, Apr. 13, 2026).	**Imprisonment for poverty.** Custodial enforcement of a financial default without the mandatory inquiry into ability to pay violates *Bearden v. Georgia*, 461 U.S. 660, 672–73 (1983).
"The defendant failed to report to Probation/Compliance on or about 02/19/2026, 02/27/2026, 03/10/2026, 03/11/2026, and 03/26/2026." *(Petition for Revocation ¶ 3.C; App. H)*	The only documented contact (02/19) was a call from an officer who declined to identify herself or leave contact information; for the remaining dates no call log, e-mail, or written directive exists, and the officer's March 10 written communication framed reporting as a non-mandatory request.	**Absence of fair notice.** Charging a "willful" failure to report on dates for which no directive issued is irreconcilable with the fair-notice requirement of the Due Process Clause of the Fourteenth Amendment.

C. The Mailing Chronology and the Compressed Notice Window

The Petition's journey to Applicant is documented by physical forensics. (App. I.) The Petition's jurat is dated May 12, 2026, and the Notice May 14. The State's internal Pitney Bowes postage meter (Meter No. 0000380874) printed postage on Friday, May 15, 2026. The USPS cancellation mark shows the envelope did not enter the federal mail stream until Monday, May 18, 2026, at 4:00 PM, and it was delivered on May 21, 2026—seven days before the hearing it noticed, with the Memorial Day holiday intervening. Applicant thus had three business days from delivery to learn of the charge, attempt to secure counsel, and respond. Those dates foreclose any suggestion that Applicant slept on his rights.

D. May 28: The Hearing Applicant Could Not Reach, and the No-Bond Warrant

Applicant did not appear at the May 28 arraignment, and the reason matters. The Notice reached him on May 21, three business days before the hearing. He had no lawyer: the Lake County Public Defender's office did not confirm the assignment of counsel (Bailey Russell) until May 29—the day after the warrant issued. His driver's license stood revoked, and the Waukegan courthouse is roughly thirty-five miles from his Chicago residence. What Applicant could do in that window, he did: at 7:00 AM on May 28, two hours before the hearing, he served the exculpatory Weeks record and a written objection on the prosecutor and the Circuit Clerk, asking that no warrant issue on the contradicted allegation. (See App. F.) The court issued the no-bond warrant that morning. Whatever else may be said of that sequence, it is not the record of a man dodging his court date; it is the record of a man who could not physically reach the courthouse in time and put his defense in writing instead.

On May 28, 2026—the same day the District Court first abstained under *Younger* (App. D)—the Lake County Circuit Court issued a no-bond custodial warrant of arrest on the Petition. (App. J, K.) On June 6, 2026, police execution teams attempted forced entries at Applicant's residence at 1:03 PM and 5:51 PM. June 6 was also the day Applicant filed a 65-page civil rights action under 42 U.S.C. § 1983 in the Northern District of Illinois against ASA Shepherd and the officers involved, assigned to Judge Kennelly as No. 1:26-cv-06738. The warrant remains active in LEADS/NCIC. Execution is not hypothetical; it has twice been attempted and may be completed at any hour.

E. The Closure of the State Forum

Applicant attempted to defend himself in the state court that issued the warrant. On the morning of June 8, 2026, he dispatched by USPS an Omnibus Filing, a motion for self-representation under *Faretta v. California*, 422 U.S. 806 (1975), and a Notice of Constructive Abandonment of counsel. The same day, he transmitted the same filings electronically to Lake County Circuit Court Clerk Hanna Becerra, asking that the matter be placed on the emergency call. The Clerk's written response refused the filing:

> *"Unfortunately we cannot add this case to the call because we do not have the original motion copy and the motion must be filed by your attorney. I would reach out to your public defender to have this matter added to the call."*

(App. L.) The attorney to whom the Clerk directed Applicant—appointed Public Defender Bailey Russell—had at that point made no contact of any kind for ten consecutive days, while the no-bond warrant was under active execution. Applicant immediately replied in writing, invoking *Faretta*, documenting counsel's abandonment, and requesting remote-appearance credentials so he could appear and defend himself. (App. M.)

The answer came that night from above. At 8:48 PM, the Clerk's Department Chief of Criminal, Traffic and Records, Cindy Robers, confirmed the refusal in writing—not as one employee's judgment, but as the policy of the circuit:

> *"We here in the 19th Judicial Circuit don't accept filings via email... Since you are currently represented by the Public Defender's Office I would suggest you reach out to them... and speak with them in regard to any motions you would like them to file on your behalf."*

(App. N.) At 9:32 PM, Applicant replied. He thanked the Department Chief, acknowledged her administrative constraints, attached the District Court's order directing him to raise these claims in the state court in the first instance (App. C), and asked whether any administrative mechanism existed for him to be heard at the June 9, 2026, 9:00 AM emergency call—writing that he was "simply trying to ensure the state court has the opportunity to review this matter before I am required to return to the federal docket." (App. N.) The June 9 call came and went. No response from the Department Chief. None from the prosecutor, who was copied. None from appointed counsel, who was copied. No remote-appearance credentials. No docketing. The result, summarized in Table 2, is a closed circle confirmed at every level of the forum: the clerk will docket constitutional defenses only over the signature of an attorney; the attorney does not respond; and the official who administers the clerk's office has stated in writing that this is the policy.

Table 2: The Documented Closure of the State Forum (Middlesex Prong 3)

Date & Time	Applicant's Attempt to Access the State Forum	State Response (Written Record)	Federal Consequence
June 8, 2026 10:00 AM	**Physical presentation:** Omnibus Filing, *Faretta* self-representation motion, and Notice of Constructive Abandonment dispatched via USPS to the Lake County Circuit Court Clerk.	**Counsel silent:** Appointed Public Defender Bailey Russell had made no contact for ten consecutive days while the no-bond warrant was under active execution.	Complete absence of counsel at a critical stage. *United States v. Cronic*, 466 U.S. 648, 659 (1984).
June 8, 2026	**Electronic presentation:** Emergency submission of the *Faretta* motion and Omnibus Filing transmitted to Clerk Hanna Becerra with a request to place the matter on the emergency call. (App. M.)	**Filing refused in writing:** "Unfortunately we cannot add this case to the call because… the motion must be filed by your attorney." (App. L.)	The state forum is closed to the constitutional defenses comity assumes it will hear. *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973); *Middlesex*, prong 3.
June 8, 8:48 PM – June 9, 2026	**Escalation in compliance with the federal directive:** Applicant's 9:32 PM reply attaches the District Court's order (App. C) directing him to raise his claims in state court first, and asks whether any mechanism exists to be heard at the June 9, 9:00 AM call. (App. N.)	**Refusal confirmed as policy:** Department Chief Cindy Robers, in writing: "We here in the 19th Judicial Circuit don't accept filings via email…." The June 9 call then passes with no response of any kind. (App. N.)	The closure is the forum's stated institutional policy, confirmed by a department-level official—not an isolated administrative act. The adequacy presumption of *Middlesex* prong 3 is refuted by the forum's own words.

F. The Federal Proceedings and the Decisions Below

The underlying federal cases were not lingering on a screening docket. On April 13, 2026, the District Court completed initial review of both of Applicant's habeas petitions under Rule 4 of the Rules Governing Section 2254 Cases—a standard requiring dismissal of any petition that "plainly" lacks merit—expressly found that Applicant "alleges cognizable claims for relief," granted leave to proceed in forma pauperis in both actions on a finding that Applicant "is impoverished," and ordered the State to answer by June 5, 2026. (App. O, P.)

Applicant then sought emergency relief in those two coordinate actions before Judge Blakey, Nos. 1:26-cv-01077 and 1:25-cv-15181, presenting the Weeks adjudication and invoking the bad-faith exception to *Younger*. On May 28 and 29, 2026, the District Court denied emergency relief on *Younger* grounds without holding an evidentiary hearing on bad faith. (App. C, D.) Applicant appealed. On June 4, the Seventh Circuit dismissed Appeal No. 26-2162 as premature because the notice preceded formal entry of judgment, and dismissed Appeal No. 26-2163 as frivolous—recharacterizing the denial of an injunction against state officers as an unappealable "stay" under *Sherwood*. (App. B.) Applicant cured the prematurity defect the next day with a perfected notice of interlocutory appeal under 28 U.S.C. § 1292(a)(1), docketed as No. 26-2212. (App. E.) On June 8, 2026, within twenty-four hours of docketing and without merits briefing, the Seventh Circuit denied Applicant's 43-page emergency Rule 8 motion (App. F) and dismissed the perfected appeal as frivolous under *Fortner*, in reliance on *Younger*. (App. A.) No court has held a hearing, taken evidence, or ruled on the authenticity or effect of Appendix G or Appendix L.

IV. REASONS FOR GRANTING THE APPLICATION

Applicant recognizes that the standard for this extraordinary relief is deliberately demanding. An injunction pending review issues only where the applicant's right to relief is "indisputably clear," *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U.S. 1312, 1313 (1986) (Scalia, J., in chambers); *Lux v. Rodrigues*, 561 U.S. 1306, 1307 (2010) (Roberts, C.J., in chambers), where there is a reasonable probability that four Justices would grant certiorari and a fair prospect of reversal, cf. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam), and where the applicant demonstrates both likely success on the merits and independent certworthiness, *Does 1–3 v. Mills*, 142 S. Ct. 17, 18 (2021) (Barrett, J., concurring in denial of application). Applicant is candid about the odds: injunctions from a Circuit Justice are extraordinarily rare, and rarer still for pro se applicants. He files anyway because this is the rare posture in which the standard can be met by exhibit rather than argument: the dispositive documents are the State's own, their authenticity is beyond dispute, and the comparison they invite requires no factfinding—only reading.

A. The Question Presented Is Independently Certworthy: A Statutory Appeal of Right Was Erased

1. The Seventh Circuit's jurisdictional holding conflicts with the text of 28 U.S.C. § 1292(a)(1) and with *Gulfstream*. Congress gave litigants an appeal as of right from interlocutory orders "refusing" injunctions. 28 U.S.C. § 1292(a)(1). The orders Applicant appealed refused an

injunction: they denied motions to enjoin named state officers from executing a custodial warrant. In its June 4 order, the Seventh Circuit nonetheless held the appeal in No. 26-2163 frivolous on the ground that the order under review was an unappealable "stay," invoking *Sherwood v. Marquette Transportation Co.*, 587 F.3d 841 (7th Cir. 2009)—and when Applicant cured the companion prematurity defect and perfected his appeal, the June 8 order extinguished it as frivolous under *Fortner*, in reliance on *Younger*, without briefing. (App. A, B.) But *Sherwood* rests on *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271 (1988), which distinguishes a court's management of *its own* docket—not an injunction—from an order granting or refusing relief directed at parties with respect to proceedings *elsewhere*, which is the very thing § 1292(a)(1) makes appealable. An order refusing to enjoin a separate sovereign's officers is not docket management under any reading of *Gulfstream*. If a denial of a *Younger* injunction can be recharacterized as an unappealable case-management stay—or summarily branded frivolous because *Younger* was the ground of decision below—then every abstention denial, the category of interlocutory order most in need of appellate review because the claimed injury is consummated before final judgment, escapes § 1292(a)(1) entirely. That holding warrants this Court's review whether or not any other circuit has yet followed it, because it furnishes a template by which any circuit may do so.

2. The disposition below departed from the accepted and usual course of judicial proceedings. Sup. Ct. R. 10(a). Summary dismissal under *Fortner* is reserved for appeals whose arguments are incomprehensible or completely insubstantial. 455 F.3d at 754. An appeal presenting a written state adjudication that contradicts the sworn charge (App. G), a written clerk's refusal to docket constitutional defenses (App. L), and a pure question of appellate jurisdiction under § 1292(a)(1) is not insubstantial under any definition this Court has recognized. The incongruity is structural: the same District Judge whose orders were under review had already examined the underlying claims under Rule 4 of the Rules Governing Section 2254 Cases and expressly found that Applicant "alleges cognizable claims for relief." (App. O, P.) A record that survives Rule 4 screening in the district court cannot coherently be "completely insubstantial" on appeal. Applicant does not ask this Court to review the Seventh Circuit's motives; he asks it to review the result: a perfected appeal of right, extinguished without briefing, in a posture where dismissal guarantees that the dispositive exhibits will never be examined by any federal court. Where the court of appeals' chosen procedure forecloses all merits review of a substantial constitutional record, this Court's supervisory intervention is the only corrective that exists.

B. The Right to Relief Is Indisputably Clear: This Case Falls Within the Express Exceptions to *Younger*

Younger v. Harris, 401 U.S. 37 (1971), is a doctrine Applicant accepts on its own terms. Federal courts ordinarily must abstain from enjoining pending state criminal proceedings—because comity presumes that the State prosecutes in good faith and that its courts stand open to hear federal defenses. But *Younger* itself, and this Court's decisions since, reserve federal intervention for "cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction." *Perez v. Ledesma*, 401 U.S. 82, 85 (1971); see *Dombrowski v. Pfister*, 380 U.S. 479, 490 (1965); *Kugler v. Helfant*, 421 U.S. 117, 124–25 (1975). Both of the doctrine's premises—good faith and an open state forum—are refuted here by the State's own writings.

1. The warrant was procured by a sworn statement that omitted the State's own exculpatory record. Applicant does not contend that the laboratory result was invented. The November 10 screen was positive for amphetamine—because amphetamine is the active compound of the Adderall the State itself had verified Applicant is lawfully prescribed. Officer Weeks's December 10 sentence records both halves: the result, and the verification that makes it legally innocent. (App. G.) The Petition presented the issuing judge with the first half, characterized the substance as "illegal," and omitted the second half entirely—on a verification sworn only "upon information and belief," by an affiant whose own office's supervisory file answered the question. (App. H.) Under *Franks v. Delaware*, 438 U.S. 154, 155–56 (1978), a warrant falls when procured by statements made with "reckless disregard for the truth," and the doctrine condemns material omissions as fully as affirmative falsehoods. Under *Napue v. Illinois*, 360 U.S. 264, 269 (1959), *Mooney v. Holohan*, 294 U.S. 103, 112 (1935), and *Alcorta v. Texas*, 355 U.S. 28, 31 (1957) (per curiam), the State may not obtain a deprivation of liberty through evidence that—even if literally accurate—creates a false impression the State knows to be false. A charge whose only path to revocation runs through suppressing the State's own written verification of innocence is the paradigm of a charge brought "without hope of obtaining a valid conviction." *Perez*, 401 U.S. at 85. Table 1 sets the sworn charge beside the record that answers it.

The answers Respondents are likely to give only deepen the violation. *Respondents may say Paragraph 3.B was literally true. Alcorta* forecloses that answer: due process is violated by evidence that is accurate in isolation but creates a false impression—and "illegal substance" is not even accurate in isolation, because the substance detected was the prescribed medication the State had verified. The word "illegal"—the only word that converts an innocent laboratory artifact into a revocable offense—is

the word the State's own file refutes. *Respondents may say the Weeks writing was informal. Napue* does not grade the State's records by their letterhead. The writing is a statement of the supervising officer, made in the course of supervision, resolving the precise question the Petition later swore the other way. Its informality goes nowhere; its content goes everywhere. *Respondents may say the Lake County prosecutor did not know what Cook County probation knew.* The prosecution "has a duty to learn of any favorable evidence known to the others acting on the government's behalf," *Kyles v. Whitley*, 514 U.S. 419, 437 (1995); see *Giglio v. United States*, 405 U.S. 150, 154 (1972)—and the Petition itself is built from the probation file, whose entries supply its reporting and payment allegations. The State cannot invoke that file's inculpatory pages while disclaiming its exculpatory ones. *And whatever ASA Shepherd knew on May 14*, the State has known in writing since before the warrant issued: the exculpatory record was identified in a litigation-hold notice served on May 22, 2026, and served again on the prosecutor and the state court before the May 28 warrant hearing. (See App. F.) *Napue* condemns not only the solicitation of false evidence but allowing it "to go uncorrected when it appears." 360 U.S. at 269. The State has held the correction for weeks. It is executing the warrant anyway.

Nor can the Petition's remaining allegations supply the "hope of a valid conviction" that the drug charge cannot. *Franks* supplies the method: set the false matter to one side and ask what remains. 438 U.S. at 156. What remains is (i) a nonpayment allegation that cannot constitutionally support custody absent an ability-to-pay inquiry that was never conducted—against a litigant whom two federal orders adjudicate as "impoverished" (App. O, P), *Bearden v. Georgia*, 461 U.S. 660, 672–73 (1983); (ii) "willful" failures to report on dates for which no directive, call log, or written instruction exists—willfulness without notice; and (iii) community-service and victim-impact allegations pleaded without a date, a deadline, or a documented directive. No court issues a *no-bond custodial warrant* on that residue. Nor does the warrant's judicial signature insulate it: *Franks* exists precisely because a judicial officer's probable-cause determination is only as sound as the sworn statements presented to it—deceive the issuing judge, and the judicial imprimatur falls with the deception. And the exception has a second, independent branch—"proven harassment," *Perez*, 401 U.S. at 85—which the timing record satisfies on its own: a petition sworn 31 days after the federal habeas answer deadlines were set, an arraignment placed 8 days before the State's federal answers came due, and a mailing chronology that consumed half of the notice window while the envelope sat in state custody (App. I).

Applicant is aware that this Court and the lower federal courts have only rarely found the bad-faith exception satisfied. The reason is evidentiary: such claims ordinarily arrive as accusation, inference, and characterization, requiring the very factfinding that an emergency posture forbids. This one arrives as the State's own paperwork. The rarity of a record like this is not a reason to deny relief; it is what makes this case a clean vehicle to say what the exception means.

2. The state forum is closed in writing. Abstention's third premise—an "adequate opportunity in the state proceedings to raise constitutional challenges," *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423, 432 (1982); *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 81 (2013)—is not a presumption Applicant asks the Court to disregard. It is a presumption the Lake County Clerk refuted in writing on June 8, 2026, when she declined to docket Applicant's *Faretta* motion and constitutional defenses because "the motion must be filed by your attorney" (App. L)—an attorney who had been silent for ten days during active execution of a no-bond warrant, in circumstances this Court's precedent treats as the complete denial of counsel at a critical stage. *United States v. Cronic*, 466 U.S. 648, 659 (1984). A defendant cannot file pro se because he has counsel; his counsel will not file because he does not answer; and the court will not hear the defendant until something is filed. Nor can the closure be dismissed as the act of a single employee: the Clerk's Department Chief of Criminal, Traffic and Records confirmed the refusal in writing as the policy of the 19th Judicial Circuit, and when Applicant—expressly complying with the District Court's directive to raise his claims in the state court in the first instance—asked whether any mechanism existed for him to be heard at the June 9 emergency call, no official answered. (App. N.) A policy of exclusion, stated in writing by the official who administers the forum, ends the adequacy inquiry. When the State itself seals every entrance to its forum, abstention in deference to that forum does not serve comity—it abandons the federal plaintiff to a proceeding in which no tribunal will hear him. *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973), holds that abstention is inappropriate where the state forum is incompetent to adjudicate the federal claim. A forum that will not docket the claim is the strongest possible case.

The anticipated rejoinders fail on this record. *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 15 (1987), directs federal courts to presume the adequacy of state procedures "when a litigant has not attempted to present his federal claims" in the state courts. The presumption has no work to do here: Applicant attempted—by mail, by electronic submission, and by escalation to the office's department chief—and the State's written answers are Appendices L and N. *If Respondents defend the Clerk's rule*

as an ordinary bar on hybrid representation, the defense misses the constitutional point: a no-hybrid rule is tolerable only while counsel functions. When the rule bars the defendant's own filings and appointed counsel files nothing and answers no one for ten days during active warrant execution, the rule and the silence together accomplish what neither could alone—total foreclosure. Cf. *Cronic*, 466 U.S. at 659. *If Respondents observe that Illinois's appellate courts remain open*, there is nothing to take to them: because the Clerk refused to docket the motions, no motion, no ruling, and no record exists to review, and any original action would have to pass through the same locked filing window or the same unresponsive counsel. *And if Respondents say Applicant may simply surrender and raise his defenses thereafter*, that answer concedes the problem rather than solving it: it makes submission to the very no-bond custody procured by the contradicted oath the price of being heard on whether that custody is lawful. Applicant did not abandon the forum—he asked, in writing, to appear remotely and defend himself, attaching the federal court's own directive to proceed there first. (App. N.) The State did not answer.

3. Federal intervention here vindicates comity rather than offends it. The injunction Applicant seeks does not displace Illinois's authority to supervise its probationers. Illinois remains free to proceed on truthful sworn allegations, to hold the ability-to-pay hearing *Bearden* requires, and to docket and hear Applicant's defenses. What Illinois may not do—and what no decision of this Court permits—is take a citizen into no-bond custody on a sworn statement its own records contradict, while declining to docket his defenses. *Younger* was never a warrant for that.

C. Irreparable Harm Is Imminent, Documented, and Beyond Later Remedy

The harm threatened here has already been attempted twice. On June 6, 2026, police execution teams attempted forced entries at Applicant's residence at 1:03 PM and 5:51 PM. Any objection that the injury remains speculative fails on those timestamps: "One does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending, that is enough." *Pennsylvania v. West Virginia*, 262 U.S. 553, 593 (1923). The injuries that follow are concrete and cannot be repaired after the fact:

> **The deprivation of liberty itself.** The warrant carries no bond, so execution means detention of indefinite duration on charging papers the State's own records contradict. That injury is complete the moment it occurs and no later order can repair it: the days in custody are not returned. Cf. *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion) (the loss of

constitutional freedoms "for even minimal periods of time" constitutes irreparable injury).

Prejudice to coordinate federal litigation. Applicant does not contend that detained litigants are categorically unable to litigate; many do. The contention is narrower and specific to this record. Applicant is the sole, pro se plaintiff in the two underlying federal actions (Nos. 1:26-cv-01077, 1:25-cv-15181), in a newly filed § 1983 damages action against ASA Shepherd and the executing officers (No. 1:26-cv-06738, Kennelly, J.), and in additional civil dockets including No. 1:25-cv-15800 and No. 1:26-cv-03204—several with imminent deadlines. The officials his damages action names as defendants are the same officials who would take and hold him. No-bond detention timed against those deadlines creates a concrete risk that the cases will be resolved by default rather than on the merits—and the timing record set out above suggests that this risk is not incidental.

Mootness of this Court's own review. Execution of the warrant before disposition of the forthcoming certiorari petition would deliver the State the complete relief it seeks while review is pending, and would do so through the very custody whose lawfulness is the question presented. An injunction under § 1651(a) is "in aid of" this Court's jurisdiction in the most literal sense: it preserves the subject of review until review can occur.

D. The Balance of Equities Is One-Sided, and the Requested Relief Is Narrow

Against these injuries, the State's side of the scale holds nothing cognizable. Illinois has no legitimate interest in executing custodial process founded on a sworn statement its own records contradict, *Napue*, 360 U.S. at 269, and the injunction sought would not impair any lawful supervision: Applicant remains on probation, remains subject to every valid condition, and remains amenable to any truthfully-grounded proceeding the State chooses to bring. Consistent with *Trump v. CASA, Inc.*, 606 U.S. ___ (2025), the relief requested is strictly party-specific and conduct-specific: it runs only to the named Respondents and those acting in concert with them, only as to custodial enforcement in Lake County Case No. 23 CF 1146, and only until this Court disposes of the petition for certiorari. It does not ask this Court to halt the revocation proceeding itself; Illinois may litigate that proceeding to judgment on the merits, with Applicant at liberty and appearing. What is enjoined is custody alone—the single irreversible act. It is the narrowest order that affords complete relief to the single applicant before the Court.

The named Respondents are the proper objects of that relief. The revocation rests on violation reports generated by the probation officials named here; the warrant enforces the supervision they administer; and warrant execution proceeds at the instance of that supervisory apparatus. An injunction directed to these Respondents and to those acting in concert with them—including the agencies executing the warrant on the supervisory apparatus's behalf—therefore affords complete relief. That the prosecuting attorney is not a named Respondent only underscores the order's modesty: nothing in it runs against the prosecution itself, which remains free to proceed on the merits.

Nor is there an equitable bar on Applicant's side of the ledger. Applicant has not absconded. His residence address appears on the face of every filing in every court, including this one; the two execution attempts occurred at that very address; and his response to the warrant, at every step, has been to seek adjudication—by motion, by *Faretta* invocation, by written requests to appear remotely, and now by this Application—not to avoid it. A litigant who demands a hearing is not a fugitive from one. Cf. *Degen v. United States*, 517 U.S. 820 (1996) (disentitlement is a disfavored sanction confined to what protecting the court's processes actually requires). What Applicant declines to do is surrender the contested liberty first and litigate its lawfulness second, from no-bond custody, in a forum whose clerk will not docket his filings. Equity does not demand that sequence; this Application exists so that an Article III judge may set the sequence right.

V. CONCLUSION AND PRAYER FOR RELIEF

The State's own officer wrote, in one sentence, both the laboratory result and the verified prescription that makes it legally innocent. The Petition swore to the first half and omitted the second, and a no-bond warrant now rests on the omission. If the warrant is executed, no court—state or federal—will ever have examined that sentence beside that Petition, because the state clerk will not docket the comparison and the courts below declined to conduct it. The question this Application presents is whether the documents reproduced at Appendices G, H, and L may be read together by at least one Article III judge before, rather than after, Applicant is taken into no-bond custody on their strength. Applicant respectfully prays that the Circuit Justice:

(1) Enter an immediate interim (administrative) injunction barring execution of the arrest warrant issued in Lake County Case No. 23 CF 1146 while this Application is under consideration;

(2) Enjoin Respondents Matt Junkin, Margaret K. Fontana, and the Chief Adult Probation Officer of Cook County, together with their officers, agents, and all persons acting in concert with them, from executing or enforcing the no-bond arrest warrant and from taking or holding Applicant in custody in connection with Lake County Case No. 23 CF 1146, pending the filing and final disposition of Applicant's petition for a writ of certiorari. Nothing in the requested order would prevent the revocation proceeding itself from going forward on the merits, on lawful process, with Applicant at liberty and appearing;

(3) In the alternative, refer this Application to the full Court for consideration, Sup. Ct. R. 22.5; and

(4) Grant the accompanying motion for leave to proceed in forma pauperis under Rule 39, on the District Court's orders of April 13, 2026 granting leave under 28 U.S.C. § 1915 in both underlying actions. (App. O, P.) This Application is prepared on 8½-by-11-inch paper in conformity with Rules 22.2 and 33.2.

APPENDIX

The Appendix attached hereto contains the documents organized as Appendices A through P, in four parts as indexed and described on the Appendix cover and divider pages: Part I, the orders and proceedings below (App. A–F); Part II, the State's instruments and the dispositive documentary contradiction (App. G–K); Part III, the closure of the state forum (App. L–N); and Part IV, the District Court's orders granting in forma pauperis status and finding the underlying claims cognizable under Rule 4 (App. O–P). The complete Appendix is incorporated by reference pursuant to Supreme Court Rule 23.3.

DECLARATION OF TRANSMISSION (28 U.S.C. § 1746): I declare under penalty of perjury that the documents designated as Appendix A (Order dismissing Appeal No. 26-2212) and Appendix F (Emergency FRAP 8 Motion) are true and correct copies of the official filings in the United States Court of Appeals for the Seventh Circuit, and that the remaining Appendices are true and correct copies of the originals described therein.

Respectfully submitted,

/s/ Ehab Allababidi
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Dated: June 9, 2026

CERTIFICATE OF SERVICE

I, EHAB ALLABABIDI, certify under penalty of perjury that on June 9, 2026, pursuant to Supreme Court Rules 22.2 and 29.1, I caused the original and two copies of the foregoing Emergency Application and its Appendix to be filed with the Clerk by depositing them with the United States Postal Service, postage prepaid, for expedited delivery addressed to: Clerk of the Court, Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543. I further notified the Clerk's Office by telephone (202-479-3011) of the emergency nature of this Application.

Pursuant to my verified In Forma Pauperis status (App. O, P) and absolute indigency, I further certify that on the same date I served one copy of the foregoing upon each party listed below exclusively via electronic transmission. I lack the financial means to execute concurrent physical first-class mail service to opposing counsel. Actual notice and complete service have been accomplished by transmitting the electronic courtesy copy to each party at the following email addresses:

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Executed under penalty of perjury pursuant to 28 U.S.C. § 1746 and Supreme Court Rule 29.

/s/ Ehab Allababidi

EHAB ALLABABIDI, *Pro Se* Applicant
Dated: June 9, 2026