



ENVELOPE NO. 39386845 — REFUSED 12:15 P.M., AUGUST 7, 2026 · NO. 2-26-0352

WRITTEN ANSWER REQUESTED BY 5:00 P.M.  
MONDAY, AUGUST 17, 2026

## Notice of Ministerial Duty, Demand for the Intake Instruction, and Litigation Hold

**Jeffrey H. Kaplan**

Clerk of the Court

Appellate Court of Illinois, Second District

55 Symphony Way

Elgin, Illinois 60120

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*And to the office of the Clerk generally, and to the person responsible for records retention for that office.***MATTER****People v. Allababidi, No. 2-26-0352 (Ill. App. Ct., 2d Dist.) — Lake County No. 23 CF 1146**Envelope No. 39386845, submitted August 6, 2026 at 11:31 a.m. CST; refused August 7, 2026 at 12:15 p.m. with the comment “See order of 8/7.” · Related: *Allababidi v. Junkin*, No. 1:26-cv-01077 (N.D. Ill.), petition for habeas corpus pending.**Clerk of the Court:**

This letter is addressed to the Clerk of the Appellate Court of Illinois, Second District, in an official capacity. It concerns one envelope in one appeal. It does not concern any other District, any other clerk, or any other case, and it does not ask this office to answer for anyone else. Every document enclosed with it is this office’s own paper or a paper filed in this appeal.

On **August 6, 2026 at 11:31 a.m. CST** the appellant submitted through eFileIL, in No. 2-26-0352, a document described on the face of the submission as “*Supplement & Declaration re Aug. 6 Proceeding; Renewed Special-Prosecutor Request*,” envelope No. 39386845. On **August 7, 2026 at 12:15 p.m.** this office refused it. The Rejection Reason recorded is “**Rejection by Clerk.**” The Rejection Comments, in their entirety, are five words:

**THE ENTIRE STATED GROUND OF THE REFUSAL**

[ “See order of 8/7.” — Notice of rejection, envelope No. 39386845, Appellate Court – 2nd District, August 7, 2026, 12:15 p.m. (Ex. A.) ]

The appellant asks this office to notice the two timestamps on that single document before reading anything further, because they are not in dispute and they are printed by the system rather than asserted by him. **The submission is dated the sixth. The order invoked to refuse it is dated the seventh.** The authority relied on did not exist at the moment of the act it is said to govern. The appellant does not characterize that; he dates it, and he encloses the document that dates it.

**I. WHAT THE ORDER OF AUGUST 7 SAYS, AND WHAT IT DOES NOT SAY**

The order is Exhibit B, reproduced whole. It is four paragraphs. It grants the appellant’s motion for leave to reply. It denies his motion to vacate the appointment of counsel and denies appointed counsel’s motion to withdraw. It states that the appellant “has no constitutional right to represent himself,” and that “the number and nature of appellant’s filings make very clear that the appointment of counsel ... is necessary to maintain the integrity and efficiency of the appellate process.” It closes: “**Accordingly, this court’s order of July 31 will stand.**” It is transmitted over the signature “**Jeffrey H. Kaplan, Clerk of the Court,**” and copied to Jaime Ling Montgomery and Max Christian



Boose.

That is the whole of it. The appellant sets out below every subject the order does not address, because the refusal in Exhibit A rests on the proposition that it addresses one of them:

- It does not mention a **supplement**, which is what the refused document was.
- It does not mention a **declaration**, which is what the refused document contained.
- It does not mention a **special prosecutor**, which is what the refused document requested.
- It does not mention the **August 6, 2026 proceeding**, which is what the refused document reported to the Court.
- It does not mention **intake**, the Clerk's office, the electronic filing manager, eFileIL, or the acceptance or rejection of any document.
- It does not direct that any future submission by any person be refused, returned, held, or screened.

To move from Exhibit B to Exhibit A, someone had to make two determinations. First, that the sentence in the July 31 order — “appellant himself shall file nothing further with this court” — operates not only as a direction to the appellant but as a **standing instruction to the intake desk**. Second, that it reaches a supplement, a declaration, and a request for the appointment of a special prosecutor, none of which the order names. **Each of those is a construction of a court order**. The appellant does not say the constructions are wrong. He says that constructing an order is not a ministerial act, and that he is entitled to know who performed it.

## II. THE MINISTERIAL LINE, AND THE RULE THAT DRAWS IT

Under article VI, section 1 of the Illinois Constitution the judicial power is vested in the courts. A clerk of a reviewing court is a ministerial officer: the office receives, docket, records, transmits, and certifies. It does not decide what a party may file, and it does not decide the scope of an order. Where a document is tendered that a party may not be entitled to file, the ministerial course is to receive it and let the Court dispose of it — which produces an order the party can see, comply with, and if necessary ask a higher court to review. **An intake refusal produces none of those things**. No judge is told the document was tendered; no order issues; there is nothing to appeal from, because from the docket's point of view nothing happened.

Illinois Supreme Court Rule 9 governs electronic filing in the reviewing courts and specifies the grounds on which a clerk may reject a submission. They are technical and formal: the wrong case number, an unreadable or corrupt file, a missing signature or verification, a document not conforming to a required form, a fee or waiver problem. The Rule does not authorize refusal on the ground that the filer is represented by counsel, and it does not authorize refusal on the ground that an order is thought to bar the filer generally. Rule 9(f)(1)(B) presupposes exactly the opposite — it provides relief where a filing was **“rejected for reasons not in conformity with those permitted under Rule 9(f)”** — which is a provision the Supreme Court would have had no occasion to write if intake refusals of that kind did not occur.

The appellant states plainly what he does not assert. He does not assert that this office acted from any improper motive. He does not assert that any individual is guilty of any offense, and nothing in this letter should be read as such a charge. He asserts that a document was refused, that the stated ground is five words naming an order entered the following day, and that the order named does not on its face address the subject matter of the refused document. Those three facts are on the enclosures and require no adjective.

## III. THE THING THE APPELLANT HAS NEVER SEEN, AND FORMALLY DEMANDS

The order of August 7 was copied to appointed counsel and to counsel for the People. The rejection notice in Exhibit A was addressed to the appellant alone. If, in addition to the orders served on him, there exists any instruction, direction, note, flag, queue rule, screening protocol, e-mail, telephone message, or internal communication of any



kind — from a justice, from chambers, from any member of this office, or from any other person — concerning whether, how, or on what terms submissions by this appellant are to be received, reviewed, flagged, held, returned, or refused, **the appellant has never been served with it, has never seen it, and has had no opportunity to be heard about it.**

He does not assume such a document exists. He asks. A direction to a court's intake function about one identified litigant, communicated to the clerk and to opposing parties but not to that litigant, would be a matter about which he is entitled to be heard, and a written answer that no such direction exists closes the subject permanently and costs this office nothing. **An office with nothing to produce can say so in one sentence.** That is why Part VI asks for one sentence.

#### IV. WHY THIS IS NOT A PAPERWORK QUESTION, STATED IN DATES

| DATE                      | WHAT THE RECORD SHOWS HAPPENED                                                                                                                                                        |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 28, 2026              | Warrant No. 314270 issues in Lake County No. 23 CF 1146. It has been outstanding every day since — <b>seventy-eight days</b> as of this letter.                                       |
| June 17, 2026             | A 180-day custodial term is activated on the State's <i>oral</i> motion. It has not been stayed.                                                                                      |
| July 31, 2026             | This Court appoints the Office of the State Appellate Defender and directs that the appellant "shall file nothing further with this court." (Ex. C.)                                  |
| Aug. 5, 2026              | The People certify to this Court, under section 1-109, that OSAD "has explicitly confirmed their willingness to seek ... a stay on the circuit court's June 17, 2026 order." (Ex. H.) |
| Aug. 6, 2026, 11:31 a.m.  | Envelope 39386845 is submitted. (Ex. A.)                                                                                                                                              |
| Aug. 7, 2026              | The Court denies the motion to vacate the appointment and counsel's motion to withdraw. (Ex. B.)                                                                                      |
| Aug. 7, 2026, 12:15 p.m.  | <b>This office refuses envelope 39386845 — "See order of 8/7."</b> (Ex. A.)                                                                                                           |
| Aug. 10, 2026, 3:17 p.m.  | Appointed counsel reports the August 7 denial and states that the next step is to order the record. No stay is mentioned. (Ex. F.)                                                    |
| Aug. 11, 2026             | Docketing order: report of proceedings due <b>September 10</b> ; record due <b>September 24</b> . (Ex. E.)                                                                            |
| Aug. 13, 2026, ~3:00 p.m. | <b>Officers come to the door of the appellant's residence asking for him by name, on the May 28 warrant.</b> (Ex. G.)                                                                 |

The appellant asks this office to hold those rows together for one moment. He is told he may not file. The lawyer who may file has filed nothing but a request to be relieved. A stay the People told this Court would be sought has not been sought. And yesterday afternoon, while this letter was being prepared, officers came to his door. **In that configuration an intake refusal is not an administrative event.** It is the closing of the last aperture through which the person the warrant names can tell a judge that any of this is happening.

#### V. THE PROVISIONS THIS CONDUCT SITS AGAINST, STATED WITHOUT ACCUSATION

The appellant names the provisions rather than characterizing anyone under them. He asks this office to note that the list is of duties and rights, not of offenses, and that he charges no person with any offense:

- **Ill. Const. 1970, art. VI, § 1** — the judicial power is vested in the courts. Construing the reach of an order is an exercise of it.
- **Ill. Const. 1970, art. I, § 12** — every person shall find a certain remedy in the laws for all injuries and wrongs, and shall obtain justice by law, freely and promptly.



- **Ill. Const. 1970, art. I, § 2** — no person shall be deprived of liberty without due process of law. A custodial term is running.
- **Ill. S. Ct. R. 9(f)** — the permitted grounds of rejection, and **R. 9(f)(1)(B)**, which addresses rejection “for reasons not in conformity with those permitted under Rule 9(f).”
- **Ill. S. Ct. R. 361** — motions in a reviewing court are ruled on by the court.
- **Ill. S. Ct. R. 373** — the date of filing, and the consequence of a submission stopped before docketing.
- **705 ILCS 105/** — the statutory duties of the clerk of a court, which are ministerial and are owed to every person tendering a paper.
- **U.S. Const. amends. I and XIV** — the right of access to the courts and to petition, and due process.
- **42 U.S.C. § 1983** — the appellant preserves, and does not here assert, any claim for denial of access to the courts.

## VI. THE ONE CONSEQUENCE THAT IS ALREADY FIXED, AND IS NOT THE APPELLANT’S TO ARGUE

There is a pending petition for a writ of habeas corpus in the United States District Court for the Northern District of Illinois, *Allababidi v. Junkin*, No. 1:26-cv-01077, before the Honorable John Robert Blakey. The controlling question in that case is exhaustion. Congress has already written the rule that governs what this office’s intake practice means there, and the appellant quotes it rather than argue it:

**28 U.S.C. § 2254(B)(1)(B)**

*[ An application for a writ of habeas corpus ... shall not be granted unless it appears that — (B)(i) there is an absence of available State corrective process; or (ii) circumstances exist that render such process ineffective to protect the rights of the applicant. ]*

The appellant states the consequence flatly and without embellishment, because it does not depend on anyone agreeing with him. **Every document this office refuses at intake is evidence that the State corrective process is ineffective to protect his rights.** A refusal produces no order, so there is nothing for him to appeal and nothing for a federal court to defer to. He is not threatening this office with that; he has no power to and would not. He is telling it, before the next envelope arrives, what the record of these refusals is being used for, so that no one can later say the significance was never explained.

## VII. LITIGATION HOLD

**This is a formal litigation hold.** The matters identified above are pending, and the appellant’s claims concerning the refusal of envelope 39386845 are reasonably anticipated. From receipt of this letter, this office and every person acting for it must suspend any deletion, overwriting, purging, rotation, archiving-to-destruction, or automatic-retention routine that would affect the following, and must preserve them in native form with metadata intact:

- 1 The complete eFileIL / Tyler Technologies electronic record for **envelope No. 39386845**, including every status transition, the identity of the reviewing user, review start and completion timestamps, the free-text comment field as entered, any prior draft of that comment, and the full audit trail.
- 2 The same complete record for **envelope No. 38927349** (Ex. D).
- 3 Every intake, screening, review, queue, flag, hold, or referral instruction, protocol, standard operating procedure, checklist, macro, saved comment, or written guidance in use in this office between July 31, 2026 and the date of this letter — general or specific to any litigant.
- 4 Every communication, in any medium, between any member of this office and any justice, law clerk, chambers staff, or administrative officer of this Court concerning the appellant, this appeal, or the acceptance or rejection of any document tendered by the appellant.



- 5 Every communication between any member of this office and the Office of the State Appellate Defender, the Office of the State's Attorneys Appellate Prosecutor, or the Lake County State's Attorney concerning the appellant or this appeal.
- 6 Every internal note, e-mail, message, telephone log, or memorandum concerning the appellant, by name or by case number, in any system this office uses.
- 7 The rejected document itself as submitted, in the form in which it was received, together with any copy retained by the electronic filing manager.
- 8 All records of the transmission of the orders of July 31 and August 7, 2026, including distribution lists and the identity of every recipient.

The appellant asks that this hold be transmitted to the person responsible for records retention for this office and to the Administrative Office of the Illinois Courts to the extent the systems identified are administered centrally rather than locally.

### VIII. WHAT IS REQUESTED, AND BY WHEN

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Each item below can be satisfied in a sentence, and several can be satisfied by the word “none.” The appellant asks for a **written** answer to each by 5:00 p.m. Monday, August 17, 2026:

- 1 **Produce the intake instruction, or state that none exists.** Identify every instruction, direction, or communication of any kind concerning the receipt, review, flagging, holding, return, or refusal of submissions by this appellant. If there is none, please say so in those words.
- 2 **Identify the reviewer.** State the name and title of the person who reviewed and refused envelope No. 39386845 on August 7, 2026, and the name and title of any person consulted.
- 3 **State the authority.** Identify the specific provision of Rule 9(f), or of any other rule, order, or statute, on which the refusal was made, and state whether the refusal is understood by this office to have been required by the order of August 7, 2026 or to have been discretionary.
- 4 **Explain the sequence, or confirm it.** Confirm that envelope 39386845 was submitted August 6, 2026 at 11:31 a.m. CST and refused August 7, 2026 at 12:15 p.m., and state this office's position on the application of an order of August 7 to a submission of August 6.
- 5 **State the standing rule going forward.** State whether this office will accept for filing, and place before the Court, a document tendered by the appellant personally that requests leave to file, is accompanied by proof of service, and is otherwise conforming — including the emergency motion tendered in this appeal on the date of this letter.
- 6 **Confirm the hold.** Confirm in writing that Part VII has been implemented and identify the custodian responsible.
- 7 **Docket this letter.** Place this letter and its exhibits in the file of No. 2-26-0352 and before the panel, or state in writing that this office declines to and on what ground.

If this office declines to answer, the appellant will treat the silence as the answer, will state in each forum that the question was asked in writing on this date and not answered, and will obtain the same records through the mechanisms available to him — including a request for supervisory relief under Rule 383, the records provisions applicable to the administrative functions of the judicial branch, and discovery in the federal actions identified above. **He would rather have a sentence from this office than an order compelling one.**

### IX. A CLOSING SENTENCE THE APPELLANT MEANS

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He is not asking this office to rule in his favor about anything. He is asking it to do the ministerial thing — to put the paper in front of the judges and let them refuse it in an order he can read and, if he must, ask a higher court to review. That is all he has ever asked of an intake desk, and it is the one thing an intake desk is actually for. He is thirty-two days from a record deadline, seventy-eight days into an outstanding warrant, and, as of about three o'clock this afternoon, one visit from a doorstep. He would like the paper to reach a judge.



Respectfully and without waiver of any right or remedy,

/s/ Ehab Allababidi

**EHAB ALLABABIDI** | *Pro Se*

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