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**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

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**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

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

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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.

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(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.

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I. The rule, and the two sentences that govern

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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.

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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

8516 W. Winona St., Chicago, Illinois 60656

(773) 920-0030 | defcon5ready@gmail.com

Dated: August 4, 2026

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**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

PROPOSED ORDER

Submitted with the Rule 9(f)(1) motion · Ill. S. Ct. R. 361(b)(2)

This cause coming before the Court on Defendant-Appellant’s motion for original submission date under Illinois Supreme Court Rule 9(f)(1), the Court being fully advised in the premises, IT IS HEREBY ORDERED:

Alternative A — Allowed

1. The motion is GRANTED. The effective date of filing of the document attached to the motion as Exhibit 1 is **August 2, 2026**, the date of its original submission in envelope No. 39310613.
2. The Clerk shall accept and docket Exhibit 1 as of August 2, 2026.
3. The appointment entered July 31, 2026 does not of itself bar Defendant-Appellant from filing documents in this appeal.

Alternative B — Denied

1. The motion for original submission date is DENIED.
2. The document submitted in envelope No. 39310613 stands rejected.

ENTERED: _____

JUSTICE

EXHIBIT 1

The document to be deemed filed

Submitted August 2, 2026 at 1:46 p.m.

Envelope No. 39310613 · rejected August 4, 2026

Emergency Motion to Vacate the Appointment of Counsel Entered on the Court's Own Motion, for Reconsideration of the Denial of Record Relief, and to Key the September 9, 2026 Deadline to Transmission of the Record

Reproduced in full and WITHOUT ALTERATION from the original submission.

Ill. S. Ct. R. 9(f)(1)(B): where a filing was rejected for reasons not in conformity with Rule 9(f), “the corrected document need not vary from the original submission.” Nothing has been added, removed, or changed.

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**APPELLATE COURT OF ILLINOIS
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PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff-Appellee,

V.

EHAB ALLABABIDI,
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APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

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

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County, Illinois,
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No. **23 CR 0241301**

Notice of appeal filed
January 12, 2026

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**EMERGENCY MOTION TO VACATE THE APPOINTMENT OF COUNSEL
ENTERED ON THE COURT’S OWN MOTION, FOR RECONSIDERATION OF
THE DENIAL OF RECORD RELIEF, AND TO KEY THE SEPTEMBER 9, 2026
DEADLINE TO TRANSMISSION OF THE RECORD**

*Ill. S. Ct. R. 323(c), 328, 329, 361, 366(a)(5), 607, 608, 610, 612, 651 · First District Local Rules 4(e) and 10(a) · 705 ILCS
105/27.1b(h)(1)*

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**THE ORDER OF JULY 31, 2026 GIVES APPELLANT UNTIL SEPTEMBER 9, 2026 TO FILE A
RECORD THAT RULE 608(a) SAYS ONLY THE CIRCUIT CLERK MAY FILE.** Appellant
pleaded that very point at paragraph 10 of the motion the order denies: “only the circuit clerk may
prepare, certify, and electronically transmit the record ... Appellant cannot personally upload or transmit
the certified record in the clerk’s place.” The circuit docket has said “Common Law Record Prepared”
since February 5, 2026 — 178 days. The Rule 608(c) transmission period expired March 16, 2026 — 139
days ago. Appellant has 38 days to perform an act he has no legal capacity to perform, and the ordinary
consequence of failing is dismissal for want of prosecution.

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AND APPELLANT DID NOT ASK FOR COUNSEL. The motion of July 23, 2026 requested eight
things. Every one of them is record mechanics. None is the appointment of an attorney. The words
“counsel,” “appointment of counsel,” “appellate defender” and “indigent counsel” appear nowhere in the
prayer for relief. The People requested nothing. No response, notice, or motion in this appeal raised the
subject. **The order grants the only relief no party sought and denies all eight that one did,** and it
states no ground for either half.

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Relief requested

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- 1. VACATE** so much of the order of July 31, 2026 as appoints the Office of the State Appellate
Defender, that relief not having been requested by any party; or, in the alternative,

2. **CONFIRM** on the face of an order that the appointment does not displace Appellant’s right to file, appear, and be heard in this Court pro se, and that the Office of the State Appellate Defender is appointed as standby or consulting counsel only, and hold the appointment in abeyance until Appellant has been heard on whether he seeks representation.
3. **RECONSIDER** the denial of items (1) through (6) of the July 23, 2026 verified motion, and **DIRECT** the Clerk of the Circuit Court of Cook County to prepare, certify, and electronically transmit the complete Rule 608 record within 14 days.
4. **DIRECT** that no asserted record-preparation charge under 705 ILCS 105/27.1b(h)(1) further delay transmission, in light of this Court’s full waiver of fees entered July 20, 2026; or **REMAND** on a limited basis for a prompt indigency or fee determination, after which the clerk shall transmit immediately.
5. **REMAND** on a limited basis for prompt settlement and certification of the proposed Rule 323(c) report of proceedings filed January 12, 2026, which has been pending 202 days.
6. **KEY** the September 9, 2026 deadline to the event that makes compliance possible — providing that the record is due, and Appellant’s brief due 35 days thereafter under Rule 343(a), measured from the date the circuit clerk transmits the record, and that no dismissal for want of prosecution shall enter for a failure to file a record Appellant may not lawfully file.
7. **CONFIRM** that Appellant may file and be heard on this motion notwithstanding the appointment, and that this motion is properly before the Court.
8. **DIRECT** that the docket entry for the twenty-eight-page instrument accepted in envelope No. 39155825 on July 23, 2026 be corrected to reflect that it is a **Supporting Record under Ill. S. Ct. R. 328**, and **CONFIRM** that it is of record in this appeal for the disposition of Appellant’s motions.
9. **GRANT LEAVE** to file instanter Appellant’s pro se Appearance and the proposed order identified in the Notice of Filing served July 23, 2026, to the extent the docket does not reflect them, and **DIRECT** the Clerk to enter Appellant as a service contact in this appeal.

I. The relief requested, and the relief granted

The table below is the prayer for relief of the verified motion filed July 23, 2026, reproduced in the order it appears there, against the disposition each request received. The last row is not a request. It is the relief the order granted.

What the July 23 motion asked for	Authority	Disposition	Ground stated
(1) Direct the Clerk of the Circuit Court of Cook County to prepare, certify, and electronically transmit the complete Rule 608 record within 14 days.	R. 608(a); Local R. 10(a)	DENIED	None
(2) Direct that no asserted record-preparation charge further delay compliance; alternatively, a limited remand for an indigency or record-fee determination.	705 ILCS 105/27.1b(h)(1)	DENIED	None

What the July 23 motion asked for	Authority	Disposition	Ground stated
(3) Direct court reporting personnel to provide the postconviction and relevant reports without cost upon an indigency finding.	R. 607(b); R. 651(b), (c)	DENIED	None
(4) Remand for the limited purpose of settling and certifying the January 12, 2026 Rule 323(c) report, and correcting or supplementing under Rule 329.	R. 323(c); R. 329; R. 612(b)(3)	DENIED	None
(5) Grant leave for the circuit clerk's untimely record to be filed instanter when transmitted, and direct the Clerk of this Court to accept it.	Local R. 4(e)	DENIED	None
(6) Set Appellant's brief due 35 days after the complete record is filed.	R. 343(a)	DENIED	None
(7) Accept the Rule 328 Supporting Record solely for disposition of the motion.	R. 328	DENIED	None
(8) Grant any further relief necessary to place this appeal on a merits track.	—	DENIED	None
<i>Appointment of an attorney for Appellant. Not requested by Appellant. Not requested by the People. Not the subject of any pending motion, response, or notice in this appeal.</i>	—	GRANTED	None

The fourth column is not rhetorical. The order recites the title of the motion, states that the Court is “fully advised in the premises,” and denies it. It identifies no request it found unsupported, no rule it found inapplicable, and no fact it found wanting. It does not address paragraph 10, which is the paragraph the deadline it entered turns on. Rule 366(a)(5) authorizes this Court to enter any order that the case may require, and stating a ground costs nothing. **Appellant asks that any order disposing of this motion identify the ground, so that no other forum is required to infer it.** Four forums will be asked to read it: the three federal actions listed in Part VII, and the Supreme Court of Illinois on any petition under Rule 315.

Appellant states without qualification: he did not ask this Court to appoint an attorney for him, in the motion of July 23, 2026 or in any other instrument filed in No. 1-26-0055. He was not asked whether he wished to be represented. No hearing was held on the question, no admonition was given, and no waiver was taken. The first notice Appellant had that an attorney would speak for him in this appeal was the order itself.

II. The act the order requires is the clerk's

Rule 608(a) is not permissive, and it does not address itself to the appellant:

“Upon the filing of a notice of appeal the clerk of the circuit court **shall prepare** the record on appeal ... as directed by the appellate court docketing order.”

Ill. S. Ct. R. 608(a).

First District Local Rule 10(a) makes Appellant responsible for *requesting* preparation. He did request it, and pleaded that he had. What he cannot do is certify a record or transmit it electronically from the circuit clerk's system, and he said so in the very paragraph the order denies:

“Rules 324 and 325 apply in criminal appeals through Rule 612(b)(4)-(5), and Rule 329 applies through Rule 612(b)(7). First District Local Rule 10(a) makes Appellant responsible for requesting preparation, but **only the circuit clerk may prepare, certify, and electronically transmit the**

record. Appellant renews that request through this verified motion and asks this Court to direct the circuit clerk's compliance; **Appellant cannot personally upload or transmit the certified record in the clerk's place."**

Verified Motion filed July 23, 2026, ¶ 10.

The order denies the request that the clerk be directed, and then gives Appellant until September 9, 2026 "to properly file the record in this Court." Those two provisions cannot both be carried out. The first removes the only mechanism by which the record can reach this Court; the second sets a deadline for its arrival and places it on the party who does not control it. One of the two provisions has to give way, and only one of them is fixed by rule. Rule 608(a) assigns the act; the date does not. Appellant asks that the date be keyed to the transmission.

The circularity is already documented. On July 9, 2026 the Clerk of this Court rejected Appellant's completed brief, envelope No. 38927083, with this explanation: **"The record is to be filed before the brief, no record or appearance has been filed."** Appellant may not file a brief without the record. He may not file the record at all. And he is now under a deadline to file it.

III. The record has been prepared since February 5, 2026

January 12, 2026	Notice of appeal filed. The appeal is docketed in this Court as No. 1-26-0055.
January 12, 2026	Proposed Rule 323(c) report of proceedings filed in the circuit court. It has never been settled or certified. 202 days.
February 5, 2026	The circuit docket states "Common Law Record Prepared." Nothing has been transmitted since. 178 days.
March 16, 2026	The Rule 608(c) 63-day transmission period expired. 139 days ago.
July 9, 2026	Appellant's brief rejected: "The record is to be filed before the brief." Envelope No. 38927083.
July 20, 2026	This Court granted Appellant a full waiver of appellate fees on the basis of his receipt of means-tested public benefits.
July 23, 2026	The verified motion. Eight requests, all record mechanics.
July 31, 2026	Motion denied in its entirety. Counsel appointed. Deadline of September 9, 2026 placed on Appellant.

The delay is not attributable to anything Appellant controls. It is not attributable to a brief; his brief was written and tendered on July 9 and rejected for want of the record. It is not attributable to a failure to request; the request is pleaded and verified. The record was prepared in February and has not moved.

IV. The seventy dollars

Appellant is advised that the Clerk of the Circuit Court of Cook County requires payment of \$70 before transmitting, corresponding to the statutory record-preparation charge for a record of not more than 100 pages. 705 ILCS 105/27.1b(h)(1). **No such charge has ever been assessed against Appellant in writing.** No order, invoice, or notice states the amount, the authorizing provision, or the date it accrued. On July 20, 2026 this Court granted him a full waiver of appellate fees on exactly that basis.

The order of July 31, 2026 does not find that the charge is owed, does not find that it is waived, and denies the request that it not be permitted to delay transmission further. The result is that a \$70 charge,

unadjudicated, is holding a criminal appeal in suspension between two clerks' offices while a fee waiver from this Court sits in the file. Appellant asks for a ruling on it in either direction. He does not ask this Court to excuse a lawful charge; he asks that it be determined, because an undetermined charge is the one thing that cannot be paid, waived, or appealed.

V. The Rule 323(c) report has awaited settlement for 202 days

No usable verbatim transcript was provided, so on January 12, 2026 Appellant filed a proposed bystander's report under Rule 323(c), made applicable to criminal appeals by Rule 612(b)(3). The rule directs that the trial court **promptly** settle, certify, and order it filed. It has not been settled, certified, amended, rejected, or set for hearing. It has been pending longer than the entire appeal has been docketed.

Appointed counsel cannot cure this. Rule 651(c) obliges counsel in a postconviction appeal to consult with the petitioner, examine the record of the proceedings, and make any amendments necessary for an adequate presentation. **Every one of those duties presupposes a record.** An attorney appointed on July 31, 2026 is in precisely the position Appellant is in: unable to examine a record that has not been transmitted, and unable to compel the clerk who has not transmitted it. The appointment does not answer the motion; it adds a second person to whom the same answer is owed.

VI. The companion appeal

Appellant raises the following because it bears directly on the relief requested in paragraphs 1 and 2 above, and for no other purpose. Appellant does not ask this Court to review the order of another district.

On July 31, 2026 — the same day as the order at issue here — the Appellate Court, Second District, entered an order in *People v. Allababidi*, No. 2-26-0352, an appeal in a separate Lake County prosecution. That order likewise appointed the Office of the State Appellate Defender. It then provided:

“Now having been appointed counsel, appellant himself shall file nothing further with this court and shall not communicate by any means with appellee’s counsel.”

Order, People v. Allababidi, No. 2-26-0352 (Ill. App. 2d Dist. July 31, 2026).

So on a single day, in two districts, in two appeals, an attorney was appointed for Appellant without his having asked for one in either forum; and in one of the two the appointment was made the express predicate for an order that he file nothing further and communicate with no one. Appellant does not know whether this Court's appointment is intended to carry the same implication. That is the reason for paragraph 2 of the relief requested: he asks that the order say. A sentence confirming that Appellant may continue to file and be heard costs the People nothing, decides no question presented by this appeal, and removes an ambiguity that will otherwise be resolved against him by a clerk's office rather than by a judge.

VII. Representation

Appellant does not question the competence of the Office of the State Appellate Defender within its statutory function, and does not contend that this Court lacks power to appoint counsel. The objection is to scope and to sequence.

1. He did not request counsel in this Court, and no party did.

2. He was not asked, admonished, or heard before counsel was appointed, and he executed no waiver of self-representation because none was ever sought.
3. He has prosecuted this appeal himself since January 12, 2026, drafted and tendered the brief, prepared the Rule 328 supporting record, and drafted the proposed Rule 323(c) report that awaits settlement.
4. This appeal is one of five coordinated proceedings. Three are pending in the United States District Court for the Northern District of Illinois — a civil RICO action, No. 1:25-cv-15800; an action under 42 U.S.C. § 1983, No. 1:26-cv-06738; and a petition for habeas corpus, No. 1:26-cv-01077. A fourth is a separate criminal appeal in the Second District, No. 2-26-0352. Positions taken in this appeal carry exhaustion and preclusion consequences in all of them, including under 28 U.S.C. § 2254(b)(1)(A) and (b)(1)(B)(ii).
5. The Office of the State Appellate Defender is created and funded as an appellate criminal defense agency. 725 ILCS 105/1 *et seq.* It has no appearance, no authority, and no notice in any of the four proceedings named above. **Counsel appointed on July 31, 2026 without consultation is therefore in a position to take a position in this appeal that binds four proceedings he does not know exist.** That is not a criticism of the office. It is a description of the scope of the matter measured against the scope of the appointment, and it is the reason consultation before appointment is not a formality here.
6. If, after consultation, Appellant concludes that representation serves him, he will say so on the record and withdraw this motion as to paragraphs 1 and 2. The sequence is the objection: consultation precedes appointment, not the reverse.

VIII. The docket entries for envelope No. 39155825

Appellant raises the following as a matter of docket accuracy. He does not allege that any person selected any code improperly, and he does not know who selected it: in eFileIL the filing code is chosen from a list at submission, and Appellant does not assert that the choice was the Clerk's. He states what the acceptance notices show, and asks that the docket be made to describe the documents it holds.

Document accepted in envelope No. 39155825	Pages	Filing code applied
02_APPELLATE_VERIFIED_MOTION_RECORD_RELIEF_1-26-0055.pdf the verified motion the order of July 31, 2026 denies	6	“*Motion — Record/Exhibit — Record on Appeal” accurate
04_APPELLATE_RULE_328_SUPPORTING_RECORD_1-26-0055.pdf the Rule 328 supporting record, containing the docket entries, the notice of appeal, the July 9 rejection, the docketing notice, the July 20, 2026 waiver order, and the proposed Rule 323(c) report	28	“Notice of Filing” a Rule 328 supporting record is not a notice of filing

Request (7) of the July 23 motion asked this Court to “accept the Rule 328 Supporting Record solely for disposition of this motion.” It was denied. Appellant does not know whether the supporting record was before the Court when that request was ruled on. What he can say is that a reader consulting the docket for a supporting record in this appeal would not find one under that description, and that the twenty-eight pages on which the motion's every factual assertion rests are entered under a code that names a different kind of instrument.

This is the second time in Appellant’s litigation that an instrument has been entered under a code that does not describe it. On June 15, 2026, in Lake County No. 23 CF 1146, a file-stamped verified omnibus motion was entered on the public docket as “Correspondence.” It was never calendared and has never been ruled on. Appellant draws no inference from the coincidence and asks this Court to draw none. He states it because the consequence in both instances is the same and is mechanical rather than deliberate: an instrument docketed as something else is an instrument no judge is asked to rule on.

Two further matters appear on the face of the same notices, and Appellant raises them now rather than later. First, the Notice of Filing served July 23, 2026 identified **four** documents — the pro se Appearance, the verified motion, a proposed order, and the Rule 328 supporting record. The acceptance notices in Appellant’s possession show **two**. That is material because the Clerk of this Court rejected Appellant’s brief on July 9, 2026 with the explanation that “**no record or appearance has been filed,**” and because this Court entered an order on July 31, 2026 without a proposed order from either party before it. Second, the acceptance notice carries the instruction: “be sure to add yourself as a service contact on this case in order to receive eService.” If Appellant is not entered as a service contact, he is not receiving electronic service of filings in his own appeal. He asks that the Clerk be directed to enter him.

IX. The dispositions available

Appellant sets the following out so that the Court may, if it wishes, decline to decide any of it. He asks only that whatever is entered be entered because it was chosen.

The order	What entering it necessarily holds	What follows from it
1. Deny this motion; leave the appointment and the September 9, 2026 date as entered	That an appellant may be given a deadline to file a record that Rule 608(a) commits to the circuit clerk, and that the appointment of counsel he did not request answers a motion about the transmission of a record.	Dismissal for want of prosecution becomes available on September 9, 2026 for a failure to perform an act Appellant may not lawfully perform. The record is 178 days prepared and still not transmitted.
2. Key the deadline to transmission; decide nothing else	Nothing. It fixes the date by reference to the event, which is the ordinary practice under Rules 343(a) and 608(c).	Appellant accepts this disposition. It removes the impossibility without reaching the appointment, the fee, or the bystander’s report.
3. Direct the circuit clerk to transmit	Nothing beyond what Rule 608(a) already provides, and what the circuit docket records as having been prepared on February 5, 2026.	The appeal moves for the first time since January. Every other question in this motion becomes easier, and most become unnecessary.
4. Confirm the appointment does not bar Appellant from filing	Nothing. It states the effect the Court intended.	One sentence. It costs the People no argument and resolves the ambiguity created by the companion order of the same date.
5. Vacate the appointment	That relief granted on the Court’s own motion, without request, notice, or hearing, may be withdrawn on the application of the person it was granted against.	Restores the posture in which the July 23 motion was filed, and leaves the appointment available at any time on request.
6. Grant the motion in full	That the record must be transmitted, the charge determined, the bystander’s report settled, and the schedule keyed to the record.	The appeal is on a merits track for the first time since January 12, 2026.

Five of the six require this Court to hold nothing it has not already held or is not already provided by rule. The first requires it to hold that a deadline may run against a party who cannot satisfy it.

X. Emergency

The deadline is 38 days away and cannot be met by its addressee. The record has been prepared and unmoved for 178 days, and the Rule 608(c) period expired 139 days ago. The proposed report of proceedings has awaited settlement for 202 days. No brief has been accepted and no record has arrived. As of July 31, 2026 the only party with an incentive to move the record is also the only party the order forbids from moving it, and the appointed office has no appearance on file, no record to examine, and no notice of the four proceedings this appeal is coordinated with. The next event on the calendar is a dismissal date.

XI. Limits

1. It does not ask this Court to reconsider any judgment of the circuit court, or to reach any question presented by the appeal.
2. It does not ask this Court to find that any clerk, judge, or attorney acted improperly. Every date recited above is taken from a docket entry, an order, or a rejection notice.
3. It does not ask this Court to review the order of the Second District, or that the Office of the State Appellate Defender be discharged, prevented from appearing, or relieved of any duty it wishes to perform.

A record prepared on February 5, 2026 has not reached a court that has been entitled to it since March 16, 2026. The instrument that would have compelled it was denied without a stated ground, and the date by which it must arrive was assigned to the one participant who cannot produce it. Appellant asks that the date be moved to the office that can, and that whatever this Court decides be decided on a stated ground, because four other courts are going to read it.

Certificate of compliance

I certify that this motion conforms to the applicable form requirements of Illinois Supreme Court Rules 341(a) and 361(a): a proportionally spaced serif typeface of at least 12 points on letter-sized pages, margins of at least three-quarters of an inch, and sequential page numbering.

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

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Dated: August 2, 2026