

APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

v.

EHAB ALLABABIDI,
Defendant-Appellant, Pro Se.

APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

Appeal No. **1-26-0055**

Appeal from the Circuit Court of Cook
County, Illinois,
Criminal Division,
No. **23 CR 0241301**

Notice of appeal filed
January 12, 2026

MOTION FOR ORIGINAL SUBMISSION DATE UNDER ILLINOIS SUPREME
COURT RULE 9(F)(1), AND TO DEEM THE EMERGENCY MOTION
SUBMITTED AUGUST 2, 2026 FILED AS OF THAT DATE

Ill. S. Ct. R. 9(f)(1)(A) and 9(f)(1)(B) · filed within five court days of the notice of rejection

THE DOCUMENT ATTACHED AS EXHIBIT 1 IS UNCHANGED FROM THE ONE SUBMITTED
AUGUST 2, 2026.

Defendant-Appellant EHAB ALLABABIDI, self-represented, moves under Illinois Supreme Court Rule 9(f)(1) for an order establishing that the effective date of filing of the document attached as Exhibit 1 is **August 2, 2026**, the date of its original submission. Rule 9(f)(1)(A) requires that four things be set forth. They are set forth first, in the order the rule states them.

(i) Date of original submission	August 2, 2026, at 1:46 p.m. — envelope No. 39310613, filing type EFileAndServe, filed in this Court.
(ii) Date of the rejection	August 4, 2026, at 3:49 p.m. — notice transmitted by the electronic filing manager.
(iii) Reason for the rejection	As stated on the notice, in full and without omission. Rejection Reason: “Rejection by Clerk.” Rejection Comments: “Contact your attorney at the State Appellate Defenders office.”
(iv) The document to be deemed filed	Exhibit 1 — “Appellant’s Emergency Motion to Reconsider July 31, 2026 Order, Vacate or Limit Appointment of Counsel, and Key September 9 Record Deadline to Clerk’s Transmission,” as identified in the Filing Description on the notice. It is attached in full and contains no changes from the original submission , for the reason stated in Part III.

I. The rule, and the two sentences that govern

If a document is rejected **for any reason**, the filing party may, within 5 court days of the notice of rejection, file a motion requesting that the later-filed document be deemed to have been filed on the original submission date.

Ill. S. Ct. R. 9(f)(1)(A).

The court **shall grant** a timely motion for original submission date that satisfies the foregoing requirements and enter an order establishing that the effective date of filing of the corrected document shall be the date of the original submission. **If the filer establishes that the original filing was rejected for reasons not in conformity with those permitted under Rule 9(f), the corrected document need not vary from the original submission.**

Ill. S. Ct. R. 9(f)(1)(B).

This motion is timely. The notice of rejection issued August 4, 2026, at 3:49 p.m.; five court days from that notice runs to Tuesday, August 11, 2026. The four required statements appear above. What remains is the second sentence of Rule 9(f)(1)(B), and Part III addresses it.

II. What the order of July 31, 2026 says, and what the comment says

The order under which the appointment was made was entered July 31, 2026 by Presiding Justice James Fitzgerald Smith. Its operative paragraph reads in full:

Defendant-Appellant Ehab Allababidi is given an extension of time to September 9, 2026 to **properly file the record in this Court**, and the Office of the State Appellate Defender is appointed to represent Defendant-Appellant Ehab Allababidi in this appeal.

Order, People v. Allababidi, No. 1-26-0055 (Ill. App. Ct., 1st Dist., July 31, 2026).

Appellant sets that paragraph beside the comment on the notice of rejection, and does nothing to either of them.

The order of July 31, 2026	The comment of August 4, 2026
The order gives Defendant-Appellant Ehab Allababidi an extension of time “to properly file the record in this Court.”	The comment directs that Appellant “[c]ontact your attorney at the State Appellate Defenders office” rather than file.
The order bars Appellant from filing nothing . It contains no direction that Appellant file nothing further, no restriction on his appearing or being heard, and no limitation of any kind on what he may submit.	The rejection prevented Appellant from filing at all.
The order names Appellant as the person on whom the September 9 deadline operates.	The comment treats Appellant as a person who may not submit a document to this Court.

Appellant does not ask this Court to find that anyone acted improperly, and Part V states that expressly. He asks it to note only that the order and the comment cannot both be followed by the same person, and that of the two it is the order that this Court entered.

III. The stated reason is not a ground permitted under Rule 9(f), and the document therefore need not vary

Rule 9 governs electronic filing. Its subject matter throughout is the mechanics of submission: paragraph (c) excepts original wills; paragraph (d) exempts documents filed by incarcerated litigants, documents under the Juvenile Court Act, documents filed by persons with a disability preventing e-filing, and documents covered by a certification of good cause; paragraph (e) governs how an exempt document may be filed; and paragraph (f) governs timeliness, rejection, and technical failure. **No provision of Rule 9 authorizes rejection of a document because the filing party is represented by counsel.**

That is the entire argument, and appellant does not enlarge it. Whether a represented appellant may file and be heard in this Court on his own behalf is a question for this Court. **It is also the precise question that Exhibit 1 asks this Court to decide** — paragraphs 1, 2 and 7 of its prayer seek vacatur of the appointment, confirmation that the appointment does not displace Appellant’s right to file, and confirmation that the motion is properly before the Court. A document that asks a court to decide whether its author may file cannot be answered by an intake determination that he may not.

Because the stated reason is not a ground permitted under Rule 9(f), the second sentence of Rule 9(f)(1)(B) applies by its terms and **the corrected document need not vary from the original submission**. Exhibit 1 is therefore identical to the document submitted in envelope No. 39310613. Nothing has been added, removed, or altered. Appellant states this so that the Court may compare the two without taking his word for it.

IV. Why the date matters, and why the motion is brought rather than the filing abandoned

The order of July 31, 2026 sets September 9, 2026 as the date by which the record is to be filed. Exhibit 1 asks this Court, among other things, to key that date to the circuit clerk’s transmission of the record, on the ground pleaded at paragraph 10 of the motion the order denies: that under Rule 608(a) and First District Local Rule 10(a) the circuit clerk, and not the appellant, prepares, certifies and transmits the record. The nearer September 9, 2026 comes, the less useful that relief becomes.

Appellant does not argue the merits of Exhibit 1 here and asks this Court not to reach them on this motion. He states the point only to show that the loss of the August 2 submission date is not formal. **The relief sought in Exhibit 1 is time-sensitive, and the interval between August 2 and the date this motion is decided is interval it cannot spare.**

V. What this motion does not assert

- A. It does not assert that the Clerk of this Court, any deputy clerk, or any employee of the electronic filing manager acted improperly, in bad faith, or with any intent to obstruct. **A ministerial officer applying an intake practice is not a wrongdoer**, and nothing in this motion is offered as a predicate for any proceeding against anyone.
- B. It does not assert that the Office of the State Appellate Defender, or any attorney of that Office, has failed in any duty. No complaint, referral, or disciplinary proceeding is threatened or contemplated by this motion.
- C. It does not ask this Court to reconsider the order of July 31, 2026. That relief is sought in Exhibit 1, which is attached to be filed rather than argued.
- D. It does not assert that the order of July 31, 2026 barred Appellant from filing. **It did not, and that is the point of Part II.** Appellant reads the order as written.

VI. Relief requested

WHEREFORE, Defendant-Appellant EHAB ALLABABIDI respectfully asks that this Court:

1. **ENTER** an order under Illinois Supreme Court Rule 9(f)(1)(B) establishing that the effective date of filing of the document attached as Exhibit 1 is **August 2, 2026**, the date of its original submission in envelope No. 39310613;

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2. **DIRECT** the Clerk to accept and docket Exhibit 1 as of that date;
 3. **CONFIRM**, so that the question does not recur on the next submission, that the appointment entered July 31, 2026 does not by itself bar Appellant from filing documents in this appeal, the order containing no such direction; and
 4. **GRANT** such further relief as the case may require under Rule 366(a)(5).

Verification

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), I certify that the statements set forth in this instrument are true and correct, except as to matters stated on information and belief, and as to those matters I certify that I verily believe them to be true. Every description of a court record in this instrument is drawn from the document identified for it in the supporting record filed herewith.

Respectfully submitted,

/s/ Ehab Allababidi

EHAB ALLABABIDI

Defendant-Appellant, Pro Se

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Dated: August 4, 2026