

No. _____

**In the
Supreme Court of the United States**

Andrew U. D. Straw,
Petitioner,
v.
Jane E. Magnus-Stinson,
Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether, as a matter of law, a federal judge is “absolutely immune” from any lawsuit when that judge abstained from deciding a case under the *Younger/Middlesex* doctrine without providing the hearing required in the *Middlesex* case and purposefully disregarding all evidence of abuse provided by the disabled plaintiff.

PARTIES TO THE PROCEEDINGS BELOW

Petitioner Andrew U. D. Straw, a disability rights advocate living in Kane County, Illinois, brought suit under the 5th and 9th Amendments (*Bevins* claims) and other civil rights laws to vindicate his right to judicial services guaranteed by those provisions and Article III of the U.S. Constitution.

Respondent Magnus-Stinson was the district judge who presided over *Andrew Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-JMS (S.D. Ind.). The judge did very little in the case, but stated that she would not consider exhibits I attached to my complaint, calling them “misuse of the record.” Magnus-Stinson also offered no hearing to establish the bad faith and harassment claims I was making against the Indiana Supreme Court and its staff for discriminating against me based on my disabilities, some of which came from my car accident on the way to work at the Indiana Supreme Court. Magnus-Stinson first refused to protect against injuries with a preliminary injunction, then refused to protect me when the abusive state court discipline was imposed and that Court decided a matter in violation of *nemo judex in causa sua*. Magnus-Stinson used the *Younger/Middlesex* doctrine to completely refuse to decide the case. She abstained from exercising jurisdiction totally and completely after a handful of preliminary orders such as granting *In Forma Pauperis*, which established that my case was not frivolous or malicious under 28 U.S.C. § 1915(e)(2)(B).

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. Magnus-Stinson is a federal judge and so the United States will be responsible for the damages if she loses. Petitioner Andrew U. D. Straw is a suspended Indiana attorney and lives in Kane County, Illinois. My federal licenses have been suspended because of the actions of the Indiana Supreme Court and the failure of Magnus-Stinson to protect me. My suspended federal licenses include: N.D. Ind., S.D. Ind., and N.D. Ill. However, he has not been suspended from W.D. Wis., the Commonwealth of Virginia, or the U.S. Court of Appeals for the Fourth Circuit. I have informed all my bar membership jurisdictions about the discrimination inherent in the Indiana Supreme Court's attack on my career, and there is a strong split and disagreement about the matter among these bars. As of March 2017, the Indiana Supreme Court has continued to injure me, approaching the ABA and suggesting that my membership should be canceled due to their suspension of me. I have lost significant numbers of refugee and military poisoning clients. My family stands to lose millions of dollars from my being abruptly removed from military poisoning cases currently awaiting jurisdictional decisions in the Southern District of Indiana and the Northern District of Illinois. The unfair and illogical denials of my rights and my family's rights in the 7th Circuit now motivate me to file for relief for myself and my mother's estate in the Court of Federal Claims, which I have now done.

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PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

The Seventh Circuit's opinion is reported as *Straw v. Magnus-Stinson*, 17-1560 (7th Circuit). No rehearing was sought. The U.S. District Court for the Southern District of Indiana's findings of fact and conclusions of law are reported as *Straw v. Magnus-Stinson*, 17-cv-0525 (S.D. Ind.). I have appealed the original trial decision that denied my right not to experience retaliation and discrimination, and this too is before the 7th Circuit at this time: *Andrew Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7th Cir.). After the illogical and biased behavior of the 7th Circuit in this case, I expect to appeal both cases.

JURISDICTION

The judgment below was entered on April 3, 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 Court of Appeals. The

deadline is July 2, 2017. 28 U.S.C. §2101(c).
Original jurisdiction in district court was under the
U.S. Constitution, Amendments V & IX, as *Bevins*
actions, *inter alia*.

CONSTITUTIONAL PROVISIONS AT ISSUE

U.S. Constitution, Article III	Appx at 18
U.S. Constitution, Amendment V	Appx at 20
U.S. Constitution, Amendment IX	Appx at 20

INTRODUCTION

I, petitioner Andrew U. D. Straw, am petitioning for a writ of certiorari from this Honorable Court because the Court of Appeals and District Court made decisions in my case that have created a strong danger to disability rights from state courts, and they are attempting to insulate the federal judge who unjustifiably abstained from exercising jurisdiction from responsibility and accountability for not having actually decided the case. The lower courts are protecting this federal judge, invoking immunity, but do not provide a precedent of this Court that justifies it under these circumstances.

The Seventh Circuit says that I am merely unhappy with the outcome of the case and may not sue

the judge. But this is not the rule in the case provided below, *Mireles v. Waco*. I too cited to *Mireles* in my complaint and to the courts below. *Mireles* does not simply provide absolute immunity. It has a second part and that second part is what I invoked. If a judge acts in the complete absence of jurisdiction, such a judge is not protected by absolute immunity.

I had a right for this judge to provide her services to me. She said she would not consider my facts, but she also did not provide me with an opportunity to do any discovery or have any hearing to establish bad faith and harassment. She wanted me to brief the *Younger/Middlesex* doctrine, but she did not provide me with the hearing needed to do so. She wanted to drop that jurisdiction like a hot potato without me having any opportunity to get relief. Her bias doesn't even need to be explained when one reads the record and her angry comments about my having provided exhibits with my complaint. I can only imagine how terrible it was for her to have exhibits demonstrating bad faith when she wanted to dismiss using *Younger/Middlesex* doctrine. It was a real problem for her, and she solved it by stating that she would not consider my exhibits unless I affirmatively attached them to a future pleading.

I do not disagree with the holding that a judge who exercises jurisdiction and makes decisions should

be immune from any lawsuit. My disagreement with the courts below is that they are saying **refusing to exercise jurisdiction** and **refusing to consider and decide the case on the merits with no evidentiary hearing** is the same thing as exercising jurisdiction and deciding the case.

It plainly is not the same thing. And judges must decide cases. This Court made that crystal clear in *Sprint Communications v. Jacobs* in 2013. The purpose of a federal judge is to decide cases, not stand aside and let state courts violate civil rights, federal law, and the Constitution itself. The states have agreed to our federal framework and the Constitution, Article VI, imposes federal law and the Constitution on the state courts, even within an ongoing case. The Constitution provides no exceptions under Article VI.

Another important consideration is that a state supreme court accused of disability violations may not judge their own liability while at the same time injuring the career of the disabled lawyer who made the original complaint. This violates the ancient doctrine of **nemo iudex in causa sua**. The Indiana Supreme Court judged its own case and then hurt the disabled lawyer, me. The Indiana Supreme Court issued its decision to hurt me, suspend my law license, and exonerate itself while Magnus-Stinson stood silently by, with her case still open.

The respondent had a duty under the law and the Constitution to decide my case and protect me from civil rights violence, not turn the other way while dirty rotten discrimination was imposed on me *after* I complained about that court's discrimination. I did not need a hearing to prove bad faith and harassment. My evidence of discrimination was before respondent in my complaint and my exhibits. There was no reason to force me to explain the bad faith again and again, and then refuse me relief.

Judge Magnus-Stinson refused to consider evidence attached to the complaint, did not provide hearings required by the *Middlesex* doctrine she relied on, and then decided to completely renounce jurisdiction under the *Younger/Middlesex* doctrine twice. She must be held accountable, not exonerated with a *newly invented doctrine* of the courts below that judges have absolute immunity in all cases, when such a position was never the law of this Court, and is not now.

STATEMENT OF THE CASE

I had hundreds of pages of documentation to support my claims and of course my complaint alleged discrimination and specifically that the discipline being imposed on me was retaliatory and discrimination. So, the defendant court's actions were

bad faith and harassment by nature. *Middlesex* provides for hearings to show bad faith and harassment, but I already demonstrated it.

The Indiana Supreme Court did finally discipline me by suspending my law license when no judge, no opposing lawyer, and no client made any disciplinary complaint about me. The Court attacked my federal disability rights cases, and said my work was “frivolous,” but I had facts and law to back up my cases, including major organizational support for my disability legal positions, and this included the ABA and the National Council on Disabilities. The ABA honored me in 2014 for being a disabled lawyer.¹

In 2001, I broke both of my legs and my pelvis on the way to work at the Indiana Supreme Court, where I served from 2000-2002 as the Court’s statistical analyst and for a short time, also as a staff attorney. I served over 400 courts, including every appellate and trial judge in the state, and every Indiana state justice. The Court discriminated against me for 16 years, attacking my physical disabilities and then my mental disabilities from

¹ Comm’n on Disability Rights “Spotlight” Lawyer with Disabilities:
http://www.americanbar.org/groups/disabilityrights/initiatives_wards/spotlight/straw_a.html

being poisoned on U.S. Marine bases where my father served.

I made a complaint to the Indiana Supreme Court ADA Coordinator in 2014 concerning over a decade of abuse and lies about me in official Court documents like the annual report of the judicial branch, and within a few days of my complaint, that ADA Coordinator, Brenda F. Rodeheffer, ***attacked me*** with a disciplinary complaint criticizing my disabilities and my disability and human rights legal work. She even had the nerve to call my work helping Ukrainian refugees **nonsense** in her disciplinary complaint. The only possible purpose of an ADA Coordinator filing such a complaint was to prevent me, through injury, from making any more ADA complaints about her employer. ADA Coordinators are 100% prohibited from injuring someone who comes to them in trust with an ADA complaint. No disabled lawyer or any other disabled person can trust her from now on. There are painful consequences to complaining to the ADA Coordinator of the Indiana Supreme Court. I have demonstrated it, and the pain is extreme after 16 years of previous violations. I experience both physical and mental anguish, and even blindness from migraines as a result of the disciplinary betrayal of me that lasted fully 27 months.

Ironically, two of the disciplinary count cases were in the same federal district that gave the world *Stump v. Sparkman*, the seminal Supreme Court case on the issue of judicial immunity, where a young disabled girl was sterilized through the official actions of a judge and the judge was held completely unaccountable for his violence and dishonesty. Judge Harold D. Stump was never disciplined for his dishonest behavior to physically mutilate and injure a disabled girl.² I fought for disability rights in many contexts and I was never dishonest in my work. I have no criminal record. But it was me that was attacked by the Indiana Supreme Court for my law reform work, not dishonest Judge Stump for his violence and deception.

In my case in the Northern District of Indiana, I was protecting a disabled father whose disability rights were stripped from him and I was attacked for helping him. There is evidence that the ADA Coordinator of the Indiana Supreme Court was involved in making sure I lost this and several other cases. The Indiana Supreme Court imposed discipline while stating that it did not violate my ADA rights, brashly and shamelessly judging its own case and

²

<https://courtappls.in.gov/rollofattorneys/Search/Detail/cbccd923-f8b6-e011-9d34-02215e942453>

finding itself innocent of the violations that my evidence **proved**. *Nemo judex in causa sua*.

Jane E. Magnus-Stinson refused injunctive relief to prevent discipline. Then she demanded briefing so she could dismiss my case altogether. She used the *Younger/Middlesex* doctrine in both orders, but she ignored my evidence of harassment and long-term discrimination against me. She ignored the fact that the discipline's origin was the **ADA Coordinator** and her retaliation against me.

The *Middlesex* case provided for two days of hearings so an attorney could demonstrate bad faith and harassment. The *Middlesex* attorney could not show it, but I had overwhelming evidence and I deserved the right to demonstrate that the ADA Coordinator and her abuse had blossomed into involving the Indiana Supreme Court and its agencies and justices in *hurting me* to prevent me from making more ADA complaints about the Court.

I wanted the respondent judge to protect me. She not only would not protect me, but made unfortunate comments about my having provided the facts she needed to stop the harassment. She did not want any facts in front of her and this was evidence of her bias in favor of the state court. She did not want my exhibits, did not provide an evidentiary hearing,

and did not consider what I said in my complaint. This is the same treatment I have suffered from federal judges across the Seventh Circuit: discrimination and dismissal instead of fairness and justice under law. I feel the ghost of Judge Stump in the Seventh Circuit.

When the state court discipline finally happened on 2/14/2017, a Valentine's Day Massacre of my disability rights, I asked Magnus-Stinson to protect me **again**. She again invoked *Younger/Middlesex*, but gave me NO hearing. She simply invoked that doctrine to say there was no way she could possibly protect me, turning that doctrine into something it is not: a bias engine to protect state courts at all costs. She used *Younger/Middlesex* to completely shut down the Courthouse and denied me the basic courtesy and right to have my dispute heard and decided, including every fact I presented. Abstaining is an extreme abdication of the commission this judge took from the Senate of the United States. Judges must judge, not find reasons not to judge to protect the violations and dishonest actions of state courts. Comity can only exist when a state court is **obeying** our civil rights laws that apply to it, not flagrantly violating the law and then announcing their own innocence. ***Nemo judex in causa sua.***

In a one-page order that ignored the requirement in *Middlesex* to provide a hearing before abstaining, the Seventh Circuit panel agreed with the district court below that there is an “absolute immunity” when a judge makes any decision whatsoever, even when the decision is to ***voluntarily and completely fail to make any decision*** on the merits. Even when invoking *Middlesex* is an abuse of that doctrine in the absence of a hearing and with massive and incontrovertible evidence of bad faith that the trial judge disparaged and then ignored.

Prior U.S. Supreme Court caselaw has limited and restricted this *Younger/Middlesex* doctrine as late as 2013. That doctrine must not be expanded to snuff out civil rights that are being violated by a state supreme court right under the nose of a federal judge. Such a judge must pay for failing to do her constitutional duty. A judge is not a bailiff, simply there to keep order. She must provide justice. She implied my case was not frivolous (28 U.S. Code § 1915) because she approved my *In Forma Pauperis* status.

The only real question for the Court in this case is whether wrongly invoking *Younger/Middlesex* to deny jurisdiction and protection opens up the judge to the second prong of *Mireles* because she has

voluntarily renounced all jurisdiction and failed to decide the case on the merits.

This is not just about being unhappy with the outcome. The outcome is that the state court injured me and discriminated and retaliated and the federal judge would do nothing, not even decide the case. It's like being a U.S. Marshal, whipped to death in the street by thugs, and no one watching will help. I fight for disability rights after breaking my bones, both legs and my hip, for the state courts in Indiana, and I am treated like trash.

The district trial judge refused to make the defendant answer, opting to make all of the defense arguments herself. The defendant did not appear and the judge directed the Clerk of Court not to provide me a signed summons. The Record on Appeal arrived the next day *after* the Seventh Circuit final ORDER, made with no appellee brief. The Seventh Circuit also hid its ORDER from its daily order list, apparently afraid of scrutiny for its decision to deny me justice and defend judges who deserve punishment. This is an epidemic in the Seventh Circuit.

REASONS FOR GRANTING THE WRIT

- I. Supreme Court Rule 10(a): “a Court of Appeals...has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.”
- II. Disabled lawyers need the federal courts to be available for protection when a long history of state court disability abuse is present in the record. *Cf. Tennessee v. Lane*, 541 U.S. 509 (2004)
- III. All federal judges have an obligation to provide the services guaranteed to the public by Article III of the U.S. Constitution and the Bill of Rights. As this Court has stated recently in *Sprint Communications v. Jacobs*, the *Younger/Middlesex* doctrine is narrow and rightly hard to invoke, while the obligation to decide cases is very broad. A disabled lawyer who is under attack by his former employer, a state supreme court, on the basis of his disability-rights work—but only *after* he made an ADA complaint **about that same state supreme court**—should be able to rely on all federal courts for protection.

CONCLUSION

This case has roots going back to 2001, when I broke my legs in numerous places and the animus against my disabilities, physical and mental, manifested over a number of years. My evidence shows that the ADA Coordinator violated my right to be able to trust her with my complaint. There's no way that officer had the right or the power to retaliate against me and my complaints. 42 U.S.C. § 12203.

This is the factual background that the judge should have carefully considered when deciding whether to take jurisdiction and prevent *more* injuries to me. She should have granted my request for a declaratory judgement so that the law would be clear and no further injuries would happen. Instead of taking jurisdiction, she cast about for any way she could ignore my presented complaint and facts, and then deny me justice by abandoning jurisdiction without the required hearing. *Dombrowski v. Pfister*.

I am asking this Court to decide whether, if a judge fails to provide the hearing in a *Middlesex*-type attorney discipline case when there is ample evidence of discrimination and bad faith and breaking of trust, and the state court is making judgments in its own self-interest, if the federal judge will be immune from suit when she abstains, enabling more damage.

Mireles says that if a judge acts in the total absence of jurisdiction, she will not be immune, even if she did judicial acts without that jurisdiction.

This is the only question I bring to this Court, because I think the courts below are attempting to provide complete and absolute immunity, even when a judge has renounced jurisdiction voluntarily in violation of the *Middlesex* procedural requirement of a hearing.

Federal judges exist to enforce the U.S. Constitution and federal laws on state judges when such judges and justices violate the law. The states agreed to the constitutional framework we have in Article VI, and there is ***nothing*** in the Constitution that requires federal judges to exempt any state from the federal law that they agreed to obey and that binds them. This includes state courts, which incidentally had no role whatsoever to play in adopting the federal constitution; only the state legislatures that created the state supreme courts and lower courts were involved in any constitutional legislation at the federal or state level. If there is to be deference, it is not to the courts, but the legislatures. The same is true of the federal courts, which had no role whatsoever in the creation of themselves. **Congress created them to do a duty.**

The respondent abandoned her commission and her duty to act as a federal judge in my case. She must not be immune for demonstrating her bias in favor of the state court and its staff, abandoning a disabled human rights lawyer and citizen seeking the protection of the federal court after literally decades of disability abuse by Indiana.

**CERTIFICATE OF TRUTH AND
CORRECTNESS**

I, Andrew U. D. Straw, certify that my statements and factual allegations above and any in the attached appendix are true and correct to the best of my knowledge, information, and belief under penalty of perjury.

Respectfully submitted,

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April 26, 2017

No. _____

**In the
Supreme Court of the United States**

Andrew U. D. Straw,
Petitioner,

v.

Jane E. Magnus-Stinson,
Respondent.

**APPENDIX to Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit**

APPENDIX, VOLUME ONE

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PART A

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF INDIANA,
INDIANAPOLIS DIVISION

ANDREW U. D. STRAW,)
 Plaintiff,)
 v.) Case # 17C525-
JANE E. MAGNUS-STINSON) SEB-MPB
 Defendant.)

**Entry Dismissing Action and Directing Entry of
Final Judgment**

I.

The plaintiff, an attorney admitted to the Bar of this Court, has sued Chief Judge Magnus-Stinson based on rulings made and not made in *Straw v. Indiana Supreme Court*, 2017 WL 634162 (S.D. Ind. Feb. 16, 2017) (hereafter “Straw”), appeal docketed as No. 17- 1338. His claims are that Judge Magnus-Stinson violated a duty under the American with Disability Act (“ADA”) by invoking the abstention doctrine of *Younger v. Harris*, 401 U.S. 37, 45 (1971), and *Middlesex County Ethics Committee v. Garden State Bar Ass'n*, 457 U.S. 423, 432-34 (1982)), and by “fail[ing] to protect [Straw] from ADA and many other civil rights and constitutional violations

after she denied jurisdiction.” He seeks compensatory damages, punitive damages and injunctive relief.

“District judges have ample authority to dismiss frivolous or transparently defective suits spontaneously, and thus save everyone time and legal expense. This is so even when the plaintiff has paid all fees for filing and service.” *Hoskins v. Poelstra*, 320 F.3d 761, 762 (7th Cir. 2003).

Relying on this authority, the Court gave Straw a period of time in which to support the sufficiency of his complaint. In doing so, the Court noted, inter alia, that Judge Magnus-Stinson is protected from suit and from any liability by the doctrine of judicial immunity. See *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991).

Straw responded through his filing of March 3, 2017, which has been fully considered. He explains that judicial immunity is not a barrier to the present suit because, in his terms, Judge Magnus-Stinson surrendered jurisdiction when making her decision and thus made her decision in the absence of jurisdiction. The fallacy of this response is readily seen and lies in the fact that “a federal court always has jurisdiction to determine its own jurisdiction.” *Knudsen v. Liberty Mut. Ins. Co.*, 411 F.3d 805, 808 (7th Cir. 2005) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)). Thus, the decision in Straw was an exercise of jurisdiction, even though the decision was that jurisdiction was absent.

Judicial immunity applies to actions of a judge performed in her judicial capacity. See *Dawson v. Newman*, 419 F.3d 656, 661 (7th Cir. 2005); *Dellenbach v. Letsinger*, 889 F.2d 755, 759–60 (7th Cir. 1989). “[W]hether an act by a judge is a ‘judicial’ one relate[s] to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., whether they dealt with the judge in his judicial capacity.” *Stump v. Sparkman*, 435 U.S. 349, 362 (1978). It is indisputable that Straw has sued Judge Magnus-Stinson because of a decision—a judicial ruling—made in the course of *Straw*. Judicial immunity, which shields judges from suits for money damages based on actions taken as a judge, including judicial rulings. *Smith v. City of Hammond*, 388 F.3d 304, 306–07 (7th Cir. 2004). In these circumstances, Straw’s “claim for damages is self-defeating.” *Koorsen v. Dolehanty*, 401 F. App’x 119, 120 (7th Cir. 2010). The same is true of his claim for injunctive relief because, “[w]ith exceptions not applicable here, a federal court may not grant injunctive relief in a suit brought against a judge for acts taken in h[er] judicial capacity. See Federal Courts Improvement Act of 1996, Pub.L. 104–317, § 309(c), 110 Stat. 3847, 3853 (amending 42 U.S.C. § 1983).” *Id.* Under these circumstances, dismissal of the action with prejudice is required. *Id.*

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 3/15/2017



SARAH EVANS BARKER, JUDGE

United States District Court

Southern District of Indiana

PART B

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Everett McKinley
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States Courthouse
Room 2722 –
219 S. Dearborn Street
Chicago, IL 60604



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Phone (312) 435-5850
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ORDER

Submitted March 28, 2017

Decided April 3, 2017

Before

DIANE P. WOOD, Chief Judge

RICHARD A. POSNER, Circuit Judge

MICHAEL S. KANNE, Circuit Judge

No. 17-1560	ANDREW U. D. STRAW, Plaintiff-Appellant, v. JANE E. MAGNUS- STINSON, Defendant- Appellee.
Originating Case Information:	

District Court No: 1:17-cv-00525-SEB-MPB Southern District of Indiana, Indianapolis Division District Judge Sarah Evans Barker
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Andrew Straw appeals the dismissal of his suit against Chief Judge Magnus-Stinson, whom he sued after she dismissed his lawsuit against the Indiana Supreme Court and others. But judges are absolutely immune from liability for damages based on actions taken within their judicial capacity. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991); *Dawson v. Newman*, 419 F.3d 656, 660-61 (7th Cir. 2005). Chief Judge Magnus-Stinson acted within her judicial capacity in dismissing Straw's lawsuit against the Indiana Supreme Court, and he may not turn around and sue her because he is unhappy with the outcome. *See Smith v. City of Hammond, Ind.*, 388 F.3d 304, 307 (7th Cir. 2004) (“[T]he core concern animating absolute immunity for judges is the prospect of malicious suits by disappointed litigants.”).

AFFIRMED.

PART C

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

ANDREW U. D. STRAW,)
 Plaintiff,)
) Case No.: 1:17-cv-525
v.)
) Hon.
JANE MAGNUS-) Judge Presiding
STINSON)
 Defendant.) Hon.
) Magistrate Judge
) Jury Trial Demanded

VERIFIED COMPLAINT TO PROTECT
DISABILITY RIGHTS

I, plaintiff Andrew U. D. Straw, for my Complaint against the defendant herein, claim that she failed to protect me from civil and criminal civil rights violations by the defendants in *Straw v. Indiana Supreme Court*, 1:16-cv-3483-JMS-TAB (S.D. Ind.). The judge asserted case law to absolutely deny jurisdiction (*Younger* and *Middlesex*), and then she failed to provide injunctive relief to which I was entitled, and protection from the criminal and civil

rights violations against me by the defendants in that case. Defendant Magnus-Stinson principally violated my right to protection and the services of the federal court, which she denied completely. 42 U.S.C. § 1985(2) and 1985(3). She had a duty to protect my rights under 42 U.S.C. § 1986, and to provide 5th Amendment due process before invoking Middlesex, but she failed to do so, even ratifying injuries to me that were done in complete defiance of the federal court by the defendants in that case two days before Magnus-Stinson dismissed my case.

Because she renounced her jurisdiction and then denied me all assistance and protection, she is without immunity as a judge and responsible for the injuries I sustained from her failing to protect me as a judge. I demand all damages appropriate to compensate me for her failure to protect my rights, including the 180-day suspension imposed on me illegally and criminally by the Indiana Supreme Court, by all of its justices. She failed to protect me even when I am a candidate for justice on the Indiana Supreme Court, and my complete application was submitted about 1 week before my suspension.

Defendant had the power to protect me and she chose not to do so, and this is the definition of a 42 U.S.C. § 1986 violation. I am so injured by the defendants in *Straw v. Indiana Supreme Court* that I have made a criminal complaint to U.S. Department of Health & Human Services for multiple HIPAA Security Rule

violations that were done deliberately and to harm me, and the judge here completely disregarded her obligation and duty to take jurisdiction and protect me.

PERSONAL FACTS

1. I am a lawyer with disabilities and I was attacked by the ADA Coordinator of the Indiana Supreme Court after I made an ADA complaint to her. That ADA Coordinator filed a disciplinary complaint in violation of the ADA's anti-retaliation provision and to deter me from making any further complaints.

2. After 27 months of ADA-violating disciplinary process, I filed a federal ADA, Titles II & V complaint (including constitutional violations, inter alia) in federal court before the defendant, Hon. Jane Magnus-Stinson. I asked for ADA relief and injunctive protection because the discipline against me was completely bogus and initiated in the ADA Coordinator's office as both an ADA violation and an ethical violation under Rule 8.4(g).

3. No client, judge, or opposing counsel complained about me, and no judge has ever given me a sanction in 18 years prior to this attack.

4. The Indiana Supreme Court justices violated me on Valentine's Day, February 14, 2017, and one of

them, Justice David, wanted even harsher punishment of me. Like a bank robber who regretted not stealing enough, that justice wanted to hurt me even more after I broke both of my legs driving to that hateful court to work.

5. That ADA Coordinator exposed my disabilities and judged them negatively when she gave out her complaint to members of the public, lawyers, lower courts (where my insurance and I were damaged in the amount of at least \$65,000 in money damages), and the disciplinary body in Indiana. These exposures and malicious uses of my disability and health information are HIPAA Security Rule violations and I have made a criminal complaint to U.S. Department of Health & Human Services about all those who exposed my information or used it to harm me once they received it. This includes all the defendants in the *Straw v. Indiana Supreme Court* case.

6. I told the federal judge that the actions of the defendants were criminal acts against me, and all she did is accelerate her dismissal of my case and refusal to take jurisdiction.

**COUNT I: DEFENDANT MAGNUS-STINSON
FAILED TO PROTECT ME UNDER 42 U.S.C. §
1986**

7. The judge did an action in the case wherein she took jurisdiction, and that was granting me the right to *In Forma Pauperis* status under 28 U.S.C. § 1915. By doing this, she inherently recognized that my case met certain standards under 28 U.S.C. § 1915(e). My case was not frivolous. My case was not malicious. My case was one upon which relief could be granted. After recognizing in this way that my case was good, she had a responsibility to protect me after taking jurisdiction.

8. There are two actions that deserve punishment.

9. The first is denouncing and abstaining from jurisdiction when there was no case that allowed her to abstain without any hearing whatsoever. *Mireles v. Waco*, 502 U.S. 9 (1990) held that a judge is not immune when there was a total absence of jurisdiction, and that's exactly what the defendant asserted and imposed. "Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." (*Mireles*, p. 12). She simply applied *Middlesex* (*Younger* doctrine) and did not give me a chance to do discovery or have an evidentiary hearing (provided in *Middlesex*), in total violation of my 5th Amendment right to due process. She violated my right to due process, without which it

was impossible to brief the matter, as she demanded.

10. The second violation that needs to be punished is the failure to protect me from ADA and many other civil rights and constitutional violations after she denied jurisdiction.

**COUNT II: CONSPIRACY TO VIOLATE
FEDERAL DISABILITY RIGHTS, 42 U.S.C. §
1985(3), CONSTITUTIONAL RIGHTS UNDER
AMENDMENTS V & IX.**

11. My constitutional protections under the Fifth and Ninth Amendments to the U.S. Constitution were treated as void before this judge who stripped herself of judicial immunity by refusing to take jurisdiction and decide the case. She did that to harm me, knowing full well that the Indiana Supreme Court would attack my license, and it did so while the case was still open before this defendant judge.

12. My reputation and ability to have a career as a disability rights lawyer has been under illegitimate attack for 16 years. I had the right to protection.

13. I had the right to protection as a candidate for Indiana justice. I had the right to protection as a 2018 Indiana U.S. Senate candidate. But the defendant denied me all protection by stripping herself of jurisdiction, and therefore immunity.

COUNT III: INJUNCTION RELIEF

14. I demand that the judge provide me with an official apology for refusing to do her duty and protect me.

15. I demand that the defendant here, chief judge of this district, remove herself from presiding over my case against the Indiana Supreme Court. I specifically demand that Judge Young also not be allowed to preside, since he committed similar violations of my rights, although with less injury to me than the defendant here.

PRAYER FOR RELIEF

16. I demand compensation for the failures to protect my disability rights and constitutional rights, *inter alia*. To the extent that the above facts also demonstrate intentional infliction of emotional distress, which this judge did inflict on me, I seek full compensatory and punitive damages for it against this immunity-stripped judge for the failure to exercise jurisdiction while abandoning my right to due process, and then the failure to protect me from substantive violations listed in *Straw v. Indiana Supreme Court*. This includes the 180-day suspension and all the damage that goes with it.

17. I seek all compensatory and punitive damages as may be available and appropriate under the various civil rights counts, especially under 42 U.S.C. § 1985(3), and 42 U.S.C. § 1986.

18. I seek at a minimum \$5,000,000 in compensatory damages, the amount sought in *Straw v. Indiana Supreme Court*, plus punitive damages.

19. I seek injunctive relief as this Court deems fit, per _____ Count _____ III.

20. I ask any other relief that this Court and a jury may deem fit under the circumstances.

JURISDICTION AND VENUE

21. This Court has jurisdiction over this action under 28 U.S.C. § 1331, as it contains federal questions based on Fifth and Ninth Amendments of the U.S. Constitution, plus Due Process rights and federal actions under 42 U.S.C. § 1985, and 42 U.S.C. § 1986, inter alia.

22. Venue properly lies in the Southern District of Indiana under 28 U.S.C. §1391(b), as a substantial part of the events giving rise to this action occurred within this district.

I, Attorney Andrew U. D. Straw, certify that to the best of my knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that the above statements and factual representations are true and correct under penalty of perjury.

Respectfully submitted,

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PART D

U.S. Constitution, Article III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive **for their Services**, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

cl. 1: The judicial Power shall extend to **all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States**, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—**between a State and Citizens of another State**;¹⁰ —between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

cl. 2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and **those in which a State shall be Party**, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

cl. 3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

cl. 1: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

cl. 2: The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

PART E

U.S. Constitution, Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.

PART F

U.S. Constitution, Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage **others retained by the people.**