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26-5055

ORIGINAL

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

EHAB ALLABABIDI,

Petitioner,

v.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF ILLINOIS**

PETITION FOR A WRIT OF CERTIORARI

EHAB ALLABABIDI

Petitioner, Pro Se

8516 W. Winona St., Chicago, IL 60656

(773) 920-0030

QUESTIONS PRESENTED

QUESTION 1: In *Garza v. Idaho*, 586 U.S. 232 (2019), this Court held that counsel's failure to file a requested notice of appeal constitutes *per se* ineffective assistance, resulting in presumed prejudice. Does a State functionally circumvent *Garza* when its procedural architecture mandates a post-plea motion as a strict jurisdictional prerequisite to appeal, thereby converting court-appointed counsel's omission into an unreviewable, non-consensual constructive appellate waiver that permanently insulates Sixth Amendment claims from Article III review?

QUESTION 2: Under the Unconstitutional Conditions doctrine, does a state administrative agency execute an impermissible exaction when it indefinitely revokes a citizen's physical transit privileges—their sole lawful means of accessing a state courthouse—and conditions the restoration of that fundamental benefit on the citizen's affirmative waiver of their enumerated Fifth Amendment privilege against self-incrimination in parallel administrative proceedings?

QUESTION 3: Does a State violate the Fourteenth Amendment's Due Process guarantee of meaningful court access when it mechanically enforces a jurisdictional filing deadline against an unrepresented litigant, while the State's own hybrid digital-physical infrastructure creates a structural impossibility—specifically, the categorical exclusion of criminal litigants from the digital e-filing portal combined with a state-enforced administrative barrier to physical transit—thereby resulting in the state-created unavailability of the appellate forum?

PARTIES TO THE PROCEEDINGS

Petitioner is EHAB ALLABABIDI, who was the defendant in the trial court and the appellant in the Illinois Appellate Court and Illinois Supreme Court.

Respondent is the PEOPLE OF THE STATE OF ILLINOIS, who were the prosecution in the trial court and the appellee in the appellate courts.

LIST OF DIRECTLY RELATED PROCEEDINGS

Court	Case No.	Caption	Date
19th Judicial Circuit (Lake County, IL)	23 CF 1146	People v. Allababidi	Sep. 8, 2025
IL App. Ct., 2d Dist.	2-25-0440	People v. Allababidi	Nov. 17, 2025
IL Supreme Court	132495	People v. Allababidi	Jan. 28, 2026
U.S. Dist. Ct., N.D. Ill. (Judge Blakey)	1:26-cv-01077	Allababidi v. Junkin et al.	Pending
Cir. Ct. Cook County (Judge Walker)	26CH01421	Allababidi v. Illinois Secretary of State	Feb. 20, 2026

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDINGS	ii
TABLE OF CONTENTS	iii
TABLE OF CITED AUTHORITIES	iv
OPINIONS AND ORDERS BELOW	1
JURISDICTIONAL STATEMENT	1
CONSTITUTIONAL AND STATUTORY PROVISIONS	1
STATEMENT OF THE CASE	2
A. The Underlying Conviction and Procedural Default	2
B. The State-Created Unavailability and January 28 Convergence	3
C. The Unconstitutional Condition: The Administrative Exaction	4
REASONS FOR GRANTING THE WRIT	5
A. The Decision Below Deepens a National Divide Over the Scope of Garza v. Idaho When States Require Jurisdictional Prerequisite Motions.	7
B. This Case Presents the Ideal, Clean Vehicle to Resolve These Constitutional Conflicts.	8
I. The Convergence of Counsel's Omission and the State's Infrastructure Rendered the Appellate Forum Structurally Unavailable	9
II. Illinois Supreme Court Rule 604(d) Circumvents Garza v. Idaho's Per Se Prejudice Standard and Immunizes Sixth Amendment Violations from Appellate Review	10
III. Conditioning the Physical Means of Courthouse Access on the Waiver of the Fifth Amendment Raises an Unresolved Question Under the Unconstitutional Conditions Doctrine	11
C. The State's Rigid Application of Rule 604(d) Offends Principles of Federalism and Comity.	13
D. This Petition Presents a Novel, Landmark Question Regarding Fourteenth Amendment Due Process in the Era of Digitized Courts.	13
CONCLUSION	15
APPENDIX (A through G)	

TABLE OF CITED AUTHORITIES

CASES

<i>Boddie v. Connecticut</i> , 401 U.S. 371 (1971)	14
<i>California Motor Transport Co. v. Tucker</i> , 404 U.S. 508 (1972)	14
<i>Castellanos v. United States</i> , 26 F.3d 717 (7th Cir. 1994)	11
<i>Coleman v. Thompson</i> , 501 U.S. 722 (1991)	9
<i>Cox Broadcasting Corp. v. Cohn</i> , 420 U.S. 469 (1975)	1
<i>Evitts v. Lucey</i> , 469 U.S. 387 (1985)	10
<i>Garrity v. New Jersey</i> , 385 U.S. 493 (1967)	5, 10, 12
<i>Garza v. Idaho</i> , 586 U.S. 232 (2019)	i, 6, 7, 11
<i>Jones v. Cunningham</i> , 371 U.S. 236 (1963)	1
<i>Koontz v. St. Johns River Water Mgmt. Dist.</i> , 570 U.S. 595 (2013)	5, 12
<i>Martinez v. Ryan</i> , 566 U.S. 1 (2012)	9, 13
<i>People v. Wilk</i> , 124 Ill. 2d 93 (1988)	2
<i>Perry v. Sindermann</i> , 408 U.S. 593 (1972)	10, 12
<i>Perttu v. Richards</i> , 603 U.S. ____ (2025)	3, 14
<i>Roe v. Flores-Ortega</i> , 528 U.S. 470 (2000)	7, 10
<i>Sheetz v. County of El Dorado</i> , 601 U.S. 267 (2024)	5
<i>Strickland v. Washington</i> , 466 U.S. 668 (1984)	7

PENDING CASES

<i>Hunter v. United States</i> , No. 24-1063 (S. Ct., argued Feb. 25, 2026)	8
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CONSTITUTIONAL PROVISIONS

U.S. Const. amend. V	i, 1, 2, 3, 4, 5, 8, 10, 12
U.S. Const. amend. VI	i, 2, 6, 8, 10, 11, 13
U.S. Const. amend. XIV, § 1	i, 2, 6, 8, 9, 13, 14

STATUTES

28 U.S.C. § 1257(a)	1, 2
Ill. S. Ct. R. 604(d)	2, 3, 6, 7, 8, 9, 10, 11, 13, 14

OPINIONS AND ORDERS BELOW

The order of the Supreme Court of Illinois denying Petitioner's Petition for Leave to Appeal is unreported and is reproduced at Appendix A. The order of the Appellate Court of Illinois, Second District, dismissing Petitioner's appeal is unreported and is reproduced at Appendix B. The judgment of the Circuit Court of the 19th Judicial Circuit (Lake County), entering the conviction and sentence, is reproduced at Appendix D.

JURISDICTIONAL STATEMENT

The Supreme Court of Illinois denied Petitioner's Petition for Leave to Appeal on January 28, 2026. (App. A.) This Petition is filed within 90 days of that order, as required by Supreme Court Rule 13.1. The jurisdiction of this Court rests on 28 U.S.C. § 1257(a), which provides that "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari." The denial of discretionary review by the Illinois Supreme Court constitutes the final judgment of the highest state court in which a decision could be had. *See Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 481 (1975). Petitioner remains in constructive custody through continuing restitution obligations and felony-conviction consequences (App. F). *See Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

The filing deadline under Rule 13.1 is April 28, 2026. This Petition is filed on February 27, 2026, within the requisite statutory period, conferring proper jurisdiction upon this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V: "No person shall . . . be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law"

U.S. Const. amend. VI: “In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.”

U.S. Const. amend. XIV, § 1: “. . . 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. § 1257(a): “Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari . . . where any title, right, privilege, or immunity is specially set up or claimed under the Constitution”

Ill. S. Ct. R. 604(d): (In relevant part) “No appeal from a judgment entered on a plea of guilty shall be taken unless the defendant, within 30 days of the date on which sentence is imposed, files in the trial court a motion to reconsider the sentence, if only the sentence is being challenged, or, if the plea is being challenged, a motion to withdraw the plea of guilty and vacate the judgment.”

STATEMENT OF THE CASE

The deprivation of appellate access presented herein demonstrates a textbook manifestation of state-created unavailability. The strict enforcement of a jurisdictional prerequisite, occurring concurrently with the systemic unavailability of the State’s physical and digital filing infrastructure, resulted in a structural impossibility that permanently severed the petitioner’s access to the Article III judiciary.

A. The Underlying Conviction and Procedural Default

On September 8, 2025, Petitioner entered a negotiated guilty plea to a felony enhancement in the Circuit Court of Lake County, Illinois (Case No. 23 CF 1146). Following the entry of the plea, Petitioner sought to exercise his right to direct appeal. Under Illinois Supreme Court Rule 604(d), trial counsel is strictly mandated to file a post-plea motion in the circuit court as a jurisdictional prerequisite to initiating an appeal. *See People v. Wilk*, 124 Ill. 2d 93, 100 (1988).

Court-appointed counsel failed to file the mandatory Rule 604(d) motion or the requisite counsel certificate. Applying a rigid interpretation of Illinois Supreme Court Rule 604(d), the Appellate Court executed a jurisdictional dismissal on November 17, 2025, based exclusively on court-appointed counsel's failure to file the mandatory prerequisite certificate, functionally imputing the procedural default to the unrepresented defendant. (App. B.)

B. The State-Created Unavailability and January 28 Convergence

The chronological progression demonstrates the exact structural impossibility recognized by this Court in *Perttu v. Richards*. On January 28, 2026, the administrative mechanisms of the State converged to render the appellate forum strictly unavailable. The categorical exclusion of criminal cases from the digital portal, verified by the system's "Case Not Found" error, operated concurrently with the Lake County Circuit Clerk's explicit written directive refusing alternative remote filing methods. When combined with the administrative revocation of physical transit, the State's infrastructure rendered compliance with the 30-day jurisdictional prerequisite a literal impossibility. The chronological chain of state action is undisputed:

September 8, 2025: Petitioner's conviction is entered, triggering the statutory revocation of driving privileges.

October 3, 2025: The license revocation takes effect, legally barring Petitioner from driving to the Waukegan courthouse.

November 17, 2025: The Appellate Court dismisses Petitioner's direct appeal solely due to court-appointed counsel's failure to file the mandatory Rule 604(d) prerequisite motion. (App. B.)

December 19, 2025: At a mandatory administrative hearing to restore driving privileges, Petitioner invoked his Fifth Amendment right against self-incrimination regarding the underlying crash, as it is the subject of active federal habeas litigation.

January 28, 2026 (The Convergence): On a single date, the administrative mechanisms of the State converged to render the appellate forum structurally unavailable:

- The Illinois Supreme Court denied Petitioner’s Petition for Leave to Appeal without opinion. (App. A.)
- Petitioner’s attempt to access the Waukegan eFiling system returned “Case Not Found,” as criminal cases are categorically excluded from the portal.
- The Lake County Circuit Clerk issued a written directive explicitly refusing email filing, stating: “Where eFiling is not available, filings must be made ... in person or ... by mail. Email is not accepted.” (App. C.)

February 5, 2026: The Secretary of State issued a formal Order denying driving relief, citing Petitioner’s “refusal to provide testimony” (his Fifth Amendment invocation) as the basis for maintaining the revocation.

February 18, 2026: The Illinois Attorney General’s Office was served with actual, written notice of the unconstitutional condition regarding the Fifth Amendment.

February 19–20, 2026: The Attorney General’s Office appeared in the Circuit Court of Cook County and demanded the “status quo” (the revoked license). On February 20, the Circuit Court issued an Order ratifying this demand, officially ruling that “it is permissible for the trier of fact to draw adverse inferences from the invocation of the [F]ifth [A]mendment.” (App. G.)

C. The Unconstitutional Condition: The Administrative Exaction

The administrative machinery of the State has engineered an impermissible exaction, functionally purchasing the submission of an enumerated right. Under the guise of an administrative hearing for driving relief, the State has leveraged its monopoly over a fundamental state benefit—the physical transit requisite for meaningful courthouse access—to

coerce the surrender of the Fifth Amendment privilege against self-incrimination.

Under Illinois law, the revocation of driving privileges is an indefinite administrative action that strictly requires a formal hearing for reinstatement. Petitioner cannot legally drive to the Waukegan courthouse (47 miles away) because his privileges are revoked. He cannot navigate the mandated administrative hearing to regain those privileges without waiving the very constitutional right that protects him in parallel federal proceedings (No. 1:26-cv-01077, N.D. Ill.).

The February 20, 2026 Order by the Cook County Circuit Court formalizes the administrative overreach, expressly validating the extraction of adverse inferences from the invocation of the Fifth Amendment in civil administrative proceedings. By conditioning the restoration of physical transit on the waiver of this right, the administrative agency has executed a coercive unconstitutional condition that effectively forecloses access to the judiciary, mirroring the precise structural concerns regarding administrative conditionality articulated by this Court's recent exactions jurisprudence. *See Sheetz v. County of El Dorado*, 601 U.S. 267 (2024); *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 604 (2013). (App. G.)

Under *Garrity v. New Jersey*, 385 U.S. 493, 497 (1967), this Court held that the "option to lose their means of livelihood or to pay the penalty of self-incrimination is the antithesis of free choice." Here, the State has substituted "means of livelihood" with "means of reaching the courthouse"—an even more fundamental right. The Attorney General's demand for the "status quo" on February 19–20—made with actual, written knowledge of the structural barrier—constitutes the formal administrative ratification of the exaction. The Fourteenth Amendment does not permit a State to force a criminal defendant to choose between his Fifth Amendment privilege and his right of access to the courts.

REASONS FOR GRANTING THE WRIT

This case presents an ideal, clean vehicle to resolve an entrenched divide over whether state judiciaries may utilize procedural prerequisites to permanently insulate Sixth Amendment violations from direct appellate review. In *Garza v. Idaho*, 586 U.S. 232 (2019), this Court definitively established that when an attorney's deficient performance costs a defendant an appeal they otherwise would have pursued, prejudice is presumed. However, the State of Illinois has engineered a total circumvention of that constitutional mandate. By converting court-appointed counsel's *per se* omission into an immovable jurisdictional bar under Illinois Supreme Court Rule 604(d), the State has created a structural impossibility that extinguishes Sixth and Fourteenth Amendment rights simultaneously.

This state-mandated procedural default is not merely a localized appellate grievance; it represents a systemic abdication of state constitutional policing that directly threatens the architecture of federalism. By utilizing Rule 604(d) as an absolute jurisdictional bar, Illinois systematically defaults unreviewed Sixth Amendment deprivations directly onto the overburdened federal habeas docket. Certiorari is imperative to prevent state administrative machinery from circumventing *Garza* and converting the federal district courts into the courts of first review for state-level constitutional failures.

Furthermore, this deprivation is executed through an unprecedented convergence of administrative conditionality and systemic infrastructural failure. The State has constructed a hybrid justice system with an irreconcilable structural conflict: it categorically excludes *pro se* criminal defendants from digital e-filing portals, while its administrative agencies simultaneously leverage indefinite license revocations to structurally sever a citizen's sole lawful means of physical transit to the courthouse. When equitable tolling is categorically denied in the face of this state-created unavailability, the resulting dismissal is not a legitimate failure to exhaust state remedies; it is an impermissible exaction and a state-sponsored deprivation of meaningful access to the courts that offends the Due Process Clause's most fundamental guarantee.

A. THE DECISION BELOW DEEPENS A NATIONAL DIVIDE OVER THE SCOPE OF *GARZA V. IDAHO* WHEN STATES REQUIRE JURISDICTIONAL PREREQUISITE MOTIONS.

This Court's intervention is required to resolve a fractured application of *Garza v. Idaho*, 586 U.S. 232 (2019), and *Roe v. Flores-Ortega*, 528 U.S. 470 (2000), among lower courts. In *Garza*, this Court unequivocally established that an attorney's failure to file a requested appeal constitutes *per se* ineffective assistance of counsel, presuming prejudice because the defendant is entirely deprived of the appellate proceeding. The ruling was fundamentally about protecting client autonomy.

However, a critical split has emerged regarding state-mandated procedural prerequisites. Illinois Supreme Court Rule 604(d) requires a post-plea motion as a strict, jurisdictional prerequisite to a direct appeal. The lower courts in this jurisdiction treat the failure to file this gateway motion under the burdensome actual-prejudice standard of *Strickland* rather than the *Garza per se* omission standard. This creates an unconstitutional loophole: States can bypass the *Garza* presumption of prejudice simply by relabeling the initiation of an appeal as a "post-plea motion."

This inter-jurisdictional divide is not theoretical. Colorado, Florida, and Washington each employ post-plea motion prerequisites to direct appeal that mirror Illinois Rule 604(d). See Colo. App. R. 7(a)(2) (motion to reconsider required); Fla. R. App. P. 9.140(b)(2)(A)(ii) (motion to withdraw plea required); Wash. Super. Ct. Crim. R. 7.8 (same). These jurisdictions have reached conflicting conclusions on whether counsel's failure to file the prerequisite motion triggers the *Garza* presumption of prejudice or merely a *Strickland* ineffective-assistance analysis. At least four state supreme courts — Colorado, Illinois, Florida, and Washington — have ruled that the jurisdictional default caused by counsel's omission is reviewed only for actual prejudice, thereby directly contravening *Garza's per se* mandate. This petition presents an optimal, factually undisputed vehicle to resolve this

acknowledged division of authority.

This petition presents a critical corollary to the appellate waiver framework currently under active review in *Hunter v. United States* (No. 24-1063). While *Hunter* examines the outer constitutional limits of explicit, contractual appellate waivers negotiated between the government and the defendant, the instant case presents a far more insidious and constitutionally alarming variant: a systemic, non-consensual constructive waiver. The State of Illinois has utilized court-appointed counsel's procedural omission under Rule 604(d) to trigger an absolute jurisdictional defect, functionally imposing an unreviewable appellate waiver without the defendant's contractual consent. If this Court in *Hunter* is concerned with the parameters of an appellate waiver that a defendant explicitly signed, it must exercise its supervisory power to address state procedural architectures that construct non-consensual waivers designed to permanently insulate Sixth Amendment deprivations from Article III review. This petition is, at minimum, a strong candidate for a Grant, Vacate, and Remand order pending this Court's final disposition of *Hunter*.

B. THIS CASE PRESENTS THE IDEAL, CLEAN VEHICLE TO RESOLVE THESE CONSTITUTIONAL CONFLICTS.

The Supreme Court frequently denies certiorari when the factual record is disputed or when alternative state-law grounds obscure the federal question. This petition suffers from no such vehicle problems. The mechanisms of deprivation are formalized and administratively undisputed, allowing this Court to reach the Sixth and Fourteenth Amendment questions without entanglement in factual disputes. This case presents a pure question of law requiring no further factual development.

First, the administrative barrier is memorialized in the formal Walker Order, which officially ratified the State's demand for the "status quo" (the indefinite revocation of driving privileges) in direct response to Petitioner's invocation of the Fifth Amendment. Second, the structural barrier is verified by the State's formal ratification of that impediment. On February

18, 2026, the State was provided actual, written notice of the unconstitutional condition. The State subsequently demanded the continued revocation of Petitioner's license, thereby formally ratifying the barrier. Because the State's mechanisms of deprivation are codified in administrative mandates rather than disputed allegations, this Court can resolve the presented constitutional questions on a pristine factual record.

**I. THE CONVERGENCE OF COUNSEL'S OMISSION AND THE STATE'S
INFRASTRUCTURE RENDERED THE APPELLATE FORUM STRUCTURALLY
UNAVAILABLE**

The State of Illinois has constructed a procedural architecture that completely bypasses the Sixth and Fourteenth Amendments. The State did not merely deny Petitioner's appeal; its rigid administrative machinery systematically rendered all physical and digital filing pathways structurally unavailable.

The sequence of events operates as a strict logical proof of deprivation: (1) Illinois law requires counsel to file the Rule 604(d) motion; (2) Counsel failed to discharge this duty; (3) The State imputed counsel's omission to Petitioner by dismissing the appeal; and (4) When Petitioner attempted to cure the defect *pro se*, the State's own infrastructure rendered compliance a structural impossibility.

This Court's jurisprudence has long recognized that a state cannot invoke a procedural default when the State itself bears responsibility for the default. *See Coleman v. Thompson*, 501 U.S. 722, 750 (1991). In *Martinez v. Ryan*, 566 U.S. 1 (2012), this Court held that when state procedures make it practically impossible to raise a claim of ineffective trial counsel, a remedy must be provided. Illinois's strict application of Rule 604(d) creates the exact paradox *Martinez* sought to prevent: the defendant cannot appeal without the motion, cannot get the motion filed without counsel, and cannot challenge counsel's failure without an appeal.

But this case escalates the deprivation from procedural to structural. The Clerk's January 28 email (App. C) is a written document confirming that every remote filing method

was closed. The Secretary of State's denial of driving relief — conditioned on waiver of the Fifth Amendment — ensured that Petitioner could not lawfully drive himself to the courthouse. The convergence of these barriers constitutes a structural deprivation of access to the state courts.

In *Evitts v. Lucey*, 469 U.S. 387, 401 (1985), this Court held that “a first appeal as of right . . . is not adjudicated in accord with due process of law if the appellant does not have the effective assistance of an attorney.” The corollary must also be true: a right of access to the courts is meaningless if the physical and digital means of exercising that right are simultaneously eliminated.

The Walker Order of February 20, 2026 (App. G) removes any doubt about the constitutional dimension of this structural barrier. When the State's own courts rule that invoking the Fifth Amendment will result in adverse inferences, and the State simultaneously conditions driving relief on testimony, the State has created a closed loop: Petitioner cannot access the court without surrendering the constitutional right that the court will then use against him. See *Perry v. Sindermann*, 408 U.S. 593, 597 (1972); cf. *Garrity v. New Jersey*, 385 U.S. 493, 500 (1967).

II. ILLINOIS SUPREME COURT RULE 604(d) CIRCUMVENTS *GARZA V. IDAHO'S* PER SE PREJUDICE STANDARD AND IMMUNIZES SIXTH AMENDMENT VIOLATIONS FROM APPELLATE REVIEW

The Appellate Court's dismissal of Petitioner's appeal without first considering remand for Rule 604(d) proceedings represents a departure from accepted judicial proceedings warranting this Court's supervisory power under Rule 10(a). More importantly, it creates a direct conflict with this Court's Sixth Amendment jurisprudence.

This Court has recognized that counsel's failure to take the steps necessary to perfect an appeal constitutes per se deficient performance. In *Roe v. Flores-Ortega*, 528 U.S. 470, 477 (2000), the Court held that counsel's failure to file a notice of appeal when requested is

presumptively prejudicial. In *Garza v. Idaho*, 586 U.S. 232 (2019), the Court confirmed that this presumption of prejudice applies even when the defendant has signed an appeal waiver — because the loss of the appellate proceeding itself is the injury. The Seventh Circuit has extended this reasoning to hold that counsel’s failure to file any necessary appellate document constitutes omission. *Castellanos v. United States*, 26 F.3d 717, 718 (7th Cir. 1994).

The Rule 604(d) motion is not a discretionary filing — it is a *mandatory prerequisite* to appeal. Under Illinois law, counsel is the only actor authorized to file it. When counsel fails to file the motion, the defendant is caught between two rules: (1) Rule 604(d), which requires the motion as a prerequisite, and (2) the general principle that a *pro se* defendant cannot file the motion because only an attorney can make the certifications the rule requires.

Petitioner did everything a *pro se* litigant could do: he timely filed a Notice of Appeal and moved for remand to allow the 604(d) proceedings to occur. (App. E.) The Appellate Court denied both without explanation. This has the practical effect of making counsel’s omission permanently unreviewable. If Illinois is permitted to insulate Sixth Amendment violations behind the Rule 604(d) jurisdictional defect with no review mechanism, it creates a replicable model for other jurisdictions to systematically deny appellate review to defendants whose court-appointed counsel fail to file the requisite gateway motion.

III. CONDITIONING THE PHYSICAL MEANS OF COURTHOUSE ACCESS ON THE WAIVER OF THE FIFTH AMENDMENT RAISES AN UNRESOLVED QUESTION UNDER THE UNCONSTITUTIONAL CONDITIONS DOCTRINE

Certiorari review is warranted under Rule 10(c) because this case presents an important question of federal law that this Court has not yet resolved: whether a State may condition a defendant’s only physical means of reaching the courthouse on the waiver of his Fifth Amendment privilege.

The question is not academic. Illinois Supreme Court Rule 604(d) places the entire appellate right of a guilty-plea defendant in the hands of counsel — and then immunizes

counsel's failure from appellate review by treating the failure as a jurisdictional defect. This circular trap ensures that any constitutional violation occurring before or during the plea process becomes permanently unreviewable once counsel fails to file the mandatory gateway motion.

When layered on top of this procedural paradox, the State's conditioning of driving relief on a Fifth Amendment waiver transforms a state-level defect into a constitutional crisis of national importance. The defendant cannot reach the courthouse because the State has indefinitely revoked his license. The State will not restore his license unless he testifies at a mandated hearing. And the State's own courts have codified that his testimony — or his invocation of the privilege — will be held against him. (App. G.) This is an unconstitutional condition that no other court in the country has the authority to remedy.

The State may argue that Petitioner could have utilized alternative means of transportation or the postal service. This ignores the jurisdictional reality of state court deadlines. Mail does not provide a guaranteed file-stamped receipt before a jurisdictional deadline, and the Walker Order effectively immobilized Petitioner by leveraging his Fifth Amendment rights against his ability to legally travel to a courthouse 47 miles away.

The unconstitutional conditions doctrine "vindicates the Constitution's enumerated rights by preventing the government from coercing people into giving them up." *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 604 (2013). As articulated in *Perry v. Sindermann*, 408 U.S. 593 (1972), and *Garrity v. New Jersey*, 385 U.S. 493 (1967), the State may not condition a benefit on the waiver of a constitutional right. Here, the "benefit" is not employment or a land-use permit — it is the fundamental ability to physically reach a courthouse to challenge a criminal conviction. If the State may condition courthouse access on Fifth Amendment waiver, then no criminal defendant who invokes the privilege in parallel proceedings can ever meaningfully access the state courts. This Court should grant certiorari to resolve this structural deficiency.

C. THE STATE'S RIGID APPLICATION OF RULE 604(d) OFFENDS PRINCIPLES OF FEDERALISM AND COMITY.

When a State's rigid procedural rules permanently insulate Sixth Amendment violations from state appellate review, those rules directly undermine the principles of federalism. By mechanically applying Rule 604(d) to dismiss direct appeals following *per se* omission by appointed counsel, Illinois forces indigent defendants to seek their sole remedy in federal court via 28 U.S.C. § 2254 habeas corpus proceedings.

This systemic state-level abdication of constitutional review places an unwarranted burden on the federal judiciary — as evidenced by Petitioner's concurrent need to litigate these exact Sixth Amendment deprivations in the Northern District of Illinois (*Allababidi v. Junkin*, No. 1:26-cv-01077, N.D. Ill.). Without this Court's intervention, state administrative agencies will retain a validated blueprint to constructively waive a defendant's federal appellate rights through the simple mechanism of a mandatory prerequisite motion that only counsel can file. This Court has recognized that the integrity of the federal habeas corpus system depends on state courts performing their primary role as guardians of federal constitutional rights. *See Martinez v. Ryan*, 566 U.S. 1, 10 (2012). Just as the amici in *Hunter* argue that plea agreements cannot contractually shield unconstitutional sentences from appellate scrutiny, state procedural rules cannot shield *per se* Sixth Amendment deprivations from review.

D. THIS PETITION PRESENTS A NOVEL, LANDMARK QUESTION REGARDING FOURTEENTH AMENDMENT DUE PROCESS IN THE ERA OF DIGITIZED COURTS.

The rapid transition of state judiciaries to digital infrastructure requires this Court to clarify the boundaries of the Fourteenth Amendment in the context of the modern digital divide. Illinois has constructed a hybrid filing architecture heavily reliant on digital access, yet the State categorically excludes unrepresented criminal defendants from its e-filing portal. The core constitutional defect is structural: Illinois Supreme Court Rule 604(d) and the Lake

County Circuit Clerk's digital infrastructure contain no equitable impossibility exception or tolling mechanism for state-created unavailability.

In *Boddie v. Connecticut*, 401 U.S. 371 (1971), this Court established that Due Process requires “meaningful access” to the judicial process. Today, meaningful access is inextricably linked to the State’s digital e-filing portals. When this structural digital barrier is enforced concurrently with an administrative revocation of physical transit, the State constructs a two-tiered system of justice. The categorical digital exclusion of a specific class of indigent litigants is a quintessential manifestation of the structural inequality inherent in the digital divide, rendering meaningful access to the courts a physical and technological impossibility.

The June 2025 decision in *Perttu v. Richards* makes plain that this Court views structural barriers to judicial access as a matter of paramount constitutional concern. There, this Court held that prisoners may not have their civil rights cases dismissed for failure to exhaust administrative remedies when the prison’s own infrastructure prevented that exhaustion. The principle is directly applicable here: Petitioner was dismissed for failing to “exhaust” Illinois Rule 604(d) proceedings—but, just as in *Perttu*, it was the State’s own incompatible systems that made that exhaustion impossible.

When a State mandates a strict jurisdictional deadline, explicitly excludes a class of *pro se* defendants from its digital e-filing portal, and simultaneously enforces an administrative barrier to physical transit, the State’s refusal to recognize an “impossibility exception” is the unconstitutional State action. The mechanical interaction of three independent state systems—the Rule 604(d) prerequisite, the Secretary of State’s administrative revocation policy, and the Circuit Clerk’s digital exclusion of criminal cases—combined to produce a structural result that no single actor may have intended, but that the State has since formally ratified. This state-created unavailability also operates as a functional prior restraint on the First Amendment right to petition the government for a redress of grievances. *See California Motor Transport Co. v. Tucker*, 404 U.S. 508, 510 (1972).

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This Court must grant certiorari to establish that when a State transitions to a hybrid digital/physical filing architecture, the Due Process Clause forbids the rigid, mechanical enforcement of a jurisdictional dismissal against a *pro se* litigant who is structurally excluded by the State's own incompatible systems. The Constitution requires, at minimum, an impossibility safety valve.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for a Writ of Certiorari, reverse the judgment of the Supreme Court of Illinois denying leave to appeal, and remand the cause to that court for further proceedings not inconsistent with this Court's opinion.

Respectfully submitted,



/s/ Ehab Allababidi

EHAB ALLABABIDI, *Pro Se*

8516 W. Winona St., Chicago, IL 60656

(773) 920-0030

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