

No. _____
IN THE
SUPREME COURT OF THE UNITED STATES

KATHERINE LOU HOBBS FORESTER and
JAMES HOBBS FORESTER,

Applicants,

v.

ADAM GEROL, et al.,

Respondents.

From the United States Court of Appeals for the Seventh Circuit
No. 26-2577

EMERGENCY APPLICATION TO THE CIRCUIT JUSTICE FOR THE
SEVENTH CIRCUIT FOR AN IMMEDIATE ADMINISTRATIVE STAY AND
INJUNCTION PENDING DISPOSITION OF SEVENTH CIRCUIT
PROCEEDINGS AND, IF NECESSARY, A PETITION FOR A WRIT OF
CERTIORARI
EXPEDITED ACTION REQUESTED BEFORE AUGUST 14, 2026, AT 9:30 A.M.
CENTRAL TIME

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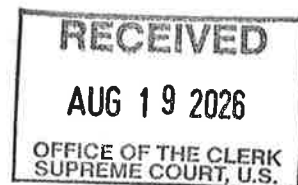


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**TO THE HONORABLE AMY CONEY BARRETT, ASSOCIATE JUSTICE OF THE SUPREME COURT OF
THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT**

Applicants Katherine Lou Hobbins Forester and James Hobbins Forester, proceeding pro se and each signing for himself or herself, respectfully apply under Supreme Court Rules 22 and 23 and the All Writs Act, 28 U.S.C. § 1651(a), for an immediate administrative stay and the narrowest injunction necessary to preserve this Court's prospective jurisdiction and prevent irreparable loss of liberty while the Seventh Circuit resolves the emergency proceedings in Forester v. Gerol, No. 26-2577. Applicants do not seek a merits adjudication of the state charges on this emergency record.

The emergency is fixed and imminent. Katherine is ordered to appear in Waukesha County on August 14, 2026, at 9:30 a.m.; a Washington County proceeding is scheduled for August 18, 2026. Applicants request an immediate administrative stay prohibiting arrest, detention, bond escalation, forfeiture, default, compelled physical appearance, or other adverse consequence arising from physical nonappearance while this application is considered; permitting remote participation with disability and safety accommodations; and preserving the complete warrant, probable-cause, use-of-force, electronic-signature, and docket-audit record.

SERVICE STATUS. Service of this Application and its Appendix will be made by professional process server before the proceeding for which emergency relief is requested. Katherine will not personally perform service. The professional process server's affidavit of service will be filed promptly upon completion.

FILING-DAY STATUS. On August 13, 2026, the Seventh Circuit accepted and docketed Applicants' Combined Petition for Panel Rehearing and Rehearing En Banc at Docket No. 17. It also docketed the completed service filings at Docket Nos. 18 and 19 and the Wisconsin Supreme Court fee receipt at Docket No. 20. At approximately 4:15 p.m. Central Time, the Seventh Circuit Clerk's Office informed Katherine that the matter was being reviewed. As of 5:00 p.m. Central Time, the docket reflected no order granting an administrative stay. Applicants will promptly notify the Clerk of any intervening order.

QUESTIONS PRESENTED

1. Whether an immediate administrative stay is warranted where a federal habeas appeal and rehearing request remain pending, fixed state hearings threaten arrest or increased custody before meaningful review, and the applicants have repeatedly sought emergency relief below.
2. Whether the exhaustion ruling is at least debatable where 28 U.S.C. § 2254(b)(1)(B) asks whether corrective process is unavailable or ineffective, but the Seventh Circuit required a showing that exhaustion was "impossible," while received state filings were omitted, delayed, rejected, removed, or treated as nonexistent and no sworn, claim-specific return authenticated the disputed warrants and probable-cause records.
3. Whether temporary relief is necessary to preserve prospective certiorari jurisdiction over the denial of a certificate of appealability and related emergency relief where bodily security, liberty, and the practical ability to obtain review cannot be restored after arrest or physical enforcement.

RELIEF REQUESTED

1. Enter an immediate administrative stay through disposition of this application.
2. Pending disposition of the Seventh Circuit rehearing and emergency proceedings, enjoin enforcement of the August 14 and August 18 physical-appearance requirements through arrest, detention, bond revocation or escalation, forfeiture, default, waiver, or adverse inference; permit remote participation and necessary accommodations.
3. Direct preservation—not destruction, overwriting, or alteration—of the complete warrant, application, probable-cause, return, inventory, use-of-force, body-camera, electronic-signature, docket-history, fax-ingestion, and audit-log records implicated by the verified filings.
4. Alternatively, grant the narrowest relief necessary to preserve this Court's jurisdiction and require an expedited response.

JURISDICTION AND BASIS FOR RELIEF

5. The district court entered a final order and judgment on July 28, 2026, dismissing the joint pretrial petition under 28 U.S.C. § 2241, dismissing emergency requests as moot, and declining a certificate of appealability. E.D. Wis. Nos. 9–10, Case No. 2:26-cv-01287-BBC. Applicants timely appealed. The Seventh Circuit entered an August 5, 2026 order denying a certificate of appealability and related emergency motions. On August 12, Docket No. 15 authorized a Rule 40 petition by August 26 and stated that the earlier emergency filings would be filed without further action. On August 13, Applicants filed their Rule 40 petition and renewed request for immediate administrative relief at Docket No. 17.
6. This Court has certiorari jurisdiction to review a court of appeals' denial of a certificate of appealability. *Hohn v. United States*, 524 U.S. 236, 241–53 (1998). The

All Writs Act permits process necessary or appropriate in aid of this Court's prospective jurisdiction. 28 U.S.C. § 1651(a). Supreme Court Rules 22 and 23 govern this application to the Circuit Justice.

7. Rule 23's prior-request requirement is satisfied. Applicants sought emergency relief in the district court and repeatedly in the Seventh Circuit. The August 13 Rule 40 petition expressly requested expedited decision and an immediate administrative stay before the August 14 hearing. Fifteen paper copies were filed in Chicago and the petition was docketed at 10:08 a.m. The seven respondent service affidavits were completed and filed, and the Seventh Circuit docketed service submissions at Docket Nos. 18 and 19. Relief is unavailable elsewhere in time because the Waukesha hearing begins at 9:30 a.m. Central Time on August 14, before ordinary motion or response practice can protect Applicants from the threatened custody consequences.

7A. The Seventh Circuit's treatment of emergency relief establishes the need for Circuit Justice intervention. Its August 5 order formally denied the certificate of appealability, expedition, expedited service, injunction, and electronic-filing requests. Its August 12 order directed that the later emergency motions and service affidavits be filed "without further court action," stated that the only filing it would accept was a Rule 40 petition, and authorized that petition by August 26. Applicants complied the next morning and requested an immediate administrative stay within the Rule 40 petition. No stay issued before the fixed proceeding. Thus, although no later order separately used the words "emergency relief denied," the docket shows that immediate protection was formally denied on August 5 and thereafter effectively declined or

withheld while the emergency papers were docketed without action and the state proceeding arrived.

STATEMENT OF THE CASE AND EMERGENCY FACTS

8. Applicants are under present bond, appearance, travel, communication, and filing restraints arising from Wisconsin prosecutions. Katherine's bond order is worded to prohibit filings "unrelated to the case." The federal habeas petition, appeal, rehearing petition, this Application, and the service papers concern the same prosecutions, bond conditions, compulsory appearances, disputed complaints and warrants, and requested stays. They are directly related. Even as written, the condition does not prohibit them. Applicants further contend that the filing restriction is broad, excessive, and disproportionate, chills the First Amendment right to petition, lacks fair notice to the extent officials give it a contrary construction, and is itself part of the custody and habeas grounds requiring review.

9. Katherine states from personal knowledge that armed officers entered the Forester home, seized and restrained her, and used force that included dog bites, puncture wounds, and a fractured clavicle. She states that three windows were shot out and the home was ransacked. The filed photographic record documents injuries and scene conditions. Applicants have repeatedly requested but have not received an authenticated premises-search warrant, sworn application, probable-cause affidavit, execution return, inventory, and complete execution record supporting that operation.

9A. The incident and discovery record describes a planned tactical operation involving a BearCat, tactical personnel, 40mm sponge-tipped baton rounds used to create window ports, attempted drone entry, forced entry, deployment of K-9 Chance, a bite

apprehension, search of the residence, medical response, and resulting property damage. During the December 23, 2025 operation, officers stopped James while he was driving toward the neighborhood and kept him at the rear of his vehicle for approximately four hours while marked, unmarked, and SWAT vehicles entered the area, drones operated overhead, and roads were closed. James states that he repeatedly asked what was happening and whether he could leave, received no answer, and was prevented from reaching Katherine and the shared home. He returned to broken windows, shattered glass, and rooms searched and left in disarray. This restraint is distinct from James's December 11, 2025 arrest and the later five-day Washington County confinement.

9B. Katherine's notarized Affidavit of Truth and Proof of Claim preserved and gave detailed notice of the asserted deprivations. In its own terms, the Proof of Claim identifies "constitutionally protected natural person rights and personal security" comprising "life, limb, body, health, reputation, liberty, and pursuit of happiness," together with property and privacy. It specifically states that the home was entered and ransacked and addresses the absence of produced premises authority, drone surveillance and entry, 40mm deployment, canine force, bodily injury, seizure, detention, records, counsel, and due process.

9C. James's separate December 11, 2025 seizure presents an additional unresolved warrant record. Village of Pewaukee Incident X25010784 identifies the event as "ASSIST OTH DEPT" in Washington County Case No. 2025CF000463. The report reflects a telephone request attributed to the Washington County Sheriff at approximately 2:29 p.m. and a Pewaukee verification request at approximately 2:32

p.m. A “VERIFY WARRANT” message identifies James and states a December 10 warrant date. The report lists Sergeant Michael Rowe and Officers Michalsen, Markut, Drummy, and Schneider, while Deputy Seibel appears in the confirmation narrative; body-camera evidence is identified, and James is quoted as saying, “I don’t understand.” Applicants describe this as a coordinated multi-officer seizure. The reviewed materials do not identify it as a SWAT deployment, so Applicants reserve that characterization unless the complete tactical or dispatch record supplies it.

9D. The December 11 process contains material date conflicts. The report states that the warrant was activated or entered on December 2; the verification response identifies December 10; the request and arrest report are dated December 11; and occurrence or complainant fields point to December 12. An activation date eight days before the stated warrant date may concern a different, corrected, or prematurely entered instrument. A post-seizure occurrence date cannot establish what officers knew before taking James into custody. No certified warrant, completed application, oath or affidavit, judicial findings, proof of service, signature validation, native audit history, CIB/NCIC/TIME history, original transmission, execution return, cancellation, recall, correction, or quash record has been produced. Accordingly, Applicants challenge the December 11 seizure as warrantless or inadequately documented on the record produced—notwithstanding the database message—and request production of the actual judicial process that allegedly authorized it.

9E. The December 23 incident cover expressly classifies the operation as “WARRANT SERVICE” and lists “Search Incident to Arrest” among the circumstances. That label does not itself establish lawful authority to enter and search a home. A personal arrest

warrant and a search incident to arrest are not substitutes for a premises-search warrant authorizing entry into a residence; absent consent or a specifically proved exigency, the home entry requires judicial premises authority. See *Payton v. New York*, 445 U.S. 573, 586, 590 (1980). Wisconsin law separately provides that necessary force may be used to execute a search warrant or effect entry to execute it, Wis. Stat. § 968.12, while the incident materials supplied to Applicants identify no authenticated premises-search warrant, sworn premises application, judicial finding, execution return, or particularized warrant exception. Describing the ensuing search as incidental to arrest therefore does not answer the antecedent question: what lawful authority permitted the armed entry, drone search, window breaching, canine deployment, and search of the home in the first place?

9F. The same incident record marks “FIREARM DISPLAYED” and reports that firearms were present inside the residence. Applicants dispute any suggestion that Katherine, her daughter, or another occupant confronted officers with a firearm or posed an armed threat. Katherine states that her daughter had already interacted peacefully with officers, walked out visibly unarmed, and was verified as unarmed, yet officers continued to train weapons on her. The Proof of Claim specifically preserved the allegation that a lethal weapon was directed at Katherine’s daughter. Applicants request the native CAD and dispatch entries, radio traffic, body-camera and drone video, officer reports, firearms observations, threat assessment, and use-of-force review necessary to determine who first used the terms “armed person” or “person with a gun,” what facts existed when those descriptions were transmitted, whether they referred only to firearms believed stored inside the home, and why weapons remained

trained on an unarmed, compliant daughter. No supplied recording or authenticated report establishes that Katherine or her daughter displayed or threatened anyone with a firearm.

9G. The incident cover names twenty-four responding officers: Schutte, McIntyre, Ranchau, Jensen, Bell (ZCW), Bell (SNW), Knipfer, Karwoski, Gozdziwski, Niles, Bogie, Leonard, Cairns, Strandberg, Matuszak, Farrell, Johnson, Berg, Boonprohm, Kubisiak, Whitstone, Birdeau, Tipton, and Trumbo. It also identifies related incident records from the Washington County Sheriff's Office, Town of Merton Fire/EMS, New Berlin Police Department, Hartland Police Department, Lac La Belle Police Department, Oconomowoc Police Department, Menomonee Falls Police Department, and Wisconsin State Patrol. Other plan and roster materials described in the filed federal record identify approximately thirty-five nonduplicate names and nearly forty participating personnel. Applicants seek the complete protective-order roster, assignment chart, mutual-aid requests, arrival and departure times, command logs, and reports for every participant so the scale, authority, briefing, weapons, observations, and responsibility for the operation can be determined rather than inferred from an incomplete two-page incident extract.

9H. Katherine's verified notice further states that law-enforcement vehicles repeatedly circled the cul-de-sac, stopped near the Forester home, and drove away during the months before the charges, while no officer rang the doorbell or served the required process. Applicants contend that those dispatch and location records show that officials knew where the Foresters lived but did not use ordinary service before later resorting to arrest and tactical force. James additionally states that the local police chief had

been present at James's restaurant before the December 11 seizure and later reported that he had not been informed of the pending warrant or planned arrest. Applicants request the chief's report or statement, restaurant video, agency communications, dispatch and warrant-notification history, and testimony necessary to verify that account and determine when local officers first received notice of the asserted warrant.

10. At the February 2, 2026 Waukesha hearing, Assistant District Attorney Daniel J. Tombasco argued: "There was no challenge to the four corners of the criminal complaint." When the court asked whether the State was ready to proceed, Tombasco answered: "Absolutely. I got an Officer ready to go." When the court asked whether additional charges could be added, Tombasco answered: "That is definitely the realm of possibility, Your Honor." Katherine states that additional charges followed after she challenged Waukesha cases that she could not verify by a name and case number. Applicants contend that the produced complaint materials contain facial execution, oath, date, and authentication problems and that missing probable-cause facts cannot be supplied after the fact from outside the document presented for judicial authorization.

11. Katherine's counsel history is distinct from James's. Katherine asked her then-lawyer, David Saperstein, to seek de novo review of the preliminary-hearing ruling; that review was not obtained. Katherine contacted several lawyers seeking representation. After Saperstein's sudden withdrawal, Katherine reviewed the surrounding records and identified facts that, in her view, disclose a potential conflict of interest that had not previously been disclosed. She requested an explanation; no substantive response resolving the asserted conflict is included in the record presently

available. The withdrawal, requests, and identified records require disclosure and review. Katherine alone filed proceedings in Wisconsin District II, Nos. 2026AP001833 and 2026AP001839. James did not file in District II. James asked his lawyer, Corey Chirafisi, to address substantial constitutional and due-process issues and file county motions to dismiss; James wanted appellate review, but his counsel did not file a District II proceeding for him. Both Katherine and James separately filed emergency habeas materials in the Wisconsin Supreme Court.

11A. Katherine's filed July 9, 2026 Statutory Analysis: Jury Instructions and Contradictions and Errors of Law identifies charge-by-charge conflicts between the statutory elements and the instructions the State appears prepared to use. Among other matters, it addresses scienter and falsity under Criminal Jury Instruction 1499, imitation of genuine legal process under Instruction 1825, lawful authority under Instruction 1766, and the reported absence of a published pattern instruction for Wis. Stat. § 946.69(2)(a). Applicants contend these are pretrial legal and due-process questions because a later trial cannot cure an instruction that omits or alters a statutory element, permits conviction on a legally invalid theory, or leaves unresolved whether the charging instrument states an offense. The Analysis is attached so the asserted contradictions and the basis for pretrial relief can be assessed from the actual text rather than characterization alone.

11B. Because Katherine reasonably feared that the unusually broad bond restrictions could be construed to obstruct notice, she caused the notarized Proof of Claim, presentment, and Statutory Analysis to be delivered as notice to the Wisconsin Attorney General, the Governor, and the Wisconsin Supreme Court. No substantive

answer resolved the identified statutory and constitutional issues before the compulsory proceedings. She then pursued the available circuit-court and appellate processes.

11C. Katherine declares that her sincerely held religious beliefs require her to give notice and an opportunity to address a wrong before she initiates a lawsuit. Her notarized Proof of Claim and presentment implemented that religious obligation and placed the asserted injuries, liberties, requested records, and requested corrective action before senior state officials prior to further litigation. The sequence is material to both exhaustion and the First Amendment: Katherine exercised the Free Exercise right according to conscience and the right to petition for redress, then proceeded to the courts only after the noticed issues remained unanswered and the threatened restraints continued.

11D. The documentary federal-notice record is now included. The notarized instrument is captioned “NOTICE TO PRINCIPAL IS NOTICE TO AGENT / NOTICE TO AGENT IS NOTICE TO PRINCIPAL” and “CERTIFICATE OF SERVICE/PROOF OF MAILING.” It states that, on May 15, 2026, a seventeen-page presentment was sent by USPS Registered Mail No. RF 140 695 992 US, addressed to Todd W. Blanche at the Robert F. Kennedy Department of Justice Main Building, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001. The certificate identifies the enclosed materials as two May 6 affidavits concerning the listed Wisconsin cases and a certified copy of a Department of Financial Institutions “No Record” statement. The matching return-receipt card bears the same registered-mail number and documents acceptance and receipt at the addressed DOJ office on May 28, 2026. Applicants invoke the notice

stated on the instrument—notice to principal is notice to agent and notice to agent is notice to principal. Katherine further declares that Special Agent Alan Kar received materially the same core case and safety information later presented to the Wisconsin Supreme Court.

THE STATE RECORD DEMONSTRATES PRESENT INEFFECTIVENESS

12. Washington County Clerk Sherry Coykendall confirmed receipt of three August 6 faxes after the transmission report displayed “NG” and “poor line condition.” Katherine also sent email backup copies. Her signed and notarized motion expressly requested bond relief, a stay, docket correction, complete records, a verified return, preservation, and remote participation. Yet the public docket did not reflect the motion when District II reviewed the matter. District II relied on the absence of a docket entry to state that there was no indication Katherine had moved the circuit court for relief. The omission being challenged was thus treated as proof that no request existed.

12A. The relief requested in Washington County was express and specific. Paragraph 31 requested vacation of bond and correction of the docket. Paragraph 32 requested a stay of proceedings and suspension of bond, appearance, arrest, detention, and custody-increase consequences. Paragraph 36 requested the complete records. Paragraph 37 requested a verified return. Paragraph 38 requested preservation of evidence and protection against retaliation. Paragraph 39 requested a remote evidentiary hearing. The appellate disposition nevertheless stated, in substance, that Katherine had not requested circuit-court relief. The Washington filing and the clerk’s receipt confirmation directly contradict that premise. To the extent the appellate

docket labels an order “pending,” the absence of a final, accessible, appealable disposition further impaired timely review; Applicants attach the docket and available order record without speculating about an order they could not access.

12B. Katherine also expressly requested relief from the Wisconsin Court of Appeals. The August 11 order itself acknowledges that she filed a petition for habeas corpus and supervisory relief asking the appellate court to direct circuit-court action; sought a decision on the dismissal motion before the August 18 hearing; raised discovery and bond issues; filed an emergency motion for temporary relief under Wis. Stat. Rule 809.52; and moved to disqualify Washington County Corporation Counsel. Her August 10 Notice of Completed Service and Renewed Emergency Request additionally asked the Court of Appeals to: take notice of completed process-server service; rule on the pending emergency request; enter an immediate temporary administrative stay preserving the status quo, evidence, court and counsel access, and meaningful review if a full ruling could not issue; enter an express written and docketed ruling; and grant further narrowly tailored relief necessary to prevent irreparable harm. The appellate record therefore establishes requests for both merits-related supervisory action and immediate appellate protection.

12C. The appellate e-filing status displayed “Pending Remit.” The available four-page August 11 order was transmitted through and signed by the Clerk of the Court of Appeals; it does not display the individual signatures of the three judges identified on the panel, and Applicants had no separately accessible remittitur or later finality document. Katherine had specifically requested an express, written, docketed ruling that created a definite and reviewable record. The combination of the “Pending Remit”

status, the clerk-issued form of the available order, and the absence of a separately accessible finality or remittitur document left her without a clear, immediately usable path for further emergency review before the compulsory proceeding. Applicants preserve their contention that the available disposition was not practically appealable in time and request that the complete signed order, mandate or remittitur, entry history, and notice of further-review rights be produced.

13. Washington County's Decision and Order was signed August 11 and filed August 12, 2026. It acknowledged Katherine's August 6 Verified Emergency Motion to Dismiss and Request for Emergency Injunctive Relief, held the motion legally insufficient under Wis. Stat. § 971.30 and *State v. Allen*, and stated that the circuit court would take no further action on it. The order separately declined to address copies of appellate filings entered as Documents 48 and 49. The order confirms that Katherine requested circuit-court relief; it did not grant a stay, remote appearance, or protection from custody consequences before the August 14 hearing.

14. At 11:30 a.m. on August 12, Coykendall responded to Katherine's electronic-signature audit request: "I am still working to determine whether responsive records exist and whether they fall within this office's custodianship. I expect to receive more information shortly and will provide you with an update once I have it." Thus, the requested audit records had not been produced, their existence had not been confirmed, and their custodian had not been identified.

14A. On Monday, August 10, 2026, Katherine filed in the Wisconsin Supreme Court seeking both supervisory-writ and habeas relief. That court had also received prior notice of the emergency, Proof of Claim, and Statutory Analysis. Katherine reports

that the electronic filing interface did not present an available \$5 habeas-fee option, so she paid the displayed \$195 fee. The payment receipt for Case No. 2026AP001840 shows a zero balance, yet the public docket continued to display a nonpayment condition. As of the filing of this Application, the Wisconsin Supreme Court had entered no stay, no order granting or denying emergency relief, no request for a response, no briefing schedule, and no substantive disposition addressing the filed case. The docket remained open without effective emergency action. Katherine filed the zero-balance receipt in the Seventh Circuit on August 13, 2026; it appears there as Docket No. 20. This payment-and-docket mismatch, coupled with the unavailable habeas-fee pathway and complete absence of emergency action, demonstrates that the invoked state process did not produce timely protection before the compulsory proceedings. Applicants request immediate correction and preservation of the payment and docket audit trail.

15. In Waukesha, the public docket sequence changed after Katherine's filings. The State's August 6 response appeared separately and before Katherine's motion to dismiss, even though it responded to that motion. A rejection/resubmission notation reportedly appeared and was later removed. Clerk Monica Paz separately stated by email that some fax images displayed vertically and occupied only the upper half of a page. These events warrant preservation and a verified audit of receipt, imaging, rotation, docketing, removal, and presentation to the judge; they do not by themselves establish who caused a change or why.

15A. The original verified Eastern District habeas petition and the Applicants' accompanying Rule 65 emergency statements demanded the foundational evidence

needed to test custody and obtain temporary protection. The requests included: (a) the native, signed criminal complaints and complete jurats; (b) each oath, affirmation, electronic-signature certificate, audit trail, signer identity, execution timestamp, and amendment history; (c) the sworn application, affidavit or recorded testimony, judicial findings, and count- and person-specific probable-cause determination supporting each charge; (d) every personal arrest, bench, tracking, and premises-search warrant, together with service, activation, CIB/NCIC/TIME history, scope, expiration, correction, cancellation, execution, return, inventory, receipt, and chain of custody; (e) any asserted warrant exception and the facts known before entry; (f) native body-camera, squad-camera, drone video and telemetry, CAD, dispatch, radio, surveillance, location-data, canine, tactical-plan, risk-assessment, BearCat, weapons, 40mm, use-of-force, EMS, medical, after-action, and property-damage records; (g) discovery-production, withholding, loss, retention, and metadata records; (h) docket receipt, fax ingestion, rotation, imaging, removal, access, transmission, and audit logs; (i) courtroom recordings, transcripts, minutes, accommodation requests, findings, and commitment records; and (j) counsel-presentation, conflict, withdrawal, and requested-relief records. Those same categories were preserved in the recent Seventh Circuit filings.

15B. Despite service and repeated notice, the supplied record contains no point-by-point sworn return identifying what was produced, withheld, never created, lost, destroyed, corrected, outside a custodian's possession, or still under review. No custodian has authenticated the complete premises authority or reconciled the December 11 warrant dates; no sworn responder has accounted for the complete

tactical, drone, force, medical, signature, and docket-audit record; and no court has held the requested evidentiary hearing on those foundational materials before continued restraint. The absence of that responsive record is central to the Rule 65 need for preservation and status-quo relief and to the habeas question whether available state process was effective in time.

PERSONAL SERVICE CONFIRMS NOTICE OF THE FEDERAL EMERGENCY

16. The seven affidavits establish service of the Rule 40 petition on August 13, 2026. In Washington County, Sheriff Martin R. Schulteis was served through an authorized administrative officer at 8:14 a.m.; District Attorney Barry J. Braatz's office accepted through Deputy District Attorney Kristi Gordon at 8:21 a.m.; and Clerk Sherry Coykendall accepted at 8:26 a.m. In Waukesha County, Sheriff Eric J. Severson was served through Captain Neil Dussault at 8:09 a.m.; Clerk Monica Paz was served through Executive Assistant Holly Maule at 8:34 a.m.; and the District Attorney's Office accepted through Chief Investigator Ryan Roeglin at 8:38 a.m. Attorney General Joshua L. Kaul was served through an authorized security/intake specialist at 12:15 p.m.

17. The 9:30 a.m. Waukesha hearing is the proceeding implicated by the August 12 service affidavit. That affidavit states that, when an independent process server delivered directly related federal emergency papers, "Ryan Roeglin stated, in substance, that the petitioner had a court order not to be serving the documents, and further stated, in substance, that I would still get paid." Katherine did not perform that service; the professional process server did. No purported order prohibiting service was identified or produced to the server.

18. The connection is immediate. Katherine must appear before the same Waukesha authorities under restrictive bond conditions. Ryan Roeglin is identified in the affidavit as a Detective and Chief Investigator for the Waukesha County District Attorney's Office; Katherine further identifies him as the officer appearing on detached complaint materials she has challenged. The bond language addresses matters "unrelated to the case," while these federal papers directly concern the case. The reported assertion that she could not serve directly related federal papers creates a concrete risk that the condition will be misconstrued and used to arrest, detain, sanction, or increase bond before any federal court resolves the pending stay request. A short status-preserving order and written clarification are necessary before the proceeding begins.

ADDITIONAL REPORT OF CIVIL-RIGHTS VIOLATIONS

19. On August 12, 2026, Katherine telephoned the FBI to report the civil-rights violations and immediate danger described in this Application. The FBI representative cut Katherine off, told her that she needed to call a lawyer, and ended the call. Katherine also completed a written civil-rights complaint for submission to the FBI. These actions document another prompt effort to report the asserted danger and obtain protection.

19A. Katherine further states that officers commented on whom she was speaking with and on the contents of her private text communications after she attempted to file and give notice. The recent federal filings preserve alleged GPS-location checks attributed to Anthony Conforti and the later discovery of location monitoring connected to the filing history. Despite repeated demands, no authenticated tracking

warrant, sworn tracking application, probable-cause affidavit, judicial authorization, provider return, device record, query history, retention record, dissemination log, or derivative-use audit has ever been produced to Applicants. No authenticated premises-search warrant for the December 23 home entry has ever been produced either. The record therefore requires preservation and a sworn return identifying the requester, agency, dates, duration, target, device, provider, technique, purpose, recipients, results, asserted legal process or exception, and every derivative use. See *United States v. Jones*, 565 U.S. 400, 404-05 (2012); *Carpenter v. United States*, 585 U.S. 296, 310, 316-17 (2018).

ARGUMENT

I. AN ADMINISTRATIVE STAY IS NECESSARY TO PRESERVE JURISDICTION

20. A temporary administrative stay would preserve the status quo long enough for orderly judicial consideration. Without it, arrest, detention, bond escalation, or physical enforcement on August 14 may cause the precise loss of liberty the appeal seeks to prevent and may impair meaningful review. An after-the-fact decision cannot restore bodily security, lost liberty, or a missed opportunity for pre-enforcement review.

20A. Traditional equity jurisdiction is preventive where the legal remedy would arrive only after irreparable injury. The requested order does not decide guilt or permanently enjoin Wisconsin; it holds the status quo long enough to require the asserted warrants, probable-cause foundation, surveillance authority, and sworn returns to be placed on the record. Equity does not require Katherine to undergo another seizure, exposure of private communications, destruction or alteration of electronic evidence, or bond

escalation before a court can preserve jurisdiction and determine the governing law. The lack of a timely, reviewable state remedy and the inability of damages or later appeal to restore bodily security, private communications, lost liberty, or deleted audit trails are the precise reasons immediate equitable relief is necessary.

21. Applicants satisfy the traditional emergency considerations. There is a reasonable probability that four Justices would vote to grant review of whether the panel displaced the statutory ineffectiveness language and misapplied the certificate-of-appealability threshold; there is a fair prospect that a majority would vacate or reverse; irreparable injury is imminent; and the balance favors a short preservation order. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010); *Nken v. Holder*, 556 U.S. 418, 434 (2009). A certificate should issue when reasonable jurists could debate the procedural ruling and the constitutional claim, and that inquiry is a threshold inquiry rather than a merits determination. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003).

II. THE EXHAUSTION RULING IS AT LEAST DEBATABLE

22. The statutory text does not demand metaphysical impossibility. It excuses exhaustion when no available corrective process exists or circumstances render that process ineffective to protect the applicant's rights. 28 U.S.C. § 2254(b)(1)(B). In the pretrial § 2241 setting, exhaustion is prudential, and the same practical inquiry applies with particular force when fixed hearings precede meaningful review.

23. *Carter v. Buesgen*, 10 F.4th 715, 719, 722–24 (7th Cir. 2021), recognizes that Wisconsin procedures existing in theory may be unavailable or ineffective for all practical purposes. Here, received filings were absent from the docket, docket events

changed, access to an entered order was initially blocked, audit-log custodianship remained unresolved, and appellate relief was denied by reference to a docket that did not show the very filing whose omission was challenged. The later Washington order confirms that relief had in fact been requested but supplies no protection before the imminent Waukesha hearing.

24. Applicants do not argue that a sworn return is a freestanding prerequisite to exhaustion. They contend that the absence of a sworn, claim-specific response authenticating complaints, warrants, returns, inventories, signature histories, and docket events is evidence that the constitutional disputes have not been joined or adjudicated in time to protect them. The combined record meets statutory ineffectiveness and, even under the panel's higher wording, shows that obtaining meaningful pre-enforcement relief has become practically impossible.

III. THE CONSTITUTIONAL QUESTIONS ARE SUBSTANTIAL

25. The Fourth Amendment requires warrants supported by probable cause and oath or affirmation and confines review to the facts properly presented to the issuing judicial officer. Facial defects cannot be cured retroactively by facts that were never included in the probable-cause presentation. The First Amendment protects the right to petition courts and government. The Sixth and Fourteenth Amendments protect counsel, meaningful participation, notice, and a fair opportunity to be heard. Bond conditions cannot be applied without fair notice to punish directly related federal litigation or service performed by an independent process server. "It is emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803). And "[w]here rights secured by the

Constitution are involved, there can be no rule making or legislation which would abrogate them.” *Miranda v. Arizona*, 384 U.S. 436, 491 (1966). Applicants contend that continuing criminal cases, restraint, public expenditure, and compulsory proceedings while the governmental custodians fail to produce the basic sworn probable-cause evidence, operative warrants, and execution records invoked to justify them constitutes fraud, waste, and abuse of judicial and public resources and defeats the just, speedy, and inexpensive administration of proceedings. The requested stay and sworn return would require the asserted authority to be placed on the record before further liberty is taken.

26. The requested relief is narrow. Applicants do not ask this Court to dismiss the state prosecutions, decide guilt, or resolve every factual dispute. They ask only to prevent irreversible physical enforcement while courts determine whether federal review is available and while governmental custodians identify and preserve the judicial process and authenticated records on which enforcement purportedly rests.

IV. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A SHORT STAY

27. A short stay causes no cognizable prejudice comparable to an unnecessary arrest or violent encounter. Remote participation can preserve scheduling interests. Evidence preservation imposes only a duty not to destroy or overwrite relevant material. The public interest favors accurate dockets, authenticated warrants, transparent judicial process, safe proceedings, and meaningful appellate review.

CONCLUSION

Applicants respectfully request an immediate administrative stay, followed by the narrowly tailored interim relief stated above, through the Seventh Circuit’s disposition

of the pending rehearing and emergency proceedings and, if relief is denied, for a reasonable period in which to file and dispose of a petition for a writ of certiorari. No court should permit physical enforcement to outrun review where the asserted authority remains unauthenticated, the record-access process remains unresolved, and the consequence may be arrest or renewed violence.

Service of this Application and Appendix will be made by professional process server before the proceeding. Katherine will not personally perform service. The professional process server's affidavit of service will be filed promptly upon completion.

APPENDIX INDEX

- A. Katherine's Wisconsin Supreme Court verified emergency petition for original and superintending jurisdiction.
- B. Katherine's Wisconsin Supreme Court verified motion to expedite and for an administrative stay.
- C. Wisconsin Supreme Court Case No. 2026AP001840 fee-payment receipt showing a zero balance.
- D. Wisconsin Court of Appeals, District II, August 11, 2026 order in No. 2026AP001839-W.
- E. Washington County August 11, 2026 Decision and Order, filed August 12, 2026.
- F. August 12, 2026 Waukesha District Attorney service affidavit reporting Ryan Roeglin's statement.
- G. Complete Waukesha reply-and-exhibit package containing the notarized Proof of Claim presentment and certificates, photographs, DFI "Bye Bitch" record, second notice, and statutory/jury-instruction analysis.
- H. Waukesha Incident W25086731 cover and tactical-circumstances extract.
- I. Waukesha hearing transcripts, including the February 2, 2026 hearing.
- J. Official Seventh Circuit docket screenshots showing Entries 11–20.
- K. Combined Petition for Panel Rehearing and Rehearing En Banc filed August 13, 2026.
- L. Seven signed affidavits of service of the Rule 40 petition.
- M. Recent Seventh Circuit emergency filing package preserving the Eastern District/Rule 65 evidence demands and state-exhaustion record.
- N. James's Wisconsin Supreme Court supervisory-writ and habeas petition.
- O. Notarized DOJ Certificate of Service/Proof of Mailing and USPS return receipt for Registered Mail RF 140 695 992 US.

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted August 3, 2026

Decided August 5, 2026

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 26-2577

KATHERINE LOU HOBBS
FORESTER & JAMES HOBBS
FORESTER,

Petitioners-Appellants,

v.

ADAM GEROL, et al.,

Respondents-Appellees.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 26-cv-1287

Byron B. Conway,
Judge.

ORDER

Katherine Lou Hobbs Forester and James Forester have filed a notice of appeal from the dismissal of their petition under 28 U.S.C. § 2241 and an application for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. The petitioners have not exhausted state-court remedies, nor have they met the burden of demonstrating that doing so would be impossible. *See Richmond v. Scibana*, 387 F.3d 602, 604 (7th Cir. 2004); *Gonzalez v. O'Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004).

Accordingly, the request for a certificate of appealability is DENIED. Petitioners' motions to expedite, for expedited service, for an injunction, and for leave to file electronically are DENIED.

SUPREME COURT OF THE UNITED STATES

FORESTER v. GEROL

STANDALONE EXHIBIT INDEX A-N

DATED AUGUST 14, 2026

Ex.	Standalone PDF	Description
A	Exhibit_A_2026-08-14.pdf	Official Seventh Circuit docket, No. 26-2577, containing the August 5 and August 12, 2026 orders at Entries 11 and 15 and subsequent Entries through 20
B	Exhibit_B_2026-08-14.pdf	Wisconsin Court of Appeals, District II, August 11, 2026 order in No. 2026AP001839-W
C	Exhibit_C_2026-08-14.pdf	Washington County August 11, 2026 Decision and Order, filed August 12, 2026
D	Exhibit_D_2026-08-14.pdf	Seven signed affidavits of service of the Rule 40 petition
E	Exhibit_E_2026-08-14.pdf	Katherine Wisconsin Supreme Court verified emergency petition for original and superintending jurisdiction
F	Exhibit_F_2026-08-14.pdf	Katherine Wisconsin Supreme Court verified emergency motion to expedite and for administrative stay
G	Exhibit_G_2026-08-14.pdf	James Wisconsin Supreme Court stamped supervisory-writ and habeas petition
H	Exhibit_H_2026-08-14.pdf	Wisconsin Supreme Court Case No. 2026AP001840 fee-payment receipt showing zero balance
I	Exhibit_I_2026-08-14.pdf	Waukesha Incident W25086731 cover and tactical-circumstances extract
J	Exhibit_J_2026-08-14.pdf	Injury, three damaged windows, projectile, and ransacked-home photographs
K	Exhibit_K_2026-08-14.pdf	Notarized DOJ Certificate of Service/Proof of Mailing and USPS return receipt RF 140 695 992 US
L	Exhibit_L_2026-08-14.pdf	Signed Waukesha County District Attorney affidavit of service documenting service and the statement attributed to Detective Ryan Roeglin
M	Exhibit_M_2026-08-14.pdf	Focused filed record: certificates of service; DFI "Bye Bitch" record; Benson and Stevenson civil-remedy statements preserved in the Proof of Claim; challenged lower-court complaints; signed Proof of Claim; and statutory/jury-instruction analysis
N	Exhibit_N_2026-08-14.pdf	Docketed Seventh Circuit combined petition for panel rehearing and rehearing en banc, Document 17, filed August 13, 2026, including executed verification and notarial-jurat pages

SUPREME COURT OF THE UNITED STATES

KATHERINE LOU HOBBS FORESTER and JAMES HOBBS FORESTER, Applicants
v.
ADAM GEROL, et al., Respondents

EXHIBIT A

DATED AUGUST 14, 2026

Official Seventh Circuit docket, No. 26-2577, containing the August 5 and August 12, 2026 orders at Entries 11 and 15 and subsequent Entries through 20

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1:32

LTE

ECF Case Search, Calendar, Documents, Orders/Judgments, E-Filed, X-M, TXT

If you view the [Full Docket](#) you will be charged for 2 Pages \$0.20**General Docket
Seventh Circuit Court of Appeals****Court of Appeals Docket #:** 26-2577**Docketed:** 07/30/2026**Nature of Suit:** 3530 Habeas Corpus**Termed:** 08/05/2026**Katherine Hobbins Forester, et al v. Adam Gerol, et al****Appeal From:** Eastern District of Wisconsin**Fee Status:** Paid**Case Type Information:**

- 1) prisoner
- 2) state
- 3) federalHabeasCorpusCaDenied

Originating Court Information:**District:** 0757-2 : [2:26-cv-01287-BBC](#)**Trial Judge:** Byron B. Conway, District Court Judge**Date Filed:** 07/22/2026**Date Order/Judgment:**

07/28/2026

Date NOA Filed:

07/29/2026

08/05/2026 [11](#) ORDER: The request for a certificate of appealability is DENIED. Petitioners' motions to expedite, for expedited service, for an injunction, and for leave to file electronically are DENIED. (See order for details) Ilana Diamond Rovner, Circuit Judge and Thomas L. Kirsch, II, Circuit Judge. [9](#)[8](#) [7](#)[6](#) [11](#) [7545375] [26-2577] (VG) [Entered: 08/05/2026 10:06 AM]

08/11/2026 [12](#) Pro se emergency motion filed by James Hobbins Forester and Katherine Lou Hobbins Forester for leave to file supplemental memorandum in support of petition for rehearing and petition for rehearing en banc and for stay pending review. 1 copy of supplemental memorandum and exhibits tendered. [12](#) [7546919] [26-2577] (EF) [Entered: 08/11/2026 03:50 PM]

08/12/2026 [13](#) Emergency motion filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester for temporary injunction, administrative stay, and update on pending state-court orders and appellate status expedited action required before August 14, 2026 at 9:30 A.M.. [13](#) [7547102] [26-2577] (CAH) [Entered: 08/12/2026 12:51 PM]

08/12/2026 [14](#) Affidavits of service for emergency motion for leave to file supplemental memorandum in support of the pending combined petition for panel rehearing and rehearing en banc, and for temporary injunction and administrative stay pending review - relief requested by 5:00 P.M. Central Time on August 12, 2026 filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester.[14](#) [7547135] [26-2577] (CAH) [Entered: 08/12/2026 02:17 PM]

08/12/2026 [15](#) ORDER: 1. Emergency motion for leave to file supplemental memorandum in support of the pending combined petition for panel rehearing and rehearing en banc and for temporary injunction and administrative stay pending review, filed on 8/11/2026. 2. Emergency motion for temporary injunction, administrative stay and update pending state court orders and appellate status expedited action required before August 14, 2026 at 9:30 a.m., filed on 8/12/2026. 3. Affidavits of service for emergency motion for leave to file supplemental memorandum in support of the pending combined petition for panel rehearing and rehearing en banc and for temporary injunction and administrative stay pending review, filed on 8/12/2026. In light of this court's August 5, 2026, order, these documents will be filed without further court action. This court has not yet received a request for rehearing from the appellants. In light of the August 5 order denying appellants' request for a certificate of appealability, the

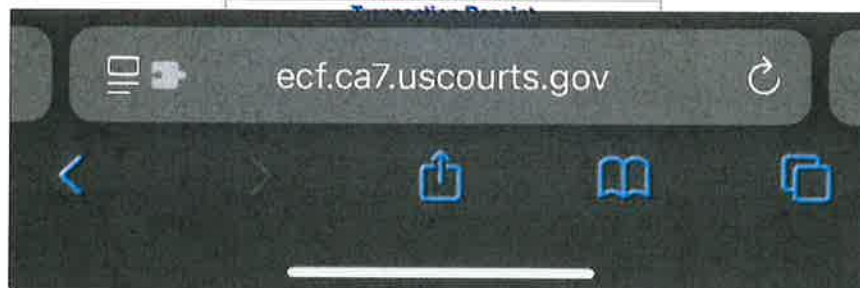


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[Entered: 08/05/2026 10:06 AM]	
08/11/2026	12 Pro se emergency motion filed by James Hobbins Forester and Katherine Lou Hobbins Forester for leave to file supplemental memorandum in support of petition for rehearing and petition for rehearing en banc and for stay pending review. 1 copy of supplemental memorandum and exhibits tendered. [12] [7546919] [26-2577] (EF) [Entered: 08/11/2026 03:50 PM]
08/12/2026	13 Emergency motion filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester for temporary injunction, administrative stay, and update on pending state-court orders and appellate status expedited action required before August 14, 2026 at 9:30 A.M.. [13] [7547102] [26-2577] (CAH) [Entered: 08/12/2026 12:51 PM]
08/12/2026	14 Affidavits of service for emergency motion for leave to file supplemental memorandum in support of the pending combined petition for panel rehearing and rehearing en banc, and for temporary injunction and administrative stay pending review - relief requested by 5:00 P.M. Central Time on August 12, 2026 filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester.[14] [7547135] [26-2577] (CAH) [Entered: 08/12/2026 02:17 PM]
08/12/2026	15 ORDER: 1. Emergency motion for leave to file supplemental memorandum in support of the pending combined petition for panel rehearing and rehearing en banc and for temporary injunction and administrative stay pending review, filed on 8/11/2026. 2. Emergency motion for temporary injunction, administrative stay and update pending state court orders and appellate status expedited action required before August 14, 2026 at 9:30 a.m., filed on 8/12/2026. 3. Affidavits of service for emergency motion for leave to file supplemental memorandum in support of the pending combined petition for panel rehearing and rehearing en banc and for temporary injunction and administrative stay pending review, filed on 8/12/2026. In light of this court's August 5, 2026, order, these documents will be filed without further court action. This court has not yet received a request for rehearing from the appellants. In light of the August 5 order denying appellants' request for a certificate of appealability, the only filing this court will accept is a petition for rehearing. IT IS ORDERED that appellants may file a petition for rehearing which complies with Federal Rule of Appellate Procedure 40(b) and (d) by August 26, 2026. VXX [15] [7547241] [26-2577] (FP) [Entered: 08/12/2026 04:10 PM]
08/13/2026	16 Filed Declaration of Service filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester. [16] [7547342] [26-2577] (CAG) [Entered: 08/13/2026 10:07 AM]
08/13/2026	17 15 copies Filed Petition for Rehearing and Petition for Rehearing En banc by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester. Dist. [17] [7547345] [26-2577] (CAG) [Entered: 08/13/2026 10:08 AM]
08/13/2026	18 Filed affidavit of service filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester. [18] [7547377] [26-2577] (CAG) [Entered: 08/13/2026 10:58 AM]
08/13/2026	19 Filed affidavit of service by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester. [19] [7547467] [26-2577] (CAG) [Entered: 08/13/2026 01:20 PM]
08/13/2026	20 Exhibit T, receipt of Wisconsin Supreme Court fee filed by Appellants James Hobbins Forester and Katherine Lou Hobbins Forester. [20] [7547468] [26-2577] (CAG) [Entered: 08/13/2026 01:21 PM]

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SUPREME COURT OF THE UNITED STATES

KATHERINE LOU HOBBS FORESTER and JAMES HOBBS FORESTER, Applicants
v.
ADAM GEROL, et al., Respondents

EXHIBIT B

DATED AUGUST 14, 2026

Wisconsin Court of Appeals, District II, August 11, 2026 order in No.
2026AP001839-W

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August 11, 2026

To:

Hon. Adam Y. Gerol
Circuit Court Judge
Electronic Notice

Sherry Coykendall
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

John Blimling
Electronic Notice

Brian Keenan
Electronic Notice

Bradley Scott Stern
Washington County Attorney's Office
P.O. Box 1986
West Bend, WI 53095-7986

Katherine Lou Hobbins Forester
Electronic Notice

Audrey K. Skwierawski
Director of State Courts
P.O. Box 1688
Madison, WI 53701-1688

You are hereby notified that the Court has entered the following opinion and order:

2026AP1839-W

State of Wisconsin ex rel. Katherine Lou Hobbins Forester v.
Martin Schulteis (L.C. # 2025CF464)

Before Lazar, P.J., Grogan, and LoCoco, JJ.

Katherine Lou Hobbins Forester, pro se, has filed a “petition for writ of habeas corpus and supervisory relief.” (Capitalization and bolding omitted.) She asks us to order the circuit court to perform various actions in relation to her underlying criminal case. For the reasons explained below, we deny the writ petition ex parte.

Online circuit court records reflect that on August 8, 2025, in Washington County Circuit Court Case No. 2025CF464, the State charged Hobbins Forester with simulating legal process, falsely acting as a public official, and five counts of criminal slander of title. She failed to

appear and an arrest warrant was issued. In December 2025, Hobbins Forester was arrested and appeared in circuit court. The circuit court released her on a \$5,000 cash bond with various conditions. In February 2026, Hobbins Forester retained counsel. The court then held a preliminary hearing and bound Hobbins Forester over for trial. In May 2026, retained counsel moved to withdraw, and, following a June 16, 2026 hearing, the court granted counsel's withdrawal motion.

On July 6, 2026, the court held a hearing and inquired about the status of Hobbins Forester's counsel. The court gave Hobbins Forester additional time to retain counsel, and it set a hearing for August 18, 2026.

In her writ petition, Hobbins Forester complains she filed a motion to dismiss in the circuit court on August 6, 2026 and the court has not yet decided her motion. She wants us to order the circuit court to decide her motion before the August 18, 2026 hearing. She also has various concerns about discovery production and her bond conditions.

"[A] supervisory writ 'is considered an extraordinary and drastic remedy that is to be issued only upon some grievous exigency.'" *State ex rel. Kalal v. Cir. Ct. for Dane Cnty.*, 2004 WI 58, ¶17, 271 Wis. 2d 633, 681 N.W.2d 110 (citation omitted). To obtain a supervisory writ, a petitioner must establish:

- (1) an appeal is an inadequate remedy;
- (2) grave hardship or irreparable harm will result;
- (3) the duty of the trial court is plain and it must have acted or intends to act in violation of that duty;
- and (4) the request for relief is made promptly and speedily.

Id.

We conclude that, at a minimum, Hobbins Forester has failed to establish the circuit court violated a plain duty. In regard to the motion to dismiss, we first observe that, as a threshold matter, online court records do not indicate that Hobbins Forester filed a dismissal motion on August 6, 2026.¹ In any event, assuming that Hobbins Forester did indeed file a pro se motion to dismiss less than one week ago, the circuit court has no duty to decide her motion within the deadline proposed by Hobbins Forester. See *Dressler v. Circuit Court for Racine County*, 163 Wis. 2d 622, 642 n. 1, 472 N.W.2d 532, 541 (Ct. App. 1991) (“The trial court has inherent power, exercisable in its sound discretion, to control its docket with economy of time and effort.”); see also *id.* (“[C]ourts cannot allow litigants to control judicial calendars.”). This is especially true when the online record reflects that the circuit court has delayed the criminal case so that Hobbins Forester can retain counsel.

Further, to the extent Hobbins Forester complains the clerk of the circuit court failed to file her pro se dismissal motion, there is no indication that she has moved the circuit court for any relief related to this issue. The same is true for her complaints related to the State’s discovery production and bond conditions. As such, she has not established that the circuit court violated a plain duty in regard to these issues. We deny her writ petition.

Separately, Hobbins Forester has filed what we construe as an emergency motion for temporary relief pending disposition of the petition, pursuant to WIS. STAT. RULE 809.52. Because we deny the petition, we deny the request for temporary relief as moot.

¹ Online court records reflect that Hobbins Forester’s retained counsel filed a motion to dismiss on April 16, 2026, before counsel moved to withdraw.

Hobbins Forester has also filed an emergency motion to disqualify the Washington County Corporation Counsel from appearing on behalf of the Washington County Sheriff in this petition. Because we have denied the petition ex parte, we deny her disqualification motion.

Therefore,

IT IS ORDERED that the writ petition is denied without costs.

IT IS FURTHER ORDERED that the motion for temporary relief is denied as moot.

IT IS FURTHER ORDERED that the motion to disqualify is denied.

Samuel A. Christensen
Clerk of Court of Appeals

SUPREME COURT OF THE UNITED STATES

KATHERINE LOU HOBBS FORESTER and JAMES HOBBS FORESTER, Applicants

v.

ADAM GEROL, et al., Respondents

EXHIBIT C

DATED AUGUST 14, 2026

Washington County August 11, 2026 Decision and Order, filed August 12, 2026

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BY THE COURT:

DATE SIGNED: August 11, 2026

Electronically signed by Adam Gerol
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

WASHINGTON COUNTY

State of Wisconsin vs. Katherine Lou Hobbins
Forester

DECISION AND ORDER

Case No: 2025CF000464

Motion practice is defined by Wis Stat Sec. 971.30:

971.30 Motion defined.

(1) "Motion" means an application for an order.

(2) Unless otherwise provided or ordered by the court, all motions shall meet the following criteria:

(a) Be in writing.

(b) Contain a caption setting forth the name of the court, the venue, the title of the action, the file number, a denomination of the party seeking the order or relief and a brief description of the type of order or relief sought.

(c) State with particularity the grounds for the motion and the order or relief sought.

Wisconsin caselaw clarifies what a sufficient motion is:

¶ 10. ... At a minimum, a motion, whether made pretrial or postconviction, must "[s]tate with particularity the [factual and legal] grounds for the motion," Wis. Stat. § 971.30(2)(c) (2001-02), and must provide a "good faith argument" that the relevant law entitles the movant to relief, Wis. Stat. § 802.05(1)(a) (2001-02).⁴ Not all motions require evidentiary hearings. See 9 Wiseman, Chiarkas and Blinka, Wisconsin Practice: Criminal Practice and Procedure § 11.5 (1996). However, an evidentiary hearing is not automatically granted. The court "does not have to hold an evidentiary hearing on a motion just because a party asks for one." *State v. Velez*, 224 Wis. 2d 1, 12, 589 N.W.2d 9 (1999) (quoting *United States v. Sophie*, 900 F.2d 1064, 1071 (7th Cir. 1990)).

State v. Allen, 2004 WI 106, ¶10, 274 Wis. 2d 568, 682 N.W.2d 433.

The Defendant has recently filed Documents 46, 47, 48 and 49, all styled as either motions or supporting papers. Document 49 does not appear to be a motion directed to the circuit court, as it bears some type of caption indicating that it is in the Court of Appeals, and has an appellate case number. A review of the online records of the Court of Appeals shows that this motion is

before that court. As such, it will not be addressed any further. Similarly, Document 48 is another filing in the Court of Appeals, a 'Verified Notice of Judicial Inaction' It is also not directed to this court and will not be addressed.

Document 45 is a 'Verified Emergency Motion to Dismiss' It was filed on August 6, 2026 and requested a signed written decision by 4:30 PM that day. The substance of this writing is difficult to decipher, often comprised of statements without reference to anything of record, and either terminological confusion or semantic abuse. It includes a series of statements and demands outside the form of criminal legal procedure. While it recites some facts of the case, there are no citations to statutes or any authority at all. Documents 46 and 47 appear to be fragments of the same motion.

Document 45 is legally insufficient, and the court will not take any further action on it. There are no citations to statute or any legal authority, nor any real explanation of why the movant is entitled to the emergency relief requested. It demands a self-created deadline. Legally, there is nothing recited in the document that could remotely be described as an emergency. Upon further examination, the demanded deadline appears to be nothing more than a contrived fault invoked to justify subsequent action. Filings like this interfere with the orderly practice of the Clerk of Courts.

This case was adjourned on July 6, 2026, to give the Defendant additional time to find a new lawyer. No waiver of right to counsel was taken. To the extent that this filing evidences the Defendant's intent to represent herself, I would direct her attention to Wis. Stat Sec. 802.05. While a defendant has a constitutional right to represent themselves, they must still comply with the rules of practice and procedure. Noncompliance with these rules can result in sanctions.

SUPREME COURT OF THE UNITED STATES

KATHERINE LOU HOBBS FORESTER and JAMES HOBBS FORESTER, Applicants
v.
ADAM GEROL, et al., Respondents

EXHIBIT D

DATED AUGUST 14, 2026

Seven signed affidavits of service of the Rule 40 petition

8 source pages follow this cover sheet.

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Katherine Lou Hobbins Forester and
James Hobbins Forester,

Petitioners-Appellants,

V.

Adam Gerol, et al.,

Respondents-Appellees,

AFFIDAVIT OF SERVICE

Case: 26-2577

Appeal from the United States District Court
for the Eastern District of Wisconsin

No. 2:26-cv-01287-BBC

I, Menucha Milchtein, am an adult resident of Wisconsin, and am not a party to this action.

I hereby certify that on Thursday, August 13, 2026, at approximately 8:09AM, I served ERIC J. SEVERSON, in his official capacity as SHERIFF OF WAUKESHA COUNTY, by delivering a copy of the document identified below to Captain Neil Dussault, who is authorized to accept.

Party Served: Other | Method: Other | Address Type: Office

Address: 515 W Moreland Blvd, Waukesha, WI 53188

Attempt 1: Thursday, August 13, 2026, at approximately 8:09AM - SERVED.

Documents: COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Server's Signature:

Menucha M.

Menucha Milchtein

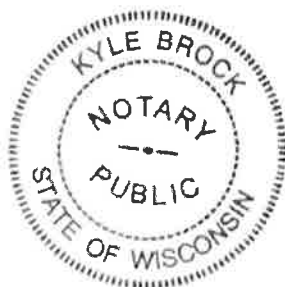
Subscribed and sworn to before me on

this 13th day of August,
2026

[Signature]
Notary Public, State of Wisconsin

My Commission expires: 02/02/2029

Milwaukee County



UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Katherine Lou Hobbins Forester and
James Hobbins Forester,

Petitioners-Appellants,

V.

Adam Gerol, et al.,

Respondents-Appellees.

AFFIDAVIT OF SERVICE

Case: 26-2577

Appeal from the United States District Court
for the Eastern District of Wisconsin

No. 2:26-cv-01287-BBC

I, Menucha Milchtein, am an adult resident of Wisconsin, and am not a party to this action.

I hereby certify that on Thursday, August 13, 2026, at approximately 8:38AM, I served the Office of the Waukesha County District Attorney Lesli S. Boese, by delivering a copy of the document identified below to Ryan Roeglin, Chief Investigator, who is authorized to accept.

Party Served: Other | Method: Other | Address Type: Office

Address: 515 W Moreland Blvd, Waukesha, WI 53188

Attempt 1: Thursday, August 13, 2026, at approximately 8:38AM - SERVED. *Ryan Roeglin stated, in substance, that maybe he'll see me again the following day.*

Documents: COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Server's Signature:



Menucha Milchtein

Subscribed and sworn to before me on

this 13th day of August,
2026


Notary Public, State of Wisconsin

My Commission expires: 02/02/2029

Waukesha County



UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Katherine Lou Hobbins Forester and
James Hobbins Forester,

Petitioners-Appellants,

V.

Adam Gerol, et al.,

Respondents-Appellees.

AFFIDAVIT OF SERVICE

Case: 26-2577

Appeal from the United States District Court
for the Eastern District of Wisconsin

No. 2:26-cv-01287-BBC

I, Menucha Milchtein, am an adult resident of Wisconsin, and am not a party to this action.

I hereby certify that on Thursday, August 13, 2026, at approximately 8:34AM, I served MONICA PAZ, in her official capacity as CLERK OF CIRCUIT COURT FOR WAUKESHA COUNTY, by delivering a copy of the document identified below to Holly Maule, Executive Assistant, who is authorized to accept.

Party Served: Other | Method: Other | Address Type: Office

Address: 515 W Moreland Blvd, Waukesha, WI 53188

Attempt 1: Thursday, August 13, 2026, at approximately 8:34AM - SERVED.

Documents: COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Server's Signature:

Menucha M.

Menucha Milchtein

Subscribed and sworn to before me on

this 13th day of August,
2026

[Signature]
Notary Public, State of Wisconsin

My Commission expires: 02/02/2029

Milwaukee County



UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Katherine Lou Hobbins Forester and
James Hobbins Forester,

Petitioners-Appellants,

V.

Adam Gerol, et al.,

Respondents-Appellees.

AFFIDAVIT OF SERVICE

Case: 26-2577

Appeal from the United States District Court
for the Eastern District of Wisconsin

No. 2:26-cv-01287-BBC

I, Raizl Milchtein, am an adult resident of Wisconsin, and am not a party to this action.

I hereby certify that on Thursday, August 13, 2026, at approximately 8:21AM, I delivered a copy of the document identified below to the Office of the Washington County District Attorney Barry J. Braatz at 484 Rolf's Ave. West Bend, WI 53090, where it was accepted by Kristi Gordon, Deputy District Attorney.

Party Served: Other | Method: Other | Address Type: Office

Address: 484 Rolf's Ave. West Bend, WI 53090

Attempt 1: Thursday, August 13, 2026, at approximately 8:21AM - SERVED.

Documents: COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC

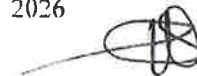
Server's Signature:



Raizl Milchtein

Subscribed and sworn to before me on

this 13th day of August, 2026
2026



Notary Public, State of Wisconsin

My Commission expires 01/14/2028



County of Milwaukee

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Katherine Lou Hobbins Forester and
James Hobbins Forester,

Petitioners-Appellants,

V.

Adam Gerol, et al.,

Respondents-Appellees.

AFFIDAVIT OF SERVICE

Case: 26-2577

Appeal from the United States District Court
for the Eastern District of Wisconsin

No. 2:26-cv-01287-BBC

I, Raizl Milchtein, am an adult resident of Wisconsin, and am not a party to this action.

I hereby certify that on Thursday, August 13, 2026, at approximately 8:14AM, I served MARTIN R. SCHULTEIS, in his official capacity as SHERIFF OF WASHINGTON COUNTY, by delivering a copy of the document identified below to Christie Osberg, Sheriff Administrative Officer, who is authorized to accept.

Party Served: Other | Method: Other | Address Type: Office

Address: 500 Rolfs Ave. West Bend, WI 53090

Attempt 1: Thursday, August 13, 2026, at approximately 8:14AM - SERVED.

Documents: COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC

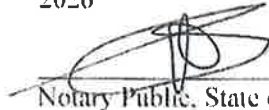
Server's Signature:



Raizl Milchtein

Subscribed and sworn to before me on

this 13th day of August, 2026
2026


Notary Public, State of Wisconsin

My Commission expires: 09/19/2028



County of Milwaukee

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Katherine Lou Hobbins Forester and
James Hobbins Forester,

Petitioners-Appellants,

V.

Adam Gerol, et al.,

Respondents-Appellees,

AFFIDAVIT OF SERVICE

Case: 26-2577

Appeal from the United States District Court
for the Eastern District of Wisconsin

No. 2:26-cv-01287-BBC

I, Raizl Milehtein, am an adult resident of Wisconsin, and am not a party to this action.

I hereby certify that on Thursday, August 13, 2026, at approximately 8:26AM, I delivered a copy of the document identified below to the Office of the Washington County Clerk of Circuit Court at 484 Rolfs Ave. West Bend, WI 53090, where it was accepted by Sherry Coykendall, Clerk of Circuit Court.

Party Served: Other | Method: Other | Address Type: Office

Address: 484 Rolfs Ave. West Bend, WI 53090

Attempt 1: Thursday, August 13, 2026, at approximately 8:26AM - SERVED.

Documents: COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC

Server's Signature:



Raizl Milehtein

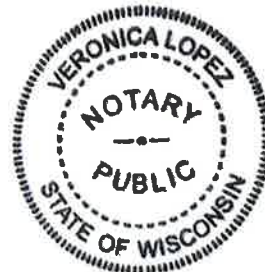
Subscribed and sworn to before me on

this 13th day of August, 2026.



Notary Public, State of Wisconsin

My Commission expires: 09/19/2028



County of Milwaukee

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

**KATHERINE LOU HOBBS FORESTER and
JAMES HOBBS FORESTER,
Petitioners-Appellants,**

v.

Case No.: 26-2577,
2:26-cv-01287-BBC

**ADAM GEROL, et al.,
Respondents-Appellees.**

AFFIDAVIT OF SERVICE

I, Angela Johnson, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to Joshua L Kaul, Attorney General in Dane County, WI on August 13, 2026 at 12:15 pm at 17 W Main St, Madison, WI 53703-3960 by leaving the following documents with Larry E. Booker Jr. who as Security Guard/Intake Specialist is authorized by appointment or by law to receive service of process for Joshua L Kaul, Attorney General.

COMBINED PETITION FOR PANEL REHEARING AND REHEARING EN BANC, TABLE OF CONTENTS

Additional Description:

Delivered to security guard. He is authorized to accept paperwork could not go past him due to security reasons in the building.

Race: Black or African American, Sex: Male, Est. Age: Unknown, Hair: Black, Glasses: N, Est. Weight: 200 lbs to 220 lbs, Est. Height: 5' 3" to 5' 6".

Geolocation of Serve: <https://google.com/maps?q=43.0733288189,-89.3836464649>

Photograph: See Exhibit 1

Total Cost: \$225.00

I DECLARE UNDER PENALTY OF PERJURY THAT THE FACTS HEREIN ARE TRUE AND CORRECT.

Executed in

Dane County,

WI on 8/13/2026.

/s/ Angela Johnson

Signature

Angela Johnson

+1 (608) 212-1185

**Additional material
from this filing is
available in the
Clerk's Office.**