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NO. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

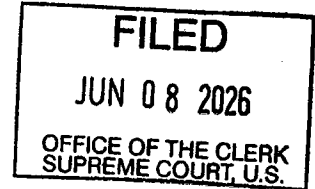
FAIRLY W. EARLS,

PETITIONER,

V.

LIZZY TEGELS, WARDEN,

RESPONDENT.



ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT
OF APPEALS FOR THE SEVENTH CIRCUIT
CASE NO. 24-1062

PETITION FOR WRIT OF CERTIORARI

Dated: June 8th, 2026

Fairly w. Earls
Jackson Correctional
P.O. Box 233
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QUESTION PRESENTED FOR REVIEW

Whether the Federal Court of Appeals for the Seventh Circuit can Block Court access and impose a sanction on a State Criminal Appeal taken pursuant to 28 U.S.C. § 2254 from a State Supreme Court Decision permitted as of a Constitutional Right.

PARTIES

The United States Court of Appeals for the Seventh Circuit Docket 24-1062 Fairly W. Earls v. Lizzy Tegels before Ilana Diamond Rover, Circuit Judge, Diane S. Sykes, Circuit Judge issued on May 19, 2026.

LIST OF ALL PROCEEDINGS

Circuit Court of Wisconsin State of Wisconsin v. Fairly W. Earls Docket No. 05cf419, Wisconsin Court of Appeals State of Wisconsin v. Fairly W. Earls Docket No. 22AP1261, Wisconsin Supreme Court State of Wisconsin v. Fairly W. Earls Docket No. 22AP1261 dated 08-17-2023 United States Court of Appeals for the Seventh Circuit Fairly W. Earls v. Lizzy Tegels, Case No. 24-1062 entered on May 19, 2026.

TABLE OF CONTENTS

Question presented for Review	page 1
Parties to Proceeding	2
Items contained in Appendix	4
Table of Cited Authority	5
Citations of Opinions	6
Statement on Jurisdiction	7
Constitutional Provisions	7
Statement of the Case	8
Argument	9
Appendix	14

ITEMS CONTAINED IN APPENDIX

APPENDIX 1, is the United States Court of Appeals for the Seventh Circuit Docket No. 24-1062 Fairly W. Earls v. Lizzie Tegels, entered on May 19, 2026.

APPENDIX 2, is the United States Court of Appeals for the Seventh Circuit Docket No. 24-1062 Fairly W. Earls v. Lizzie Tegels, entered on January 26, 2024.

APPENDIX 3, is the Wisconsin Supreme Court Docket No. 2022AP1261 Fairly W. Earls v. Lizzie Tegels, entered August 17, 2023.

TABLE OF AUTHORITY

	page
Alexander v. United States, 121 F.3d 312 (7th Cir.1997)	11
Chambers v. Florida, 309 U.S. 227 (1940)	9
Chambers v. Nasco, 111 S.Ct. 2123 (1991)	11
Gullen v. Pinholster, 563 U.S. 170 (2011)	12
Emmit v. Jules, 2023 WL 5121522 (DC. Ind.)	10
Griffin v. Illinois, 351 U.S. 12 (1956)	9
Hall v. Pollard, 2014 WL 3728083	10
In Support v. Mack, 45 F.3d 185 (7th Cir. 1995)	9
In re McDonald, 489 U.S. 180 (1989)	10
Martin v. United States, 96 F.3d 853 (7th Cir. 1996)	9
Mineworkers v. Gabwell, 512 U.S. 821 (1984)	11
Montgomery v. davis, 362 F.3d 956 (7th Cir. 2013)	10
Pope v. Kemper, 2023 WL 567593 (E.D. WI.)	9
Probe v. McHehee, 2023 WL 9102013 (D.C.)	10
Roadway v. Piper, 447 U.S. 752 (1980)	12
Smith v. Gilmore, 111 F.3d 55 (7th Cir. 1995)	10
Srivastavia v. Marion Cnty., 125 F.App'x 57 (7th Cir. 2005)	11
Whitaker v. Super Ct., 514 U.S. 208 (1995)	10

CONSTITUTIONAL

Article I Constitution Section 9, U.S. Constitution Amendment XIV, 28
U.S.C. § 1254, 28 U.S.C. 1915, 28 U.S.C. § 2101, 28 U.S.C. § 2254, .

OPINIONS

The Opinion of the United States Court of Appeals for the Seventh Circuit Docket No. 24-1062 Fairly W. Earls v. Lizzie Tegels entered May 19, 2026, Appendix 1.

The Opinion of the United States Court of Appeals for the Seventh Circuit Docket No. 24-1062 Fairly W. Earls v. Lizzie Tegels entered January 26, 2024, Appendix 2.

The opinion of the Wisconsin Supreme Court Fairly W. Earls v. Lizzie Tegels Docket No. 2022AP1261 entered August 17, 2023, Appendix 3.

JURISDICTION STATEMENT

The Jurisdiction for this Writ of Certiorari to the United States Supreme Court is invoked pursuant to 18 U.S.C. § 1254 and the United States Constitution Article III § 2. The Judgment by the United States Court of Appelas was entered on May 19, 2026. The Petition is timely Filed pursuant to 28 U.S.C. § 2101 and Rule 13.

CONSTITUTIONAL PROVISIONS

The Fourteenth Amendment of the United States Constitution provides in relevant part, nor shall any State deprive any person of life, liberty or property without Due Process of Law; nor deny any person Equal Protection of the Laws.

STATUTORY PROVISIONS

Section 28 U.S.C.A. § 2254(a) states "The Supreme Court, a Justice thereof, a Circuit Judge, or a District Court shall entertain an application for a Writ of Habeas Corpus in behalf of a person in custody pursuant to the Judgment of a State Court only on the Grounds that he is in custody in violation of the Constitution or laws or treaties of the United States.

Federal Rules of Appellate Procedure Rule 3, 28 U.S.C.A. (a)(1) an appeal permitted by law as of right from a district court to a Federal Court of Appeals may be taken.

Federal Rule of Appellate Procedure Rule 38 on frivolous appeal-damages. also W.S.A. § 974.06.

STATEMENT OF CASE

In 2012 Earls was convicted and sentenced on 10 counts of bail jumping pursuant to Wis. Stat. § 946.49 and given 60 years, with all counts consecutive. Earls completed his appeal process on various claims in the State Courts and one Habeas Corpus round in the Federal Courts.

All Appeals were denied. In 2022 Earls presented a Wis. Stat. § 974.06 Motion to the State Circuit Court that alleged a "New Factor" and "Law" Decided by the Seventh Circuit Federal Court on Wis. Stat. § 946.49 in a single hearing and case the sentences must be served concurrently.

The Case at hand the State Circuit Court entered a Judgment on July 15th, 2022 on Earls § 974.06 Motion denying relief. Then followed by a Judgment Order denying relief from the Wisconsin Court of Appeals entered on April 5th, 2023. Earls next Appealed to the Wisconsin Supreme Court on June 5th, 2023 and the Wisconsin Supreme Court denied review on August 17, 2023. Earls then presented an application to the United States Court of Appeals for the Seventh Circuit for approval to proceed in the United States District Court, which was denied on January 26, 2024 with a sanction. Earls petitioned the Seventh Circuit on Multiple attempts to Recind the sanction of Blocking Court access, which was denied May 19, 2026.

Earls being pro se was not sure if he needed permission ot not to Appeal the Wisconsin Supreme Court Judgment that was entered in 2023. Pursuant to 28 U.S.C. § 2254(a) the Supreme Court, a Justice thereof, a Circuit Judge, or a District Court shall entertain an application for Writ of Habeas Corpus in behalf of a person in custody pursuant to the Judgment of a State Court only on the ground that he is in custody in violation of the Constitution or Laws.

The timeframe for this application was within one year of the State Judgment. Earls was within this one year limit. see 28 U.S.C. § 2253.

However the Seventh Circuit Court of Appeals denied Earls this Right and said his Appeal from a State Court Judgment from the year 2023 with Newly Discovered facts is frivolous then sanctioned Earls \$500.00 with instructions to the District Court not to accept any Filings by Earls until the sanction is paid, thus Blocking Court Access. After the Seventh Circuit imposed the sanction, Earls did try to File his Habeas Corpus in the District Court and the District Court sent the Habeas Petition back to Earls stamped unfiled. Thus the Sanction by the Seventh Circuit denied Earls Access to the Federal Courts.

ARGUMENT

The Seventh Circuit Court of Appeals is Violating Earls Constitutional Right to Appeal by Blocking Court Access and imposed a sanction on a Constitutional Right. Earls has a Constitutional Right to Appeal a State Criminal Case pursuant to Section 28 U.S.C. § 2254 Habeas Corpus and the United States Constitution under Due Process of Law, Constitutional Amendment XIV.

This Court has long held "the procedures used in deciding Appeals must comport with the demands of Due Process and Equal Protection Clause of the Constitution". see Griffin v. Illinois, 351 U.S. 12, 17 (1956). Both Equal Protection and Due Process emphasize the central aim of our entire Judicial System--all people charged with crimes must, so far as the Law is concerned, "stand on equality before the Bar of Justice in every American Court. see Chambers v. Floride, 309 U.S. 227, 241 (1940). Chambers and Griffin, cited by Pope v. Kemper, 2023 WL 5672593(E.D.Wis.).

The PLRA applies only to actions filed under 42 U.S.C. § 1983 Civil Suits, see Marin v. United States, 96 F.3d 853 (7th Cir. 1996); In Support Systems Int. Inc. v. Mack, 45 F.3d 185 (7th Cir. 1995). Mack explicitly

"exempts Criminal Cases and Petitions challenging the fact or duration of confinement from the Filing Bar, Id. at 186.

Then in Smith v. Gilmore, 111 F.3d 55 (7th Cir. 1997) the Smith Decision voided out the Mack Court that refused Filings, holding that the Court can not Refuse Filing's. Smith is cited by Hall v. Pollard, 2014 WL 3728083.

In Emmitt v. Jules, 2023 WL 5121522 (DC. Ind.) the Court reiterated the Holding in re McDonald, 489 U.S. 180, 184 (1989) holding that in forma pauperis, and extraordinary Writs are still free to File other Motions for relief, see Circuit Rule 46 which is identical to 28 U.S.C. § 1915 that is for IFP Status.

The Montgomery v. Davis, 362 F.3d 956 (7th Cir. 2004) the Court Decided that Fees and Sanctions do not have to be paid in Habeas Corpus Actions that attack a State Court imposed Criminal Judgment, Also see Whitaker v. Supreme Court of Cal..S.F. County, 514 U.S. 208, 115 S.Ct. 1446 (1995) (Instructing Clerk not to accept Whitaker's Certiorari Petition in "non Criminal Matter's").

This Court nor Congress has given the Seventh Circuit Court the Authority to impose a Sanction on Earls for Exercising his privileged Right to File a Good Faith 28 U.S.C. § 2254 Writ of Habeas Corpus in the District Court that seeks Review of non-frivolous claims from a State Court. Earls timely Filed his Application within the Limitation period of 12 Month's.

In Mack, 45 F.3d 185, 186 the Court established and exception to Sanctions and that "Exception" to the Filing Bar was made for Criminal Cases and for Applications for Writ of Habeas Corpus. This Exception is still followed in Probe v. McGehee, 2023 WL 9102013 (DC. IL.);

Alexander v. United States, 121 F.3d 312, 316 (7th Cir. 1997). Further the only caveat is that the Limitation imposed in Mack "not" Bar the Court House Door "Entirely". see Srivastava v. Marion County Electric, 125 F. App'x 57,59 (7th Cir. 2005).

This Court in Chambers v. Nasco, 501 U.S. 32, 44, 111 S.Ct. 2123 (1991) held that Sanctions can be assessed for Attorney Fees had bad faith conduct is limited to Attorney Fees.

This Court has made clear that such a Sanction, when imposed pursuant to Civil Procedures, must be compensatory rather than punitive in nature, see Mine Workers v. Bagwell, 512 U.S. 821, 826-830, S.Ct. 2552, 129 L.ED 2d 642 (1994) (distinguishing compensatory from punitive Sanctions and specifying the procedures needed to impose each kind). In other words, the Fee award may go no further than to redress the wronged party for losses sustained, it may not impose an additional amount as punishment for the Sanctioned party's misbehavior. To level that kind of separate penalty, a Court would need to provide procedural guarantees applicable in Criminal Cases, such as a beyond reasonable doubt standard of proof.

That means, pretty much by definition, that the Court can shift only those Attorney's Fee incurred because of the misconduct at issue. Compensation for wrong, after all, track the loss resulting from the wrong. So as we have previously noted, a Sanction counts as compensatory only if it is calibrated to the damages caused by the bad faith acts on which it is based. A Fee is so calibrated if it covers the Legal Bills that Litigation abuse occasioned. But if an award extend's further then that--to Fees that would have been incurred without the misconduct--then it crosses the Boundary from Compensatory to Punishment.

Rule based Statutory Sanction regimes similarly require Courts to find such causal connection before shifting Fee's. For example the Federal Rules of Civil Procedure provides that a District Court may Order a party to pay Attorney's Fee's caused by discovery misconduct, Rule 37(b)(2)(9)(C), or directly resulting from misrepresentation in pleadings, motion's, and other paper's, Rule 11(c)(4), because of the misconduct. This provision confirm's the need to establish a causal link between misconduct and Fee's when acting under inherent authority, given such undelegated powers should be exercised with especial "restraint and discretion". see Road way Express In. v. Piper, 447 U.S. 752 (1980).

Earls case is an Application allowed by Statute in a Criminal Matter, the Case is also a Habeas Corpus Action that attacks a State Court imposed Criminal Judgment. Earls is not frivolous according to § 2254(a) he has a Due Process and Equal Protection Right to protect his equality privilege to his Habeas Corpus Petition. Earls is not appealing the Application but rather the Barring of the Court House Doors.

Earls conduct was not abusing the Judicial Process because he was following the privileged Right given in § 2254 and surely complying with Habeas Corpus Procedure's cannot be considered abusive.

Earls conduct was not vexatiously or abused the Judicial Process. Absent any frivolous conduct, and absent the Circuit Court Authority to Sanction Earls for a habeas Corpus Right, the Sanction of Barring the Court House Door's by the Seventh Circuit Court Violates Due Process and Equal Protection Clauses of the United States Constitution.

It's apparent that the Sanction was issued as punishment to Earls and not merely to cover legal bills by an Attorney. Therefore it crosses the Boundary.

A Sanction of Barring the Court House Door for Filing a § 2254 Habeas Corpus in a Criminal State Appeal petition is not Warranted. The Sanction of Blocking the Court House Door on Earls Appeal by the Seventh Circuit Court of Appeals Violates Earls Due Process Right of the United States Constitution XIV Amendment.

CONCLUSION

The Petition for Certiorari should be Granted with a Remand to the Seventh Circuit Court of Appeals with Directions. Instructing the Seventh Circuit to Recind the sanction, allow Earls to Appeal his § 2254 Habeas Corpus Petition to the District Court, restablishing all Filing deadlines to avoid Procedural Default.

Dated: June 8th, 2026

Sincerely,

Fairly W. Earls

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