No. 17-6812

In the
Supreme Court of the United States

Andrew U. D. Straw,
***Petitioner*,**
v.
Indiana Supreme Court,
***Respondent*.**

On Writ of Certiorari to the U.S. Court of Appeals for the Seventh Circuit

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PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether the Court of Appeals below erred in stating that *res judicata* applies to new discrimination events that happened *after* a prior case was closed.

Whether *res judicata* can apply at all when the 2015 case below was dismissed for lack of service and the other grounds were alternatives when the Restatement (Second) of Judgments explains *res judicata* does not apply in such cases.

When the Court of Appeals stated that *Younger* and *Rooker-Feldman* did not apply to my case, if those determinations must be **applied** at the district court level to my motions dismissed on *Younger* grounds or if the Seventh Circuit may threaten me with sanctions for even suggesting this.

Given my motion for **injunction** relief was denied on 1/23/2017 and the discriminating Indiana discipline happened on 2/14/2017 and my motion for **declaratory judgment** was denied on 2/16/2017, whether my *Younger* and *Rooker-Feldman* victories revived these two motions, causing me to win.

Given the ethical violations by the Court below and the unreasoned accusations of "frivolous," and given the suspension of 4 of my district court licenses with **no hearing**, whether the Courts below should be overturned *en masse* for the massive violations of my due process rights.

PARTIES TO THE PROCEEDINGS BELOW

I, petitioner Andrew U. D. Straw, a disability rights advocate living in Kane County, Illinois, was disciplined for my disability rights work, which was labeled as "frivolous" by several federal judges who denied me justice in three filed ADA cases plus a Civil RICO case founded on about 150 ADA violations. I worked for the Indiana Supreme Court and the disciplinary complaint came in immediate retaliation for my own ADA-based complaint against the Court.

Respondent Indiana Supreme Court was my former employer and I have been admitted to the bar of Indiana since 6/7/2002. I have alleged much discrimination by this state supreme court and the Court disciplined me. I sued to prevent discrimination and this was before the Seventh Circuit U.S. Court of Appeals on *Younger*, *res judicata*, and *Rooker-Feldman* defensive theories by the Indiana Supreme Court and its officers. *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7th Cir.). All other defense parties are either Indiana Supreme Court staff, justices, or former officers.

CORPORATE DISCLOSURE STATEMENT

No corporations are parties, and there are no parent companies or publicly held companies owning any corporation's stock to my knowledge. The Indiana Supreme Court is a state court of last resort. I, petitioner Andrew U. D. Straw, am a suspended Indiana attorney and I live in Kane County, Illinois, with registered agent in Schaumburg, Illinois. My 4 federal district court licenses have been suspended because of the actions of the Indiana Supreme Court and the failure of the Southern District of Indiana to protect me. My suspended federal licenses are: N.D. Ind., S.D. Ind., N.D. Ill, and W.D. Wis. None of these 4 district courts, all in the Seventh Circuit, provided me with any hearing before removing my licenses. This violates *In Re Ming*, 469 F.2d 1352 (7th Cir. 1972). I am seeking reinstatement under this precedent and compensation for the procedural due process violations in all 4 of these district courts. *Straw v. U.S. District Court*, 17-2523 (7th Cir.)

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II.	Disabled lawyers like me, evidenced in this case, need strong constitutional and ADA protections when there is an established long history of disability abuse in the state courts. This same history of discrimination saturates the federal courts in the Seventh Circuit. *Cf. Tennessee v. Lane*, 541 U.S. 509 (2004)	
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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Seventh Circuit U.S. Court of Appeals in this case.

OPINIONS BELOW

The Indiana Supreme Court's disciplinary opinion is reported as *In the Matter of Andrew U.D. Straw*, 98S00-1601-DI-00012 (Ind., decided February 14, 2017). Reconsideration was denied. Before this Indiana discipline was imposed, I filed a lawsuit in federal court to stop it. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind. 2/16/2017). I attempted to stop the discipline the year before, but it was dismissed based in part on lack of service grounds, making it impossible to appeal successfully, so I did not appeal it. *Straw v. Indiana Supreme Court, et. al.*, 1:15-cv-01015-RLY (S.D. Ind. 2016). I appealed the 2017 federal court decision that denied my right not to experience retaliation and discrimination, and this is the case below: *Andrew Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7th Cir. 7/6/2017).

JURISDICTION

The judgment below was entered on July 6, 2017. Jurisdiction to this Honorable Court is under 28 U.S.C. §1254. The time limit for appeal is 90 days from the decision of the Seventh Circuit regarding my motion to instruct the district court below, which was entered on October 30, 2017 (Dkt. 71). The deadline is **January 27, 2018**. 28 U.S.C. §2101(c). Original jurisdiction in the Indiana Supreme Court was under Rule 23 of the Indiana Admission and Discipline Rules and Indiana Constitution, Article 7, Section 4. At the federal level, jurisdiction came from the ADA, Titles II & V, 28 C.F.R. § 35.134, and the First Amendment right to petition government without retaliation. The inappropriate actions of the Seventh Circuit also require the attention of this Court.

CONSTITUTIONAL PROVISIONS AT ISSUE

U.S. Constitution, Amendment I	Appx at A14
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U.S. Constitution, Amendment XIV	Appx at

INTRODUCTION

I, petitioner Andrew U. D. Straw, am petitioning for a writ of certiorari from this Honorable Court because the Indiana Supreme Court imposed discipline on me suspending my law license *in absentia* and I believe they did so in violation of my rights as a disabled lawyer and disability rights advocate.

I broke both my legs and my pelvis while I was working for the Indiana Supreme Court in a senior analyst position from 2000-2002. I have experienced 16 years of discrimination and interference, which culminated in suspending my law license because I lost several ADA cases, but the federal judges did not impose sanctions on me. Indiana inflated their non-discipline into an indefinite suspension. My license is still suspended.

The Virginia State Bar gave me a hearing and called the Indiana discipline a "drive-by shooting" due to the fact that the Indiana ADA Coordinator was the only person to complain, and she did so just days after I made an ADA complaint to her. This is retaliation under 42 U.S.C. § 12203 and 28 C.F.R. § 35.134 because she attacked my mental disability and she attacked my ADA cases in federal court.

There is no question that the Indiana Supreme Court action was taken in retaliation for my ADA lawsuits because they are listed in the ORDER suspending me and there is a long discussion of how I did not do a good job and so I need to be suspended.

However, the U.S. Department of Justice explained in http://www.ad.gov/reg2.htm that no retaliation can occur no matter what the outcome is in the ADA lawsuit. No disabled person can be penalized for simply losing a case, no matter what the outcome.

On its face, the Indiana discipline does precisely this. They attack me for not winning. They attack me because a judge criticized me. Then, a few days later, the Indiana Supreme Court gave Judge T. Edward Page a ***reprimand only*** for driving drunk into oncoming traffic. This was a severe slap in the face to me because a reckless driver like Page nearly killed me on the way to work at the court that is now persecuting me for my ADA work. The facts in my case demand that I prevail and severe punishment for the Indiana Supreme Court. Truly, ***how dare they*** attack me after my sacrifices to their court?

I attempted to stop the illegal discrimination that was their discipline twice. *Straw v. Indiana Supreme Court, et. al.*, 1:15-cv-01015-RLY (S.D. Ind. 2016). "The service of process on the State Defendants

was, therefore, insufficient." (p. 9). The first case was filed in 2015 and was dismissed based on lack of service grounds, but also other grounds. I could not appeal this case on the other grounds because lack of service dismissal prevented it. I was not given the option to appeal.

I anticipated that the Indiana Supreme Court would impose discipline when the Indiana hearing officer submitted his report over 5 months late. So, I filed a second lawsuit. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind.)

The federal judge would not allow me to have an injunction to stop the discipline. She said *Younger* doctrine tied her hands. My motion for an injunction was denied on January 23, 2017. She asked me to brief why my entire case should not be dismissed. I said there was bad faith and harassment from Indiana and this was true. I had evidence in the record, but the judge said she did not like the fact that I put evidence into the record with my complaint.

Before the District Court could act, the Indiana Supreme Court suspended me for 180 days without automatic reinstatement on February 14, 2017. I filed a motion for declaratory judgment the next day to declare that the discipline was unlawful discrimination based on my disabilities and 4

disability rights cases that were cited as the reason for the discipline. Indiana did not consider my two broken legs and broken pelvis or my extensive work to expand disability rights, including establishing a political party (Disability Party) in 2013 for people with disabilities. Indiana did not mention that its hearing officer was in fact a candidate for Indiana justice while he presided over my disciplinary case. It does not take a genius to see that he was pleasing his future colleagues by acting against me at every opportunity. He denied my motions to protect myself and allowed every unlawful discrimination to prevail.

Hearing Officer James R. Ahler was not content to seek one office like that. When I sued him, on appeal in this case, he sought a judge position at the Seventh Circuit. He was hired to be a bankruptcy judge by the Seventh Circuit while he was my appellee, with one of my panel members (Hon. Kanne) his former employer. Kanne first voted against me and then recused. This blatant ethical violation was called "frivolous" by the Chief Judge when I complained. She threatened financial penalties if I ever complain about her court's ethical violations again. But she is so wrong, she should be impeached for thinking that was acceptable ethical behavior by herself, the rest of the Court, or my appellee. After this, the Seventh Circuit was 100% biased against me in a way that cannot be cured short of letting me use

another panel from another circuit when I need to appeal. And the Seventh Circuit even denied me this when I made a motion.

Four district courts in the Seventh Circuit have suspended my licenses with no hearing:

> *In Re Andrew U. D. Straw*, 1:17-mc-00005-TLS (N.D. Ind.) **NO HEARING**
> *In Re Andrew U. D. Straw*, 1:17-mc-13-WTL-TAB (S.D. Ind.). **NO HEARING**
> *In Re Andrew U. D. Straw*, 1:17-cv-07717 (N.D. Ill.). **NO HEARING**
> *In Re Andrew U. D. Straw*, 1:17-cv- (W.D. Wis.). **NO HEARING OR NOTICE**

This violates longstanding precedent and I should not only get my licenses back, but should be paid generously for the **massive failure of procedural due process**. *In Re Ming*, 469 F.2d 1352 (7th Cir. 1972). I ask this Court to take over what the Seventh Circuit is doing and provide 100% justice for me. *Straw v. U.S. District Court*, 17-2523 (7th Cir.) I am not even able to make electronic filings in this case anymore because they closed it. I have been abused and I am punished because I object to ethics violations. I must have respect after such a **tidal**

wave of dishonesty and attacks on my disability rights.

There were 3 issues on appeal. Did *Younger* apply? Did *Rooker-Feldman* apply? Did *res judicata* apply?

The first two answers fell my way. The panel stated that *Younger* and *Rooker-Feldman* both did not apply because of the way I proceeded.

Both my injunction and declaratory judgment motions were dismissed based on *Younger* and *Younger* alone. This was on the last page of the district court ORDER of dismissal. **I won.** That should have been enough victory to allow me to get at least these two reliefs. The district court was overturned.

However, even winning on these critical issues, the Seventh Circuit accused me of a frivolous argument when I said this gave me victory. It had no reasoning but the baloney argument that I was saying something frivolous. And this is how the whole mess happened. A federal judge uses the word frivolous maliciously and without any good reason to punish someone in an arbitrary and capricious fashion. That is what the Seventh Circuit does to me ***all the time***. It is what the lower courts do ***all the time***. I am protected by the ADA because Congress gave me these

plenary rights to fight against discrimination. These judges are like enemies to me and the ADA and I do consider them to be enemies to my rights.

They let Indiana discriminate against me, make nonsensical decisions and attack my well-reasoned arguments as "frivolous." They abuse their sanctioning powers to defend ethical violations by their own courts, their own colleagues. They violate me and defend their own abusive colleagues on the bench, but that does not solve the problem.

Even the *res judicata* issue was nonsensical and the Court below simply invented an illogical precedent so that they could do whatever they want without having any precedent to support it.

Tartt v. Northwest Community Hosp., 453 F.3d 817 (7th Cir., 2006) was the only precedent used and lack of service was not mentioned in that ORDER. This was not an attorney suspension case and the plaintiff simply filed **two lawsuits on the same day**. This is nothing like my case.

Judge Posner was on my panel and retired when I made an ethical complaint about him. He then promptly went to the New York Times on 9/11 and announced that he did not follow law, did not follow

the Constitution, did not follow the federal rules. He clearly did not follow the law or the Constitution in my case. Posner's words to the media are a great reason to overturn my panel.

When a case is dismissed for lack of service, there can be no *res judicata*. Unlike the panel below, I actually have authority for this position. *Phillips Petro. Co. v. Shutts*, 472 U.S. 797, 805 (1985) ("[A] judgment issued without proper personal jurisdiction over an absent party is not entitled to full faith and credit elsewhere and thus has no *res judicata* effect as to that party.") *Ruiz v. Snohomish*, 14-35030 (9th Cir. 2016); *Pizlo v. Bethlehem Steel Corp.*, 884 F.2d 116, 119 (4th Cir. 1989) ("When a dismissal is based on two determinations, one of which would not render the judgment a bar to another action on the same claim, the dismissal should not operate as a bar."); *Martin v. N.Y. State Dep't of Mental Hygiene*, 588 F.2d 371, 373 n.3 (2nd Cir. 1978) (per curiam) ("A dismissal for failure of service of process, **of course**, has no *res judicata* effect.") Cf. *Bunker Ramo Corp. v. United Business Forms, Inc.*, 713 F.2d 1272 (C.A.7 (Ill.), 1983)

There is long-standing authority on the topic. Restatement (Second) of Judgments § 20(1) (1982) ("A personal judgment for the defendant, although valid and final, does not bar another action by the plaintiff

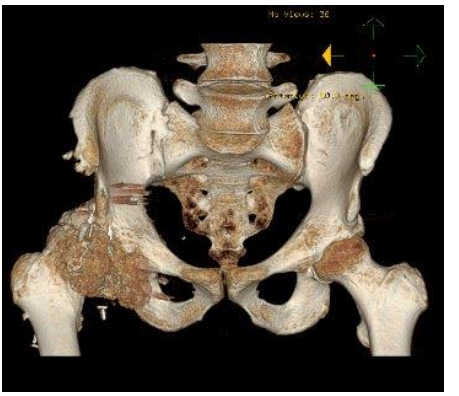
on the same claim: (a) When the judgment is one for dismissal for **lack of jurisdiction**").

Judge Young in the 2015 case dismissed for lack of jurisdiction, since that is what lack of service is. That should have precluded *res judicata* effect, but the **Anti-Andrew Rule** states that no matter how reasonable Andrew is, he cannot win, so the Seventh Circuit made me lose even when I was right on the lack of service precluding *res judicata.*

The same **Anti-Andrew Rule** made the Seventh Circuit call my victory a loss and my demand for the *Younger* part of the decision to be imposed on the lower court "frivolous."

It is not just the decision below that causes me to appeal. It is the consistent and long-term bias against me by EVERY member of the Court below. They let Indiana get away with MURDER and deny my ADA rights. This is why the Virginia State Bar was so shocked at how I was being treated, and called Indiana's use of its ADA coordinator to attack me, **"a drive-by shooting."** You could also call it the latest implementation of the **Anti-Andrew Rule**. I ask this Court to stop it and stop it for good.

It is important for the Court to see the injuries to my pelvis and left leg that came from the car accident on my way to the Indiana Supreme Court:



Needless to say, walking on these injuries hurt. My employer took away my handicap parking near the office far too early, and against my will. These injuries show that my employer was trying to get me to quit by inflicting excruciating pain on me, and this was just one of a large constellation of attacks. I have disabilities from U.S. Marine Corps poisoning that make emotional trauma absolutely unbearable. I am a person with an "eggshell skull" and Indiana kicks it.

STATEMENT OF THE CASE

The ABA honored me for being its "Spotlight" disabled lawyer for January 2014. The Indiana Supreme Court never agreed with this honor because

I never received any letter of appreciation or thank you for my work or **painful injuries** from Chief Justice Shepard, who hired me, but instead came a litany of injuries and falsehoods to attack me, with Indiana justices hurting access and itching to punish me for my disability work.

No judge asked for me to be punished and I have never received any sanction until February 14, 2017. No client of mine made any complaint. No opposing counsel has ever made any complaint. The only person to make a complaint was the Indiana **ADA Coordinator**, who worked for my old boss. She complained that I complained and that violated the ADA and the First Amendment right to petition government for a redress of grievances.

Retaliating is not allowed under the ADA. Indiana violated these rules. I should get injunction relief and a large amount of damages for the absolute destruction of my emotional well-being, my reputation, my legal career. Indiana also announced in its ORDER of 2/14/2017 that it did not violate the ADA by retaliating with its ADA coordinator or by attacking several of my ADA lawsuits. There is no jurisdiction for the Indiana Supreme Court to announce this, and it is a flagrant violation of the ancient doctrine of ***nemo judex in causa sua***. I was suing that Court when they did that, and that makes

their actions wholly self-interested and illegal and in retaliation for my federal lawsuit here.

I already have my answer and victory on *Younger* and *Rooker-Feldman*. I just need this Court to force the Court below to enforce its own ORDER on those topics and stop using the **Anti-Andrew Rule**, which at its core is arbitrary and capricious denial of my rights and my rare victories when I get them.

If the Court pleases, I am asking for the *res judicata* rule to be that of the Restatement (Second) of Judgments, as explained above. My 2015 case has no *res judicata* effect because it was dismissed based on lack of service/jurisdiction. My view of *res judicata* is consistent with *Phillips Petro.*, *Bunker Ramo, Martin*, *Pizlo*, and *Ruiz*. The Court below had no relevant precedent for holding otherwise.

REASONS FOR GRANTING THE WRIT

I. Supreme Court Rule 10(c): "a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court."

II. Disabled lawyers like me, evidenced in this case, need strong constitutional and ADA protections when there is an established long history of disability abuse in the state courts. This same history of discrimination saturates the federal courts in the Seventh Circuit. *Cf. Tennessee v. Lane*, 541 U.S. 509 (2004)

III. *Res judicata* is fundamental to a judicial system. The rules of *res judicata* need to be uniform across the country and should follow the well-reasoned arguments of the Restatement (Second) of Judgments, instead of shooting from the hip, like the Court below is doing in order to inflict an **Anti-Andrew Rule** on me.

CONCLUSION

This case is about protecting me from my former employer, who have not gotten over the fact that I made severe physical injury sacrifices in service to that Court. I am disabled because I worked there and broke my legs and pelvis on my way to work there. Another state, Virginia, has harshly criticized Indiana for its total lack of conscience and humanity in harming someone who made such severe sacrifices in service to the Indiana courts, **all of them**.

The federal courts below in the Seventh Circuit have inflicted injury on me and refused to protect me from the vicious actions of my former employer. They discriminate freely and use every rotten argument to harm me again and again and again, for 16 years. I got my mental disabilities from the U.S. Marine Corps and attacking them like the ADA Coordinator did is a fundamentally unpatriotic thing to do. The attorney for the defendants, Patricia McMath, showed the rotten attitude that I deal with. She sent me a letter on the day rehearing was denied and accused me of ethical violations for having communicated with the other parties. She lied and said Rule 4.2 prevents me from doing so, but comment 4 of that ethics rule allows it, and of course the First Amendment allows it. She threatened me that my defendant, Mr. Witte, would impose discipline on me and that she would ask courts to sanction me for communicating with public officials who happen to be my defendants. This is how it works in Indiana. Unlawful threats are used to violate ADA and constitutional rights. It stinks.

In sum, I am asking for this Court to force the Court below to give me justice in accord with the decision it made on *Younger*, instead of giving with one hand and then taking it back. I also ask that *res judicata* finally be recognized as not applying to my 2015 case, since it was dismissed based on lack of service and lack of jurisdiction. Finally, I ask justice

for my **four** district court law licenses being taken with **NO HEARING** and in one case, not even **NOTICE**. Such massive failures of due process are obviously the norm in the Seventh Circuit. I ask my licenses to be restored with full payment for the damage from violating my procedural due process rights under *In Re Ming*, 469 F.2d 1352 (7th Cir. 1972).

I ask the justices of this Court how they would feel if they sacrificed like I did for public service and got this kind of hateful reception from the state and federal courts for doing nothing more than filing a few disability rights lawsuits in front of impatient, angry judges. When you imagine this and how it hurts when you have an affective disorder from USA poisoning, apply that knowledge and give me the damages that losing **4 law licenses** without a hearing should merit.

When I get my justice, I will move away from the Seventh Circuit because justice is a mirage in that place. You can chase it, but you never reach it. At least this has been my experience and I cannot practice law before hostile and arbitrary judges who have accumulated in that part of the country. I may move to Virginia, where my experience shows the courts are more humane and honest because they saw the dishonesty of Indiana and its discrimination, then rejected it instead of defending it, like the Midwest federal courts have done.