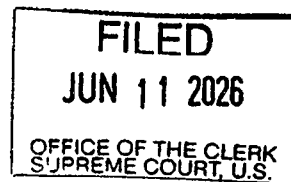


No. 20-5163

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



DARDAGAN, Suvad, — PETITIONER
(Your Name)

vs.

MAHER, Justin, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Illinois, Dardagan v. Greene, 2026 IL 132684.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Suvad Dardagan
(Your Name)
Western Illinois Correctional Center
2500 Route 99 South
(Address)

Mt. Sterling, IL 62353
(City, State, Zip Code)

(217) 773-4441
(Phone Number)

QUESTIONS PRESENTED

I.

Petitioner has never been accused of, arrested for, or charged with a violation of any criminal offense in any court legally constituted in the United States.

Whether in the absence of appearance or acquiescence of the State's Attorney, a judgment entered by a court, having no jurisdiction over either the parties or the cause, is absolutely void?

II.

The entire judicial system depends on proper and accurate document filings by the clerk of the court. If the trust and confidence in the clerk of the court erodes, the entire judicial system collapses.

When a trial court announces a final judgment and terminates further proceedings in the absence of a signed written order, the judgment of the court is not either final or appealable. If four months later the clerk of the court backdates a signed written order to appear that it was filed on the date an oral judgment was pronounced, to justify the pronounced judgment, whether the decision of the reviewing courts to dismiss appeal is absolute nullity?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

PETITIONER:

Suvad Dardagan
Reg, No. R20682
Western Illinois Corr. Center
2500 Route 99 South
Mt. Sterling, IL 6253

RESPONDENT:

Justin Maher, Warden
Western Illinois Corr. Center
2500 Route 99 South
Mt. Sterling, IL 62353

COUNSEL OF RECORD FOR RESPONDENT:

Honorable Kwame Y. Raoul
Attorney General of Illinois
100 West Randolph St., 12th Fl.
Chicago, IL 60601

RELATED CASES

1. Dardagan v. Nicholson, 2022 IL App (3d) 210313; (ORDER: 9/22/2022)
2. Dardagan v. Greene, 2024 CH 00944; (Oral Judgment: 9/11/2024)
3. Dardagan v. Greene, 2025 IL App (1st) 250047; (ORDER: 9/24/2025)
4. Dardagan v. Greene, 2026 IL 132684. (ORDER: 3/25/2026)

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

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

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

The opinion of the Appellate Court of Illinois, First District court appears at Appendix A to the petition and is

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

JURISDICTION

☒ For cases from **federal courts**:

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

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

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 25, 2026.
A copy of that decision appears at Appendix C.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATUTES

PAGE NUMBER

55 ILCS 5/3-5010. Duties of recorder - - - - - 16

Every recorder shall, as soon as practicable after the receipt of any instrument in writing in the office, entitled to be recorded, record the same at length in the order of time of its reception, in well bound books or computer databases to be provided for that purpose. In counties of 500,000 or more inhabitants, the recorder may microphotograph or otherwise reproduce on film or store electronically any of such instruments in the manner provided by law. In counties of less than 500,000 inhabitants, the recorder may cause to be microphotographed or otherwise reproduced on film any of such instruments or electronic method of storage. When any such instrument is reproduced on film or electronic method of storage, the film or electronic method of storage shall comply with the minimum standards of quality approved for records of the State Records Commission and the device used to reproduce the records on the film or electronic method of storage shall be one which accurately reproduces the contents of the original. (Eff. 1/1/2025)

55 ILCS 5/3-5024. Certificate of time of filing - - - - - 17

When any instrument in writing is recorded in the recorder's office, the recorder shall indorse upon such instrument a certificate of the time (including the hour of the day) when the same was received for recordation (which shall be considered the time of recording the same), and the book and page or do-

cument number by and in which the same is recorded. The recorder shall sign the certificate or shall affix the recorder's fascimile signature thereto. A physical or electronic image of the recorder's stamp satisfies the signature requirement for recorded instruments prior to, on, and after the effective date of this amendatory Act of the 102nd General Assembly.

The certificate, when signed by the recorder, or to which the recorder has affixed the recorder's fascimile signature or a physical or electronic image of the recorder's stamp, shall be evidence of the facts therein stated. (Eff. 1/1/2024)

55 ILCS 5/3-9005. Powers and duties of State's Attorney -- - - - 11

(a) The duty of each State's Attorney shall be:

(1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for the county, in which the people of the State or county may be concerned. [--] (Eff. 7/9/2021)

RULES

Ill. Sup. Ct. R. 272 - - - - - 13, 14

RULE 272. When Judgment is Entered

If at the time of announcing final judgment the judge requires the submission of a form of written judgment to be signed by the judge or if a circuit court rule requires the prevailing party to submit a draft order, the clerk shall make a notation to that effect and the judgment becomes final only when the signed judgment is filed. If no such signed written judgment is to be filed, the judge or clerk shall forthwith make a notation of judgment

and entered the judgment of record promptly, and the judgment is entered at the time it is entered of record. Orders and judgments may be prepared, presented, and signed electronically, if permitted by the Supreme Court. (Eff. 1/1/2018)

Ill. Su. Ct. R. 303 - - - - - 15

RULE 303. Appeals from Final Judgments of the Circuit Court in Civil Cases

(a) Time; Filing; Transmission of Notice of Appeal.

(1) The notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or, if a timely posttrial motion directed against the judgment is filed, whether in a jury or a nonjury case, within 30 days after the entry of the order disposing of the last pending postjudgment motion directed against that judgment or order, irrespective of whether the circuit court had entered a series of final orders that were modified pursuant to postjudgment motions. A Judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a). A notice of appeal filed after the court announces a decision, but before the entry of the judgment or order, is treated as filed on the date of and after the entry of the judgment or order. The notice of appeal may be filed by any party or by any attorney representing the party appealing, regardless of whether that attorney has filed an appearance in the circuit court case being appealed. (Eff. 7/1/2017)

R.Judi. Panel Multi. Litig. 4.1 - - - - - 17, 18

RULE 4.1. SERVICE OF CASE DOCUMENTS

(a) Proof of Service The Panel's notice of electronic filing shall constitute service of case documents. Registration/possession by counsel of a CM/ECF account with any United States federal court shall be deemed consent to receive electronic service of all case documents. All case documents shall contain a proof of service on all parties who do not receive electronic service through CM/ECF. The proof of service shall indicate the name and manner of service. If a party is not represented by counsel, the proof of service shall indicate the name of the party and the party's last known address. The proof of service shall indicate why any person named as a party in a constituent complaint was not served with the case document. (Eff. 2/29/2026)

OTHER

Judicial Code. 28 U.S.C. § 391 - - - - - 19

On the hearing of any appeal, certiorary, writ of error, or motion for a new trial, in any case, civil or criminal, the court shall give judgment after an examination of the entire record before the court, without regard to technical errors, defects, or exceptions which do not affect the substantial rights of the parties.

STATEMENT OF THE CASE

Instant petition for a Writ of Habeas Corpus, Dardagan v. Greene, 2024 CH 00944, filed with the Clerk of the Cook County Circuit Court on February 15, 2024, (APPENDIX (App.) D) the claim raised therein was supported by the court records from a preliminary examination hearing held on June 18, 1999. (App. N) The claim reads: "Plaintiff has never been accused of, arrested for or charged with a violation of any state or federal criminal offense, by any state or federal law enforcement authority, in any state or federal court 'legally constituted' in the United States." (Emphasis supplied.) (App. D, p. 2 at ¶ 4)

a) Background

Petitioner Suvad Dardagan and his son, Harris Dardagan, were held in custody in Cook County jail, without a legitimate arrest, and there is no record of their arrest. They were involuntarily submitted to the circuit court of Cook County for a preliminary examination hearing. No assistant State's Attorney from the Office of the Cook County State's Attorney filed a court appearance, that would reflect his or her name as a person qualified to file criminal charges in the circuit court. (See App. N) Also, because there was no court appearance filed by the State, there was no document filed that would reflect: (1) the name of the court with proper jurisdiction over the parties; (2) the name of a plaintiff who initiated a lawsuit; (3) the name of a defendant in the lawsuit, and (4) a violation of the Criminal Code.

The record reflects that on June 18, 1999, the clerk of the court

tendered an arrest report before the court, upon which an unidentified person elaborated before a preliminary examination judge. Soon after a hearing, the petitioner and his son were placed in custody for further prosecution.

It is important to note that, since no documents were filed, and no witnesses appear in the court records, the clerk of the court, who introduced an arrest report before the preliminary examination judge, and unidentified person, who elaborated upon the entries of the said arrest report, were not called to testify under oath either before a grand jury or the trial jury.

According to the record, or better to say, in the absence of the record, the Court is compelled to conclude that, since no name of a complainant appears in the court record, no complainant was called to testify under oath either before a preliminary examination judge or before a grand jury or before the trial jury. The same is true, since no name of an arresting officer appears in the court record, there is no his or her testimony given under oath either before a preliminary examination judge or before a grand jury or before the trial jury. In that extent, the person who testified before a grand jury, was not called to testify under oath either before a preliminary examination judge or before the trial jury.

The petitioner correctly contends that he has never been accused of any such crime, or arrested for any such crime, or charged with any such criminal offense in any court "legally constituted" in the United States, having jurisdiction over either the parties or the cause.

REASONS FOR GRANTING THE PETITION;

Judicial system is designed, in part, to protect the people from the prosecutorial oppression: ("Of course, the power (to order a party to appear) should only be exercised for good cause and in such a manner that party may not be subjected to harassment, oppression or hardship." Oakview New Lenox School Dist. No. 122 v. Ford Motor Co., 61 Ill.App.3d 194, 199 (Ill. App. 1978).) See also Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94 (1998) ("Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.") And see Ex parte McCardle, 7 Wall, 506, 514 (1869). "On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of the parties to it." Great Southern Fire Proof Hotel Co. v. Jones, 172 U.S. 449, 453 (1900). The requirement that jurisdiction be established as a threshold matter "springs from the nature and limits of the judicial power of the United States" and is "inflexible without exception." Mansfield. C. & L. M. R. Co. v. Swan, 111 U.S. 379, 382 (1884).

This Court's insistence that proper jurisdiction appear begins at least as early as 1804, when we set aside a judgment for the defendant at the instance of the losing plaintiff who had himself failed to allege the basis for federal jurisdiction. Capron v. Van Noorden, 2 Cranch 126 (1804). Just last Term, we reinstated this principle in the clearest

fashion, unanimously setting aside the Ninth Circuit's merits decision in a case that had lost the elements of a justiciable controversy:

"Every federal appellate court has a special obligation to 'satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review,' even though the parties are prepared to concede it." Mitchell v. Maurer, 29 U.S. 237, 244 (1934). See Juidice v. Vail, 430 U.S. 327, 331-332 (1977) (standing).

In United States v. Corrick, 298 U.S. 435 (1936), the appellants did not raise the question of jurisdiction at the hearing below. But the lack of jurisdiction of a federal court touching the subject-matter of the litigation cannot be waived by the parties, and the District Court should, therefore, have declined sua sponte to proceed in the cause. And if the record discloses that the lower court was without jurisdiction this court will notice the defect, although the parties make no contention concerning it. While the District Court lacked jurisdiction, we have jurisdiction on appeal, not of the merits, but merely for the purpose of correcting the error of the lower court in entertaining the suit. The decree must, therefore, be reversed, and the cause remanded, with directions to dismiss the bill. Corrick, 298 U.S. at 440.

b) Jurisdiction - Legally Constituted Court

In general, it is incumbent upon the plaintiff properly to allege the jurisdictional facts according to the nature of the case. "Where the law gives no rule (such in a civil lawsuit), the demand of the plaintiff must furnish one; but where the law gives the rule (such in an executive action), the legal cause of action (commonly known as a

preliminary examination), and not the plaintiff's demand, must be regarded." Nutt v. General Motors Acceptance Corporation, 298 U.S. 178, 182 (1936).

In Illinois, it is the State's Attorney, as an executive officer, who is empowered to commence and prosecute all executive actions. (Ill. Const. 1970, art. VI, § 19); People v. Thompson, 88 Ill.App.3d 375, 377 (1980). His office is part of the executive branch of state government, and the powers exercised by that office are executive powers. Id.

The Illinois statute provides in a relevant part:

[55 ILCS 5/3-9005. Powers and duties of State's Attorney

(a) The duty of each State's Attorney shall be:

(1) To Commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for the county, in which the people of the State or county may be concerned.] See Alvarez v. Gaughan, 2016 IL 120110, ¶ 28.

"In all complaints exhibited before the grand jury of any county, they shall hear the witnesses on behalf of the people only." People v. Sears, 49 Ill.2d 14, 26-27 (1971). "The Grand Jury shall hear all evidence presented by the State's Attorney." Id.

In the absence of appearance of the State's Attorney, a judgment entered by a court, having no jurisdiction over either the parties or the cause, is absolute nullity. Ball v. United States, 163 U.S. 662, 669 (1896).

Jurisdiction of a court, once challenged, is to be proven, not by the court, but by the plaintiff who is attempting to assert jurisdiction.

See Maxfield v. Levy, 4 U.S. 330, 334 (1797). The burden of proof of jurisdiction lies with the asserter of jurisdiction, not by the court, the court is only to rule on the sufficiency of the proof tendered. Nutt, 298 U.S. at 182.

c) Dereliction of Judicial Duty

The respondent did not file a response in this case, that was the assistant Attorney General of Illinois, Russell K. Benton, ("Mr. Benton"). On May 7, 2024, Mr. Benton filed a Motion to Dismiss. (App. E) On June 6, 2024, the trial judge, Honorable Anna M. Loftus, entered an order, giving petitioner until August 1, 2024, to file a response to Motion to Dismiss. (App. E) A hearing was scheduled for defendant's motion on September 11, 2024. On September 11th Judge Loftus announced from the bench granting Mr. Benton's motion to dismiss, and terminated further proceedings without filing a written order of final judgment. There is no indication that Judge Loftus: (1) recorded a judgment in a "half-sheet page" or in a "Law Record" book, (2) "required the submission of a written judgment order" or (3) made an oral pronouncement of judgment that resolved the merits of the complaint. Holt v. City of Chicago, 2022 IL App (1st) 200950, ¶ 8. In Holt, the court held "Under Supreme Court Rule 272, 'when the trial judge does not require the submission of a written judgment order, a judgment is entered of record when it is recorded in the Law Record book. Generally this entry will be made on either the same day or the following day of the oral pronouncement of judgment and its entry into the minute book. In any event, the judgment is of record only at the time of actual entry in the Law

Record book." Id. at ¶ 8.

By not signing a written order, Judge Loftus placed petitioner's appeal in limbo. She used the ambiguity of Rule 272 as a platform to predestine dismissal of appeal, regardless if petitioner timely files, or does not file at all, a notice of appeal. If the petitioner filed a notice of appeal in the absence of a signed written order of the final judgment, the appellate court will dismiss appeal for want of jurisdiction. In the other hand, if no notice of appeal was filed at all, as occurred in this case, the appellate court will dismiss appeal for lack of jurisdiction. Rather, Rule 272 is unconstitutional.

On September 11, 2024, when Judge Loftus announced oral judgment, granting Mr. Benton's motion to dismiss, petitioner asked for a copy of a written order, and if he can use the court reporter assigned to Mr. Benton - to which he agreed to. After a brief consultation with Mr. Benton, Judge Loftus announced that Mr. Benton is required to draft a written order of judgment and submit for her signature and filing. No such written order was signed or filed by Judge Loftus or entered into Law Record book on September 11, 2024.

Rule 272 is the only rule where the Supreme Court of Illinois gave the power to the representatives of the State, the State's Attorney or Attorney General, or any licensed attorney for the prevailing party in a lawsuit, but not to the circuit court, because Rule 272 provides no time limitation for submission of a written drafted order for judicial signature and filing. Rule 272 reads:

[Rule 272. When Judgment is Entered

If at the time of announcing final judgment the judge requires

the submission of a form of written judgment to be signed by the judge or if a circuit court rule requires the prevailing party to submit a draft order, the clerk shall make a notation to that effect and the judgment becomes final only when the signed judgment is filed.] Ill. S.Ct. R. 272 (eff. 1/1/2018).

In this case, Mr. Benton had no interest to either draft an order or to provide the information of the court reporter to the petitioner. In the absence of a signed written order of judgment by the judge, the petitioner was barred by Rule 272 to file a notice of appeal until Mr. Benton submits a drafted order to the court for signature and filing. In Stroermer v. Edgar, 104 Ill.2d 287, 289-91 (Ill. 1994), the Court illustrated how Rule 272 is applied when a formal order is contemplated after an oral ruling. Id. at 289-90. On May 4, 1983, the judge orally announced his decision to reverse the Secretary of State's decision and directed the plaintiff's attorney to prepare a written order. Id. at 290. On May 26, 1983, the Secretary of State filed a notice of appeal. Id. at 290. The next day, on May 27, 1983, the court entered the "formal order" contemplated at the May 4 hearing. Id. at 290. A notice of appeal filed before the filing of a written final order is premature and does not confer jurisdiction on the appellate court. Because the notice of appeal was premature and no timely motion to amend has been made, the appeal must be dismissed. Stroermer, 104 Ill.2d at 291-92.

Because Mr. Benton, as predicted, did not draft an order, neither the petitioner had filed a notice of appeal. To protect his rights to appeal, on October 8, 2024, the petitioner mailed for filing Motion to Enter an Order of Dismissal of the Habeas Corpus Complaint. (App. H) A copy was also filed in the Office of the General Attorney General.

copy was also mailed to the Office of the Illinois Attorney General. (App. H, p. 2) In this motion, petitioner demanded that the court file an ORDER and mail a copy of the same to him at the (provided) address below. (App. H)

In Illinois, it is well established that ~~the Supreme Court Rule~~ 303(a)(1) requires filing a notice of appeal with the clerk of the circuit court within 30 days of the entry of the final judgment appealed from, or, if timely postjudgment motion against the judgment is filed, within 30 days from the entry of the order disposing of the last post-judgment motion. Ill. S. Ct. R. 303(a)(1) (eff. Jul. 1, 2017); Delgado v. Mena, 2025 IL App (1st) 241596, ¶ 13. Contrary to Rule 303, Rule 272 does not have 30 days time limitations to submit a draft order for a signature and filing. If Rule 272 contained the 30 days ~~time-limita-~~tion, the petitioner would have been given an opportunity to exercise his fundamental constitutional right to file his notice of appeal in a timely manner. The timeliness to file a notice of appeal pursuant to Rule 303 was suppressed by Rule 272, which ultimately caused dismissal of the petitioner's appeal.

Motion to Enter an Order, (App. H) was stamped/filed by the clerk on October 17, 2024. Exactly 61 days later, petitioner mailed a notice of appeal on December 17, 2024, for filing with the clerk of the court. (App. I) The notice of appeal was stamped/filed on December 23, 2024, in the absence of the written order of final judgment, and forwarded to the clerk of the appellate court, and the appeal was docketed under the assigned App. No. 1-25-0047, on January 10, 2025. (App. I)

On January 17, 2025, once again, the petitioner filed Motion for a Written ORDER of Final Judgment, asking the court to compel Attorney

General to draft order of final judgment and submit to the court for signature and filing. (App. J, p. 2) Sometimes in between January 17th and February 5th of 2025, the day when the clerk of the circuit court transferred the Common Law Record to the clerk of the appellate court, Mr. Benton drafted a written order of judgment and submitted to Judge Loftus for signature, and it was stamped by the clerk of the court to appear that it was filed on September 11, 2024. (App. B)

This is the second time that the clerk of the court caused irreparable damages to the petitioner. Considering that the petitioner has been in unlawful captivity from 1999, not by the legal law enforcement authorities of the State of Illinois, but by some person who happens to have access to the court — specifically referring to the clerk of the court. It was caused by the clerk of the court that the petitioner had been illegally incarcerated for 27 years. According to the record, (App. M) the clerk was the only starting point between the petitioner and the court. If no false document was submitted by the clerk to the court, this case would have not started at all. Similarly now, had not the clerk backdated the signed drafted order to appear to be filed on September 11, 2024, the appellate court would have no basis to dismiss appeal. Illinois statute provides in part:

[55 ILCS 5/3-5010. Duties of Recorder

Every recorder shall, as soon as practicable after the receipt of any instrument in writing in the office, entitled to be recorded, record the same at length in order of time of its reception.]

In this case, Judge Loftus and Mr. Benton knowingly used Rule 272

and influenced the clerk of the court to file a false document for no other reason but to sabotage petitioner's appeal. Assuming that such a written order was signed by Judge Loftus, and submitted for the filing to the clerk of the court, and that it was indeed stamped on September 11, 2024, two provisional document filings must have had occurred:

(1) 55 ILCS 5/3-5024. Certificate of time of filing

When any instrument in writing is recorded in the recorder's office, the recorder shall indorse upon such instrument a certificate of the time (including the hour of the day) when the same was received for recordation (which shall be considered the time of recording the same), and the book and page or document number by and in which the same is recorded. The recorder shall sign the certificate or shall affix the recorder's facsimile signature thereto. A physical or electronic image of the recorder's stamp satisfies the signature requirement for recorded instruments prior to, on, and after the effective date of this amendatory Act of the 102nd General Assembly.

The certificate, when signed by the recorder, or to which the recorder has affixed the recorder's facsimile signature or a physical or electronic image of the recorder's stamp, shall be evidence of the facts therein stated; (and)

(2) RULE 4.1. SERVICE OF CASE DOCUMENTS

(a) Proof of Service. All case documents shall contain a proof of service on all parties who do not receive electronic service through CM/ECF. The proof of service shall indicate the name and manner of service. If a party is not represented by counsel, the proof of service

shall indicate the name of the party and the party's last known address. The proof of service shall indicate why any person named as a party in a constituent complaint was not served with the case document. R.Judi. Panel. Multi. Litig. 4.1 Service of Case Documents (Rules of the Judicial Panel on Multidistrict Litigation (2026 Edition)).

Neither one of those two provisional filings is supported by the court records.

While the appeal was pending, Mr. Benton filed Motion to Dismiss Appeal for Lack of Jurisdiction, informing the appellate court that on September 11, 2024, the circuit court entered a final judgment dismissing the complaint and finding it frivolous. (App. K, p. 2) Mr. Benton knew that the information E-wired to the appellate court on September 3, 2025, was materially relevant on appeal, that it was false and that it was not supported with a copy of a written order of final judgment. The appellate court never had in its possession the document of final and appealable order of judgment. Petitioner filed a response to motion dismiss appeal, (App. L) and addressed the appellate court that there was no written order of final judgment attached to respondent's motion to dismiss appeal.

The court granted Mr. Benton's motion to dismiss (App. A) without reading petitioner's notice of appeal, and denied petitioner's motion to file his appellate brief instant as moot. (App. A)

On November 27, 2025, petitioner submitted for filing a Petition for Leave to File Petition for Leave to Appeal, and attached Petition for Leave to Appeal to it. (App. M) Petition for Leave to File Appeal instant was allowed on January 14, 2026. (App. C) On March 15, 2026, petitioner mistakenly submitted a supplemental brief for filing, which

was denied on March 25, 2026, (App. C) and at the same time, the court Denied Petition for Leave to Appeal instanter. (App. C)

Even though the petitioner mistakenly attempted to file a supplemental brief, his appeal was not subjected to a meritorious appellate review since the trial court made no ruling on the merits of the claim raised in the complaint. See People v. Shinaul, 2017 IL 120162, ¶ 10, where the court held: "[I]t is well settled that a 'final judgment' is a determination by the [trial] court on the issues presented by the pleadings 'which ascertains and fixes absolutely and finally the rights of the parties in the lawsuit.' In other words, a judgment or order is considered final and appealable if it determines the 'litigation on the merits' such that the only thing remaining is to proceed with execution of judgment." (Emphasis added.)

On appeal, reviewing courts failed to read petitioner's materials filed for their review. In Berger v. United States, 295 U.S. 78, 81-82 (1935), Section 269 of the Judicial Code, as amended (28 U.S.C. § 391 (28 usca § 391)) provides:

"On the hearing of any appeal, certiorary, writ of error, or motion for a new trial, in any case, civil or criminal, the court shall give judgment after an examination of the entire record before the court, without regard to technical errors, defects, or exceptions which do not affect the substantial rights of the parties." (Id.)

The main reason for granting this petition is that, according to the record from June 18, 1999, petitioner never been accused of such a crime, never been arrested for such a crime, or charged with any such

criminal offense in any court legally constituted in the United States.

Mr. Benton filed a Motion to Dismiss (App. E) and never disputed the petitioner's claim raised in the complaint. Instead, he addressed the trial court that the petitioner was indicted by the grand jury of Cook County, therefore, the circuit court of Cook County had jurisdiction to prosecute criminal charges against him. In response to motion to dismiss, the petitioner asserted that "the grand jury is a necessary constituent part of every court having general criminal jurisdiction." (App. G, p..5)

On August 20, 2024, the petitioner filed a Motion for Evidentiary Hearing, and in support thereof attached (1) an affidavit of the assistant State's Attorney, Paul A. Castiglione, in which he certified that "No complaint or arrest report was submitted to the court on June 18, 1999." (App. N, p. 6 at ¶ 7); (2) on October 2, 2019, the assistant State Appellate Defender, Deepa Punjabi, sent to the petitioner a copy of an arrest report and two criminal complaints. All three documents appear to be stamped by the clerk of the court on June 18, 1999. (App. N, pp. 7-11); and (3) the transcript from June 18, 1999, court proceedings. (App. N, pp. 12-18) Mr. Castiglione's affidavit matched June 18, 1999, court records, while Ms. Punjabi's documents did not.

Because of such discrepancy in documents filings, Mr. Benton had an ex parte communication with Judge Loftus where they plotted to use the ambiguity of Rule 272 to sabotage petitioner's appeal.

During such malicious unlawful prosecution, petitioner has never been afforded a trial before a court legally constituted, nor afforded a counsel in his defense, nor that the United States government took a mandatory international obligation to notify the petitioner's native

country, Bosnia and Herzegovina, of his illegal arrest and unlawful incarceration.

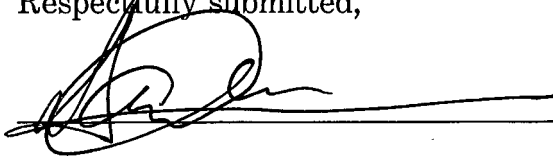
The United States Supreme Court has exclusive jurisdiction to the question of jurisdiction of the lower courts, and to correct errors in the process of the court when it occurs. This case should qualify under that standard.

The petitioner prays the Court will either return the case to the Supreme Court of Illinois to order a new trial and evidentiary hearing before a different circuit judge, or in the alternative, because there is no document, court record or witness testimony available to dispute the claim raised in the complaint, to return the case to the Supreme Court of Illinois with instructions to dismiss all charges against him as null and void, and any other and further relief the Court may deem required by law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

Date: June 10, 2026