



ENVELOPE 39310613 · REJECTED ON NO ORDER OF THIS COURT · NO. 1-26-0055

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

Notice of Unauthorized Intake Adjudication, Demand for the Instruction, and Litigation Hold

Tina Schillaci, Clerk of the Court · Appellate Court of Illinois, First District
160 North LaSalle Street, Chicago, Illinois 60601

And to the Chief Deputy Clerk, and to the deputy clerk who entered the rejection of envelope No. 39310613 on August 4, 2026, whose name this office has not disclosed

COPY: Douglas R. Hoff, Deputy Defender, Office of the State Appellate Defender, First District · 203 N. LaSalle Street, 24th Floor, Chicago, Illinois 60601 · 1stDistrict@osad.state.il.us · counsel of record, No. 1-26-0055

MATTER

People v. Allababidi, No. 1-26-0055 (Ill. App. Ct., 1st Dist.) — Cook County No. 23 CR 0241301

Notice of appeal filed January 12, 2026 · order of July 31, 2026 (Presiding Justice James Fitzgerald Smith): record due September 9, 2026, counsel appointed, **no restriction on filing**

Envelope 39310613 submitted August 2, 2026, 1:46 p.m. · rejected August 4, 2026, 3:49 p.m., “Rejection by Clerk” · Rule 9(f)(1) motion filed August 4, 2026 and pending

Clerk of the Court:

On July 31, 2026 this Court entered an order in No. 1-26-0055. It denied a motion, extended the time to file the record to **September 9, 2026**, and appointed the Office of the State Appellate Defender. It is one paragraph long and it is Exhibit B. It contains no filing bar, no communication bar, and no restriction of any kind on the appellant. It names “Defendant-Appellant Ehab Allababidi” as the person who is to file the record.

On August 2, 2026 at 1:46 p.m. the appellant submitted envelope No. 39310613, an emergency motion asking this Court to reconsider that order and to vacate or limit the appointment. On August 4, 2026 at 3:49 p.m. this office returned it. Rejection Reason: “**Rejection by Clerk.**” Rejection Comments, in their entirety: “**Contact your attorney at the State Appellate Defenders office.**” That is Exhibit A.

There is no order of this Court behind those nine words. The question the motion asked was whether a represented appellant may file and be heard here on his own behalf, and it asked this Court to decide it. An intake screen decided it instead, decided it against the person who asked, and decided it in a form that produces no order — nothing to move against, nothing to appeal, and no record anywhere that a judicial officer was ever told the question had been put. This letter demands the instruction that produced it, the identity of the person who entered it, and a written statement of the authority claimed for it, and it places a litigation hold on the systems that answer all three. Nothing here is characterized that is not quoted, and nothing is quoted that is not produced.

I. THE THREE DOCUMENTS, IN ORDER, WITH NOTHING BETWEEN THEM

WHEN	WHAT	WHAT IT SAID
July 31, 2026	Order of this Court, Presiding Justice James Fitzgerald Smith. (Ex. B.)	“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.” That is the whole of the operative text.



WHEN	WHAT	WHAT IT SAID
Aug. 2, 2026 1:46 p.m.	Envelope No. 39310613, filing type EFileAndServe, submitted to this Court.	"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." Its prayer asked this Court to confirm whether the appointment displaces his right to file.
Aug. 4, 2026 3:49 p.m.	Notice of rejection from the electronic filing manager, on this office's entry. (Ex. A.)	Rejection Reason: "Rejection by Clerk." Rejection Comments: "Contact your attorney at the State Appellate Defenders office."

Nothing was entered between the first row and the third. No motion was filed by anyone asking that the appellant be restricted. No notice issued. No hearing was held. No order restricting him exists in this appeal, and this letter invites the production of one if this office believes otherwise.

II. THE WORD THIS COURT USED, AND THE PERSON IT USED IT ABOUT

Read the order again, because the operative phrase is doing work that the rejection destroys:

ILL. APP. CT., 1ST DIST., ORDER OF JULY 31, 2026 (EXHIBIT B)

*[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.]*

The Court gave the extension to a named person. It gave that person a thing to do — “properly file the record” — and a date by which to do it. The appointment of counsel appears in the same sentence, joined by a conjunction, and the Court did not transfer the record obligation to counsel when it made the appointment. Whatever else is arguable about that paragraph, this much is on its face: as of July 31, 2026, this Court had a filing expectation of Ehab Allababidi personally, running to September 9, 2026.

Four days later this office told Ehab Allababidi to contact a lawyer rather than file. Part VI is about what those two documents do to each other.

III. THE COMMENT, AND THE QUESTION IT ANSWERED BEFORE THIS COURT COULD

The comment is nine words and it is not a defect notice. It identifies no formatting problem, no missing signature, no case-number error, no fee issue, no page-limit violation, no signature-block defect, no lead-document problem, and no corrupted file — that is, none of the mechanical grounds that the rules governing electronic filing address, and none of the grounds this same system has used on this appellant before. It states a conclusion: that a represented party should speak to counsel instead of filing.

And it applies that conclusion to the one document in the world where the conclusion was the disputed question. The motion in envelope 39310613 asked this Court, in the numbered paragraphs of its prayer, to vacate the appointment, to confirm that the appointment does not displace the appellant's right to file, and to confirm that the motion was properly before the Court. So the sequence is this, and no adjective is required to state it:

- 1 A self-represented appellant asked a reviewing court to decide whether he may file.
- 2 The court was never told he had asked.
- 3 An intake screen answered the question, and answered it no.
- 4 Because the answer took the form of a rejection rather than an order, there is nothing to move against, nothing to appeal, and no docket entry recording that the question was ever put.



That last item is not a side effect. It is the operative property of an intake refusal, and it is why this letter exists. Every other adverse disposition in the Illinois system generates a reviewable act: a denial is an order, a dismissal is an order, a striking is an order, a sanction is an order. A rejection at intake generates an e-mail. The document does not enter the record; no judicial officer learns it was tendered; and the litigant's only remedy is a motion under Rule 9(f) that must itself survive the same desk.

Whatever belief about this Court's wishes produced those nine words, this Court was not asked. A belief about how a court would rule is not a ruling, and the order this Court actually entered that day is Exhibit B, which says nothing of the kind. The only Illinois order in existence that says what the comment says was entered by a *different District* in a *different appeal* — it is Exhibit D — and it was never entered here, was never cited on the notice, and governs nothing in No. 1-26-0055.

IV. RULE 9 SUPPLIES NO GROUND FOR IT, AND THE RULE SAYS WHAT HAPPENS THEN

Rule 9 governs electronic filing, and 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 whose disability prevents e-filing, and documents covered by a certification of good cause. Paragraph (e) governs how an exempt document may be filed. 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.**

The rule anticipates that a rejection may be unauthorized and says what follows:

ILL. S. CT. R. 9(F)(1)(B)

*[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.**]*

A motion under that provision was filed on August 4, 2026, within the five court days the rule allows, and it is pending. It is Exhibit C. It attaches the rejected document unchanged, for the reason the second sentence supplies. This letter does not argue that motion and asks this office to do nothing about it except place it before the Court, which is the only thing this office is asked to do with any motion.

V. A CLERK IS NOT A COURT, AND THE DISTINCTION IS STRUCTURAL RATHER THAN FORMAL

Article VI, section 1 of the Illinois Constitution vests the judicial power of the State in a Supreme Court, an Appellate Court and Circuit Courts. It does not vest any part of it in their clerks. The office of the Clerk of the Appellate Court is ministerial: it receives, docket, indexes, transmits, certifies and issues. Each of those verbs describes an act that follows a decision. None of them describes making one.

The reason the distinction is structural and not formal is the one set out at the end of Part III. A judicial officer who denies relief creates a record of the denial, and the record is what makes review possible. A clerk who declines to accept a document creates no record at all — and where the document declined is the one contesting the very premise of the declination, the effect is that a litigant can be excluded from a court by a determination the court never made, never reviewed, and will never see. That is not a description of anyone's intent. It is a description of what happened on August 4, 2026, and the notice that proves it is enclosed.



VI. SEPTEMBER 9, AND THE TWO DOCUMENTS THAT CANNOT BOTH BE OBEYED

This is the part that requires an answer from this office rather than an argument from anyone.

THE ORDER OF JULY 31, 2026 (EX. B)	THE COMMENT OF AUGUST 4, 2026 (EX. A)
Gives Ehab Allababidi , by name, an extension of time to properly file the record in this Court .	Directs Ehab Allababidi to “[c]ontact your attorney at the State Appellate Defenders office” rather than file.
Sets September 9, 2026 as the date on which that obligation matures.	Prevented him from filing at all, thirty-six days before that date.
Restricts him from nothing. Bars him from nothing. Contains no direction that he file nothing further.	Treats him as a person who may not submit a document to this Court.
Is an order of this Court, entered by a Presiding Justice.	Is a comment field on an intake screen, entered by a person this office has not identified.

Those two documents cannot both be complied with by the same human being. One of them is an order of this Court. The other is not an order at all. When they conflict the order governs, and this letter asks this office to say so in a sentence. If it does not, the consequence is fixed and it arrives on a date: if the record is not on file on September 9, 2026, this appeal is exposed to dismissal for want of a record — on a deadline this Court placed on a named individual, whom this Court’s own clerk’s office told, in writing, not to act.

The appellant has done the one thing the comment instructed. He contacted the Office of the State Appellate Defender. Exhibit F is what that produced: in the fourteen days since the appointment, that Office has filed one document in either appeal, and it asked to be discharged; the motion was denied on August 10, 2026; and the plan communicated to him is to order a record. That is not an argument against appointed counsel and it is not offered as one. It is the answer to the only instruction this office has given him.

VII. DEMAND — WRITTEN ANSWERS, BY 5:00 P.M. MONDAY, AUGUST 17, 2026

- 1 Identify the person.** The name and title of the individual who entered the rejection and the comment on envelope No. 39310613 on August 4, 2026. This letter names no one because the sender does not know. This office does.
- 2 Produce the instruction.** Any instruction, direction, flag, alert, note, memorandum, checklist, screen configuration, macro, training material or standing practice — written or oral, and from any source including a justice, a chambers, a staff attorney, a research attorney, the Administrative Office of the Illinois Courts, another District, or the Office of the State Appellate Defender — under which that rejection was entered. If none exists, state that in writing, because that answer is also dispositive.
- 3 State the authority.** The provision of any order of this Court, of Rule 9, of Rule 361, or of any other rule or statute under which a document may be rejected at intake because its filer is represented by counsel. The order of July 31, 2026 in this appeal contains no such provision and is enclosed in full so that no one has to take the sender’s word for it.
- 4 Accept and docket the document.** Place envelope No. 39310613 on the docket as of August 2, 2026, or place the pending Rule 9(f)(1) motion (Ex. C) before the Court forthwith so that a judicial officer rather than an intake screen decides the question.
- 5 State the standing position.** Whether any further document tendered by Ehab Allababidi to this Court will be accepted and placed before the Court, and specifically whether a document asking this Court to reconsider, construe or vacate the July 31, 2026 order will be. A yes closes this letter. A no identifies an authority that can be tested.
- 6 Identify every affected submission.** Every envelope submitted by Ehab Allababidi to this Court that has been rejected, held, returned, unfiled, or placed in any status other than filed, with envelope number, date, disposition, and reviewing user.



- 7 **State the effect on September 9.** Given that the order places the record obligation on the appellant by name, state this office's position on how a person it has instructed not to file is to discharge that obligation by September 9, 2026.
- 8 **Confirm the litigation hold** in Part VIII in writing, identifying by title the person responsible for it, and confirm receipt of this letter and its exhibits.

VIII. LITIGATION HOLD — EFFECTIVE ON TRANSMISSION OF THIS LETTER

Three federal actions and two state appeals are pending and the records below are relevant to the subject matter of all five. This is a formal demand that this office suspend every auto-deletion, retention-expiry, journaling-purge and device-reimaging process touching the categories below and issue a written hold to each custodian. Preserve in place. Do not migrate, convert or consolidate.

- 1 **Envelope No. 39310613, completely.** The submitted document as received; the submission event; the queue and routing history; every screen state; the identity of every user who opened, viewed, annotated, held or acted on it; the rejection event; the Rejection Reason and Rejection Comments fields as first entered and as edited, with every intermediate value; and the full audit trail, in native format with metadata intact.
- 2 **Every other submission by this appellant** to this Court, on the same terms, together with the docket of No. 1-26-0055 and every entry, edit, reclassification or backdating in it.
- 3 **Intake instructions and practice materials** of every kind described in item 2 of Part VII, including drafts and superseded versions.
- 4 **Communications with chambers.** Every communication, written or oral and including telephone logs and calendar entries, between the Clerk's office and any justice, chambers, staff attorney or research attorney of this Court concerning Ehab Allababidi, his filings, or his appointment of counsel.
- 5 **Communications outside this Court.** Every communication between the Clerk's office and the Office of the State Appellate Defender, the Cook County State's Attorney, the Clerk of the Circuit Court of Cook County, the Administrative Office of the Illinois Courts, or Tyler Technologies concerning this appellant or his submissions.
- 6 **Electronic mail and messaging.** Mailboxes, archives, recoverable-items folders, retention labels and policies, eDiscovery holds, transport rules, forwarding rules and message-trace logs for all custodians above from January 1, 2026 to the present, together with Teams messages and any messaging on personally owned devices used for public business.
- 7 **Backups.** All backup media, snapshots, journals and disaster-recovery copies containing any of the above, notwithstanding any ordinary rotation or overwrite schedule.

The State Records Act, 5 ILCS 160/1 *et seq.*, forbids the disposal of public records outside an approved schedule. Section 32-8 of the Criminal Code, 720 ILCS 5/32-8, reaches the knowing alteration, destruction or concealment of a public record without lawful authority; section 31-4 reaches destruction or concealment of evidence with intent to obstruct. In the federal actions, Rule 37(e) of the Federal Rules of Civil Procedure supplies the remedy where electronically stored information that should have been preserved is lost, up to and including an instruction that the lost information was unfavorable.

IX. THE INSTRUMENT THAT REACHES THESE RECORDS, NAMED ACCURATELY

The Illinois Freedom of Information Act does not reach the judicial branch, and this letter is not a request under it. Sending a FOIA request to a court clerk and then complaining about the answer would be theatre, and nothing in this letter is theatre. So the mechanism is named instead. Three actions are pending in the United States District Court for the Northern District of Illinois: *Allababidi v. Junkin*, No. 1:26-cv-01077 (habeas corpus, Hon. John Robert Blakey); *Allababidi v. Shepherd*, No. 1:26-cv-06738 (42 U.S.C. § 1983, Hon. Matthew F. Kennelly); and *Allababidi v. Advocate Health and Hospitals Corp.*, No. 1:25-cv-15800 (civil RICO, Hon. Jorge L. Alonso). Exhibit G is what a filing in two of them looks like once the Clerk of that Court has stamped it.



The exhaustion question in the habeas case turns on whether the state corrective process was *actually usable* by this petitioner. A rejection notice showing that a motion asking an Illinois reviewing court to decide whether the petitioner could file was returned at intake, on no order, with a comment directing him to a lawyer, is evidence on that question and cuts in one direction only. Rule 45 of the Federal Rules of Civil Procedure reaches the records enumerated in Part VIII. Whether they are furnished in answer to Part VII or produced later under subpoena, they are the same records. The only variable is whether this office's explanation travels with them or is supplied afterward by someone else.

X. WHAT IS ASSERTED, WHAT IS NOT, AND WHAT IS NO LONGER CONCEDED

- 1 **What is asserted.** That the order of July 31, 2026 in this appeal contains no restriction on the appellant's filing; that on August 4, 2026 this office rejected his emergency motion with the comment quoted above; that no provision of Rule 9 authorizes a rejection on that ground; and that the rejected document was itself the motion asking this Court to decide the question the comment decided. Each of those is on the face of a document enclosed with this letter, and each can be checked without taking the sender's word for anything.
- 2 **What is not asserted, because it is not known.** Who entered the comment, and on whose instruction. No individual is named in this letter and none will be invented. But not knowing is not the same as nothing having happened; the office that knows is the office receiving this letter; and items 1 and 2 of Part VII ask.
- 3 **What is no longer conceded.** The Rule 9(f) motion filed on August 4, 2026 contains a part stating that the Clerk of this Court, any deputy clerk, and any employee of the electronic filing manager had not acted improperly, in bad faith, or with any intent to obstruct, and that a ministerial officer applying an intake practice is not a wrongdoer. **Not one word of that motion is withdrawn** and it stands as filed. That sentence is not repeated in this letter, and the omission is deliberate. It was written on the afternoon the notice arrived, before anything was known about what produced it and before the events of August 5, 2026 and August 10, 2026. A presumption extended before the facts arrived is not one that has to be renewed after they do. Nothing in this letter extends anyone a benefit of the doubt that the enclosures no longer support, and nothing in it asserts more than the enclosures prove.

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

Eight items, and the first three are the whole of it: the name of the person who entered the rejection; the instruction under which it was entered, or a written statement that none exists; and the provision of any order or rule that authorizes rejecting a document because its filer is represented. The order of this Court entered that same day is enclosed in full and contains no such provision. If no answer is received by that hour, that fact will be reported to this Court, to the Administrative Office of the Illinois Courts, and in the federal actions identified in Part IX, as exactly what it is — no response — and not as agreement. Address the reply to defcon5ready@gmail.com and ehabhilfiger@gmail.com.

XI. RESERVATION OF RIGHTS

- 1 This letter, its transmission metadata, and the fact and time of its delivery will be offered as evidence of notice in the proceedings identified in Part IX, and tendered for filing in this appeal.
- 2 The Rule 9(f)(1) motion of August 4, 2026 remains pending and is not withdrawn. Every further rejection will be met with a motion under Rule 9(f)(1) within five court days, in every instance, and each such motion will attach this letter and the answer to it, or the absence of one.
- 3 Subpoenas under Rule 45 of the Federal Rules of Civil Procedure will issue for the records enumerated in Part VIII in the actions identified in Part IX.
- 4 The appellant reserves every remedy available under the Supreme Court Rules, 42 U.S.C. § 1983, and the common law of spoliation, and waives none by sending this.



This letter asks this office to rule on nothing and to depart from no order. It asks for the name of a person, the production of an instruction, and the citation of an authority — and it asks them because on August 4, 2026 a document addressed to a court did not reach it, and the only office that can explain why is the one this letter is addressed to. Silence is an available answer. It will be reported as silence, not as agreement.

Respectfully and without waiver of any right or remedy,

/s/ Ehab Allababidi

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