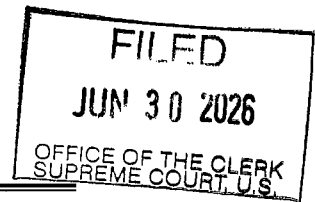


No. 20-233



In the
Supreme Court of the United States

AIMEE LYNN ALBRECHT,

Petitioner,

v.

ROCK ISLAND COUNTY SHERIFF,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

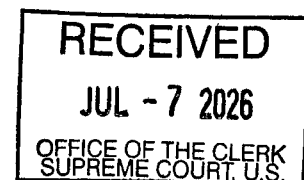
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June 30, 2026

SUPREME COURT PRESS

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QUESTIONS PRESENTED

1. Whether a person is “in custody” under 28 U.S.C. § 2241 when a state court has imposed a definite jail sentence, stayed execution of that sentence conditioned on continued compliance with protective-order restraints, retained enforcement authority through contempt, arrest, and body attachment, and maintained arrest-backed restraints through December 31, 2099.

2. Whether 28 U.S.C. § 455(a) requires a conflict-free assignment path in a federal habeas case challenging restraints entered by a county court system led by the federal judge’s spouse, where impartiality might reasonably be questioned.

PARTIES TO THE PROCEEDINGS

Petitioner and Petitioner-Appellant below

- AIMEE LYNN ALBRECHT

Respondent and Respondent-Appellee below

- ROCK ISLAND COUNTY SHERIFF, named in his official capacity as the official responsible for custody and enforcement consequences arising from the challenged state-court restraints.

CORPORATE DISCLOSURE STATEMENT

The petitioner is an individual. There is no corporate petitioner.

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Seventh Circuit

No. 25-3096

Aimee Albrecht, *Petitioner-Appellant*, v.

Rock Island County Sheriff, *Respondent-Appellee*

Denial of Certificate of Appealability: April 23, 2026

Denial of Rehearing/rehearing En Banc: May 19, 2026

U.S. District Court, Central District of Illinois

No. 4:25-cv-04165

Aimee Albrecht, *Petitioner*, v.

Sheriff of Rock Island County Illinois, *Respondent*

Order Dismissing § 2241 Petition: October 16, 2025

Judgment Entered: October 16, 2025

Rule 59(e) Relief Denied: November 13, 2025

Illinois Supreme Court

No. 131821

Albrecht v. Thompson

Supervisory Relief/Reconsideration Denied:

June 18, 2025

Illinois Appellate Court, Fourth District

Nos. 4-22-0882 and 4-22-0883

In Re: the Interest of Julie Jones, a Person with a Disability; Linda Jones, Petitioner-Appellee, v. Aimee Lynn Albrecht, Respondent-Appellant.

Reconsideration Denied: February 14, 2023

Circuit Court of Rock Island County, Illinois

No. 20-OP-250, related to No. 16-P-313

Linda Jones, individually and on behalf of Julie Jones, *Petitioner*, v. Aimee Albrecht, *Respondent*.

The state court imposed a stayed thirteen-week jail sentence on March 22, 2022, and extended protective-order restraints to December 31, 2099, on September 21, 2022.

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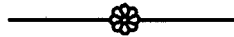
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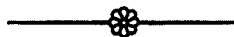
PETITION FOR A WRIT OF CERTIORARI

Aimee Lynn Albrecht, proceeding pro se, respectfully petitions this Court for a writ of certiorari to review the Seventh Circuit's orders denying a certificate of appealability and denying rehearing.



OPINIONS BELOW

The Seventh Circuit's order denying a certificate of appealability is reproduced at App.1a-2a. The Seventh Circuit's order denying panel rehearing and rehearing en banc is reproduced at App.35a-36a. The district court's order denying Rule 59(e) relief is reproduced at App.3a-8a. The district court's memorandum and order dismissing the § 2241 petition is reproduced at App.9a-14a. The district court judgment is reproduced at App.15a-16a.

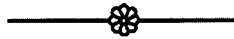


JURISDICTION

The United States Court of Appeals for the Seventh Circuit denied a certificate of appealability on April 23, 2026. (App.1a-2a). Petitioner timely sought panel rehearing and rehearing en banc. On May 19, 2026, the Seventh Circuit denied both requests, stating that no judge in regular active service requested a vote on

rehearing en banc and that the judges on the original panel voted to deny rehearing. (App.35a-36a).

This Court has jurisdiction under 28 U.S.C. § 1254(1). This petition is timely under Supreme Court Rule 13 because it is filed within 90 days of the court of appeals' order denying rehearing.



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const., amend. XIV § 1

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

28 U.S.C. § 2241(c)(3)

(c) The writ of habeas corpus shall not extend to a prisoner unless

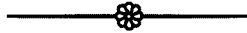
- (3) He is in custody in violation of the Constitution or laws or treaties of the United States;

28 U.S.C. § 2253(c)(3)

The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 455(a)

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

**STATEMENT OF THE CASE****I. The State Court Imposed a Definite Jail Sentence and Arrest-Backed Restraints**

This case arises from state-court orders entered in Rock Island County, Illinois, in proceedings tied to an order of protection and guardianship-related restrictions involving Petitioner's disabled adult sister, Julie Jones.

On March 22, 2022, the state court imposed a definite custodial sanction against Petitioner: thirteen weeks in the Rock Island County Jail. (App.31a). The sentence was stayed, not vacated. The only unresolved issue was execution of the sentence, not existence of the sentence. The order further conditioned Petitioner's continued liberty on compliance with those restraints and expressly stated: "Aimee holds the key to whether or not she will serve this jail sentence." (App.32a). The order stated that if Petitioner again violated the order of protection or engaged in conduct the court deemed

unacceptable, “an order of body attachment shall issue,” and the Sheriff’s Department would be directed to take Petitioner into custody to serve the sentence. (App.32a-33a).

The order also restrained physical presence, direct and indirect communication, third-party contact, speech, and other conduct enforced through contempt authority and arrest-backed enforcement mechanisms. (App.31a-32a).

Petitioner alleged that these restraints constituted present custody under 28 U.S.C. § 2241 because the state had already imposed a custodial sentence, retained authority to enforce that sentence through arrest and body attachment, and continued to maintain coercive restraints backed by the threat of incarceration.

II. The Restraints Were Extended to December 31, 2099

On September 21, 2022, the state court extended the protective-order restraints to December 31, 2099. (App.18a-19a). The restraints therefore extended decades beyond ordinary temporary protective-order enforcement. A certified transcript reflects that the court stated: “The court order of March 22, 2022, stands.” (App.38a). The certified transcript further reflects that the December 31, 2099 date was selected, at least in part, because the sheriff’s department computer system required a date entry. (App.38a).

III. The State-Court Record Reflected That Julie Jones Wanted Communication with Petitioner

The state record included a filed answer from Julie Jones's attorney stating that Julie Jones "wishes to have a relationship with Aimee Albrecht where she may speak with Aimee freely as she so chooses." (App.42a-43a). The restraints therefore burdened not merely movement, but family association and communication.

That record underscored that the challenged restraints were not limited to a short-term stay-away order following ordinary findings of immediate danger. Instead, the restraints operated as continuing arrest-backed restrictions on communication and association, enforced through contempt authority and the continuing threat of incarceration.

IV. Petitioner Sought Federal Habeas Relief Under § 2241 and Raised Structural Neutrality Concerns

Petitioner filed a federal habeas petition under 28 U.S.C. § 2241 in the Central District of Illinois. The petition alleged that the continuing restraints, the previously imposed jail sentence, and the retained body-attachment authority constituted present custody under federal habeas principles. (App.39a-40a).

The petition also notified the district court that Chief Judge Sara L. Darrow of the Central District of Illinois was married to the Chief Judge for Rock Island County, Judge Clarence M. Darrow. (App.40a-41a). Because the habeas petition challenged arrest-backed restraints issued out of the Rock Island County court system, Petitioner requested assignment and review

through a structurally conflict-free process and requested that Chief Judge Darrow take no substantive or administrative action. (App.40a-41a). The federal docket later reflected assignment, recusal, and reassignment activity involving Chief Judge Darrow before the case proceeded to threshold dismissal. (App.44a-47a).

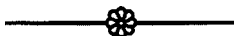
V. The Federal Courts Denied Review at the Threshold

The district court dismissed the petition for lack of subject-matter jurisdiction, concluding that Petitioner was not “in custody” under 28 U.S.C. § 2241. (App.9a-14a). Although the district court acknowledged the previously imposed thirteen-week jail sentence, it concluded that future incarceration remained too speculative because Petitioner would be jailed only if she violated the state-court order. (App.10a; App.12a-13a).

Petitioner sought relief under Rule 59(e), arguing that the court had misapprehended this Court’s custody precedents and the present restraint imposed by the already-adjudicated jail sentence, retained body-attachment authority, and continuing arrest-backed enforcement structure. (App.3a-8a; App.31a-32a; App.38a).

The district court denied relief. (App.3a-8a). The Seventh Circuit denied a certificate of appealability. (App.1a-2a). Petitioner sought panel rehearing and rehearing en banc, both of which were denied. (App.35a-36a).

No federal court reached the merits of Petitioner’s constitutional claims.



REASONS FOR GRANTING THE PETITION

I. The Decision Below Conflicts with This Court's Habeas Custody Precedents

This Court has repeatedly recognized that habeas custody is not limited to present physical confinement. In *Jones v. Cunningham*, 371 U.S. 236 (1963), the Court held that parole restraints constituted custody because they imposed significant restraints on liberty. In *Hensley v. Municipal Court*, 411 U.S. 345 (1973), the Court held that a petitioner released while execution of sentence was stayed remained “in custody” because he was subject to restraints not shared by the public generally and remained at liberty only by grace of the stay.

The decision below reflects an approach treating civil restraint orders and stayed-sentence enforcement structures as noncustodial even when violation exposes the petitioner to arrest or confinement.

That approach creates uncertainty at the boundary of *Hensley*, particularly where a state court has already imposed a jail sentence and merely stayed its execution. This case presents the important unresolved question whether a stayed sentence backed by contempt authority, body attachment, and lifetime protective-order restraints satisfies § 2241 custody where the petitioner remains at liberty only by continued compliance with the challenged state order. The petition does not depend on a circuit split. It argues that the lower courts misapplied this Court's custody precedents by treating an already-imposed but stayed jail sentence

as noncustodial unless Petitioner first violates the order and is jailed.

This case falls within the core principles recognized in *Jones and Hensley*. Petitioner is not challenging a hypothetical future sentence. The state court already imposed a definite custodial sentence. (App.31a). The sentence was stayed, not vacated. Petitioner therefore remained at liberty only by virtue of the stayed execution of sentence. The state court retained continuing authority to execute that sentence through arrest and body attachment. (App.31a-32a). The order expressly provided that if Petitioner violated the restraints, “an order of body attachment shall issue” and the Sheriff’s Department would take Petitioner into custody to serve the sentence. (App.32a-33a).

The question is not whether a future violation of a civil order could create custody; the question is whether custody already exists when the State has imposed a definite jail sentence and merely stayed its execution.

The lower courts nevertheless concluded that Petitioner was not “in custody” because incarceration would occur only if Petitioner violated the order in the future. (App.6a-7a; App.12a-13a). That reasoning conflicts with *Hensley*. The lower courts effectively transformed the conditional stay of execution into a complete negation of custody. But *Hensley* did not require a petitioner to violate a court order, submit to arrest, or enter jail before seeking habeas review. Instead, the Court recognized custody where a petitioner remained subject to a stayed sentence and continuing state coercive authority.

The decision below creates a serious habeas-review gap. Under that rule, a person subject to an

already-imposed custodial sentence may not seek federal habeas review unless she first violates the challenged order and triggers execution of the sentence. Nothing in this Court's habeas jurisprudence requires a petitioner to risk immediate incarceration before federal review becomes available. This Court has rejected rules postponing habeas review until later custody becomes active. *Peyton v. Rowe*, 391 U.S. 54 (1968).

The court below reduced the case to a civil order of protection. But labels cannot control habeas jurisdiction. A State cannot avoid federal review by calling a restraint civil while using it to impose a definite jail sentence, preserve body-attachment power, restrict physical presence and communication, and extend those restraints to December 31, 2099.

II. The Custody Question Is Exceptionally Important

The custody question is exceptionally important because the decision below creates a constitutional gap. Under that rule, a State may impose a definite jail sentence, stay execution, retain body-attachment authority, restrict speech and communication, and extend arrest-backed restraints through December 31, 2099, yet avoid federal habeas review unless the restrained individual risks incarceration by violating the very order being challenged.

This is not an ordinary no-contact order case. This is a stayed jail sentence case. Petitioner challenges an already-imposed custodial sentence whose execution was stayed while arrest-backed restraints remain in force through December 31, 2099.

This case presents a stark example of that gap. Protection-order procedures were used to impose practical lifetime restraints without individualized findings supporting such duration and scope. The record here includes restraints on physical presence, direct and indirect communication, third-party contact, speech, and expressive conduct, while the state record also reflected that the disabled adult sibling wished to communicate with Petitioner. (App.18a-19a; App.31a-32a; App.38a; App.42a-43a).

The question is therefore not whether every ordinary no-contact order creates habeas custody. It is whether habeas custody exists when a state court has already imposed a custodial sentence, stayed execution, retained arrest and body-attachment authority, and used protection-order machinery to maintain continuing restraints on liberty, communication, and family association for the petitioner's natural life.

This case presents a clean vehicle to resolve the custody question. The relevant facts are undisputed for purposes of the threshold ruling. The federal courts dismissed solely on jurisdictional grounds, no federal court reached the merits, and the question was preserved at every stage of review.

III. Review Is Warranted to Clarify the Structural Neutrality Required Under 28 U.S.C. § 455(a)

As an additional reason for grant, vacatur, and remand, review is warranted to clarify the structural neutrality required under 28 U.S.C. § 455(a). Petitioner's habeas petition gave notice that Chief Judge Sara L. Darrow was married to the Chief Judge for Rock Island County, Judge Clarence M. Darrow, and request-

ed that she take no substantive or administrative action in the case. (App.40a-41a).

The federal docket excerpts reflect assignment, recusal, and reassignment activity involving Chief Judge Darrow. (App.44a-47a). Petitioner's concern is narrow: where a habeas petition challenges arrest-backed restraints arising from a county court system led by the federal judge's spouse, 28 U.S.C. § 455(a), informed by due-process principles, requires a conflict-free assignment path.

Section 455(a) protects actual neutrality and the appearance of neutrality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860-61 (1988). That protection is especially important in habeas cases, where federal courts provide independent review of state restraint. Once impartiality is reasonably questioned, the case should proceed through a conflict-free assignment path, not through administrative action by the challenged judge. Due process requires recusal where circumstances create a constitutionally intolerable probability of bias. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

The issue is narrow but important. The case was dismissed at the threshold without merits review after Petitioner had flagged both the custody restraint and the structural neutrality concern.



CONCLUSION

The petition for a writ of certiorari should be granted.

In the alternative, the Court should grant the petition, vacate the orders below, and remand for conflict-free consideration under the proper habeas custody standard.

Petitioner respectfully prays that this Court grant such further relief as may be just and proper.

Respectfully submitted,

/s/ Aimee Lynn Albrecht

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June 30, 2026

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