



THIRTEEN DAYS AFTER THE APPOINTMENT · TWO APPEALS · ONE FILING

WRITTEN RESPONSE DUE 5:00 P.M. MONDAY,
AUGUST 17, 2026

Litigation Hold, Demand for Action, and Notice of Disciplinary Referral

Christopher M. McCoy, Deputy Defender · Office of the State Appellate Defender, Second Judicial District
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Counsel of record, No. 2-26-0352, by order of July 31, 2026

COPY: Jaime L. Montgomery, Assistant Deputy Defender · signatory, cover letter of August 4, 2026 ·
2ndDistrict@osad.state.il.us

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

COPY: James E. Chadd, State Appellate Defender · 400 West Monroe Street, Suite 202, Springfield, Illinois 62704 · Ill. R.
Prof. Conduct 5.1(a)

NOT COPIED, AND THE OMISSION IS COMPELLED: Max C. Boose, Edward R. Psenicka, and Eric F. Rinehart. The order
of July 31, 2026 forbids the sender to communicate “by any means with appellee’s counsel.” See Part IV.

MATTER

**People v. Allababidi — No. 2-26-0352 (2d Dist.), Lake County No. 23 CF 1146 · No. 1-26-0055 (1st Dist.), Cook
County No. 23 CR 0241301**

OSAD appointed in both districts July 31, 2026 · motion to withdraw filed August 4 and denied August 7, reported August 10 ·
People’s verified Objection of August 5, ¶¶ 13–14 · Rule 323(c) window closed yesterday, August 13, 2026 · records due September
9, 2026 (1st Dist.) and September 24, 2026 (2d Dist.)
180 days activated June 17, 2026 · warrant outstanding since May 28, 2026 · no stay sought by anyone

Mr. McCoy:

Mr. McCoy: since July 31, 2026 your Office has held the exclusive right to speak for me in the Second District. In the fourteen days since, one document has been filed in that court in my name. It asked to be let out. **It was denied on August 7, 2026**, and your electronic mail of August 10 described the next step as ordering a record that the Court’s own docketing order makes due **September 24, 2026**. In the same period a 180-day jail term, activated on an oral motion on June 17, 2026, has continued to stand, and a warrant issued May 28, 2026 for what the warrant itself calls a technical violation has been outstanding for seventy-eight days. I am the person those two instruments run against. I am also, by the terms of the order that appointed you, forbidden to file anything about them.

That is not a complaint about diligence and this letter does not treat it as one. It is a description of a structure. On July 31, 2026 the Second District granted the one thing I asked for — the appointment of counsel under Rule 607(a) — and added, on no one’s motion, two things I did not ask for and no one briefed: that I “shall file nothing further with this court” and that I “shall not communicate by any means with appellee’s counsel.” The effect of those two clauses together is that every route by which the 180 days can be reached now runs through your Office, and through no one else. That is what makes the thirteen days a structural fact rather than a scheduling one.

This letter does four things. It places a litigation hold on you, on your Office, and on the First District office to which the same appointment was made the same day. It demands, by item and by date, the filings the Second District itself named and the written answers Rule 1.4 already requires. It puts to you, in writing, the constitutional question your Office has not addressed in either district. And it tells you before you decide anything that a request for investigation naming this



Office is being prepared, what it will contain, and which paragraph of it is still unwritten. Nothing is characterized here that is not quoted, and nothing is quoted that is not produced.

One note on service, because it is substantive and not housekeeping. **This letter is not copied to Max C. Boose, to Edward R. Psenicka, or to the Lake County State’s Attorney.** Every demand letter I have sent in this matter has been copied to opposing counsel, and every rule of service I know would require it here. The July 31, 2026 order forbids it. So the first concrete cost of that order is being paid in this document, in front of you, and the person who cannot comply with the service rules is the one the order was entered against. Part IV sets out the rest of what that clause reaches. No one has told me which of those things is now contempt.

I. THIRTEEN DAYS, AND WHAT APPEARS ON THE DOCKET FOR THEM

Below is the whole of it, as it stands in the records I have. If your Office has filed anything in either appeal that does not appear here, say so and I will correct it in writing to everyone who receives this letter, including the Commission.

DATE	FILED IN NO. 2-26-0352 BY OSAD	WHAT IT SOUGHT
July 31, 2026	Nothing. Your Office is appointed. (Ex. A.)	—
Aug. 4, 2026 3:10 p.m.	Motion to Discharge Appointed Counsel and Permit the Appellant to Proceed Pro Se. (Ex. C.)	That your Office be discharged.
Aug. 5 – Aug. 13, 2026	Nothing.	—
Total	One document in fourteen days.	It asked to be excused.

I do not say that as a taunt and there is no adjective in it. Your Office was appointed to a case in which a custodial sentence had already been activated, in which a warrant was already outstanding, and in which the order of appointment itself identified the motion that would address both. Thirteen days later the docket shows one filing and it is the request to withdraw. The next two parts are about the two documents that make that arithmetic worse rather than better, and neither of them is mine.

II. THE MOTION THIS COURT NAMED, THE WILLINGNESS THE PEOPLE CERTIFIED, AND THE DOCKET THAT SHOWS NEITHER

Start with the order that appointed you. Its final operative sentence is not a denial. It is an instruction with an addressee, and the addressee is not me:

ILL. APP. CT., 2D DIST., ORDER OF JULY 31, 2026 (EXHIBIT A)

*[Appellant’s “omnibus” motion, and his other pending motions, are otherwise denied **without prejudice to any motion filed by his counsel, including a motion to stay.** (Appellant’s counsel is hereby advised of appellant’s suggestion that his jail term will begin on August 6, 2026.)]*

The Court named the motion. It named it twice — once by its title and once by telling counsel, in a parenthesis, the date the jail term was said to begin. A motion to stay under Rule 609(a) does not require a record; Rule 609(a)’s first sentence provides that a sentence imposed on the revocation or modification of probation may be stayed by a judge of the trial or the reviewing court, and it attaches no condition about the state of the record. The Court knew the record was not prepared when it wrote that sentence; the same order recites the date the jail term was said to begin. It named a motion that can be filed without one.



Now the second document, and it is the People's, not mine. On August 5, 2026 the People filed an Objection to your Office's withdrawal motion. It is signed by Max C. Boose over the names of Eric F. Rinehart and Edward R. Psenicka, and it carries a page headed **VERIFICATION** under 735 ILCS 5/1-109, which makes a false statement of material fact in a certified document a Class 3 felony. Paragraph 14 of that verified instrument reads, in the part that matters:

PEOPLE'S OBJECTION OF AUGUST 5, 2026, ¶ 14, VERIFIED UNDER 735 ILCS 5/1-109 (EXHIBIT D)

[Defendant otherwise has not established grounds for rejecting counsel's appointment on appeal, as OSAD counsel has explicitly confirmed their willingness to seek the relief they may ethically pursue: a stay on the circuit court's June 17, 2026 order.]

Set the three documents in a row and the sequence is not in dispute, because I did not write any of them. On July 31 the Court named a motion to stay and directed the naming at counsel. On August 5 the People certified to that Court, under a felony verification, that your Office had *explicitly confirmed* its willingness to seek precisely that relief. On August 7 the Court denied your Office's withdrawal — with that representation in front of it — and your Office remained counsel of record. As of the hour this letter is sent, no motion to stay has been filed in No. 2-26-0352.

There are only three explanations and each of them requires an answer from you rather than from me. Either the confirmation described in paragraph 14 was given and has not been acted on; or it was never given, in which case a verified representation about your Office is in front of the Second District and is false, and Rule 3.3 attaches to the lawyer who made it and Rule 1.3 to the Office it describes; or it was given with a qualification the People omitted, in which case the Court was allowed to deny withdrawal on a sentence that was not the whole of it. Item 5 of Part IX asks which. I am not going to guess, and I am not going to pretend that not knowing makes the question go away.

III. WHAT YOUR OFFICE FILED ABOUT ME ON AUGUST 4, AND WHERE PARAGRAPH 1 SAYS IT CAME FROM

The withdrawal motion is a document filed in my name, in my appeal, over my objection to its contents having never been sought. Its first paragraph is the most important thing in it, and your Office wrote it:

MOTION TO DISCHARGE APPOINTED COUNSEL, ¶ 1 (EXHIBIT C)

[The record on appeal has not yet been prepared. The facts presented herein are derived from documents obtained through the Lake County Circuit Clerk's online portal. Relevant documents are appended to this motion.]

What follows that sentence is seven numbered paragraphs of the State's version of this case, assembled off a county website, filed under my name, in a reviewing court, by the lawyers appointed to represent me, without a transcript, without the record whose absence the same paragraph concedes, and without a single question put to me. I am not asserting that any statement in paragraphs 2 through 7 was made in bad faith. I am stating what the Office told the Court about its own sourcing, in its own sentence, and then setting three of the recitals beside what the documents show.

¶	WHAT YOUR OFFICE TOLD THE COURT	WHAT IS ALSO TRUE, AND IS NOT IN THE MOTION
4	"Mr. Allababidi did not appear before the circuit court on May 28, 2026. The circuit court issued a warrant for Mr. Allababidi's arrest that same day."	The May 28 minute sheet names an ECR Specialist, Lake County Court Reporters , lists one probation officer present, no defendant and no defense counsel , and disposes of the call in two words. Whether the notice setting that call complied with Rule 45(b)(4) is an unresolved question raised by motion in this Court on August 6. The motion says none of it.



¶	WHAT YOUR OFFICE TOLD THE COURT	WHAT IS ALSO TRUE, AND IS NOT IN THE MOTION
5	"On June 17, 2026, Mr. Allababidi appeared before the circuit court via video." The court "granted the State's oral motion to lift the stay."	The contemporaneous transmission of June 17, 2026 records that I joined the remote call at 9:17 a.m. on the only credentials issued and was still in the waiting room at 10:25 a.m. Rule 45(a)(1) makes a remote appearance equivalent to an in-person appearance "for all purposes." The 180 days was activated at that call on an <i>oral</i> motion, with no evidence, no witness, no stipulation and no finding on the sheet.
7	"Mr. Allababidi is currently out of custody."	True on August 4, and it is the whole of what the motion tells the Court about my exposure. It does not mention that the warrant commanding custody had then been outstanding sixty-eight days, or that the order the Office was asking to be relieved from had told counsel the term was said to begin August 6.

Illinois Rule of Professional Conduct 1.4(a)(2) requires a lawyer to consult with the client about the means by which the client's objectives are to be accomplished, and 1.4(b) to explain a matter to the extent reasonably necessary to permit the client to make informed decisions. The first document filed in my name by my appointed counsel recited the State's chronology from a clerk's website and was served on me after it was filed. Item 7 of Part IX asks that it be corrected or supplemented. It does not ask that it be withdrawn, because the relief it sought is relief I asked for.

IV. THE CLAUSE NOBODY HAS EXPLAINED, AND WHAT IT MAKES IMPOSSIBLE

Here is the order that appointed you, whole, with nothing removed:

ILL. APP. CT., 2D DIST., ORDER OF JULY 31, 2026, IN ITS ENTIRETY (EXHIBIT A)

*[Appellant's "omnibus emergency motion" is granted as to its request for the appointment of appellate counsel, and the Office of the State Appellate Defender is hereby appointed. **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.** Appellant's "omnibus" motion, and his other pending motions, are otherwise denied without prejudice to any motion filed by his counsel, including a motion to stay. (Appellant's counsel is hereby advised of appellant's suggestion that his jail term will begin on August 6, 2026.) This court reserves any issue of its jurisdiction.]*

The filing bar is at least intelligible: it says what I may not do in one court, and one can argue about whether a reviewing court may impose it in a paragraph, without a motion, without notice and without a hearing. The second clause is different, and thirteen days later no one has explained it. It is not limited to this appeal. It is not limited to this Court. It names a category of person — "appellee's counsel" — and forbids communication with that person *by any means*. Appellee's counsel is the Lake County State's Attorney and the Office of the State's Attorneys Appellate Prosecutor. Here is what that reaches, and every row is a duty imposed on me by a rule or a statute, not a preference of mine:

WHAT A RULE OR STATUTE REQUIRES ME TO DO	WHAT THE ORDER SAYS I MAY NOT DO
Rule 361(c) and Rule 12 — serve every motion, notice and proof of service on appellee's counsel, and certify that I did.	Communicate with appellee's counsel by any means . A litigant who may not communicate with opposing counsel cannot serve a pleading, and a pleading that is not served is not properly filed.
Lake County No. 23 CF 1146 is live. A warrant is outstanding, a 180-day term is activated, and there are settings in the circuit court at which the prosecutor and I are expected to speak.	Speak to that prosecutor. The order restricts communication with "appellee's counsel" and does not carve out the circuit court, where no appeal is pending and where the State and I are the two parties in the room.



WHAT A RULE OR STATUTE REQUIRES ME TO DO	WHAT THE ORDER SAYS I MAY NOT DO
Fed. R. Civ. P. 5 — serve every paper on every party in <i>Allababidi v. Shepherd</i> , No. 1:26-cv-06738 (N.D. Ill.), in which Lake County Assistant State's Attorneys are defendants in their individual capacities.	Communicate with the office those defendants work in. A state court order cannot excuse me from Rule 5, and no one has suggested it was meant to reach a federal docket — but it does not say so, and I am the one who bears the risk of guessing.
5 ILCS 140 — direct a request for public records to the Lake County State's Attorney, and appeal a denial to the Public Access Counselor.	Address that public body at all. FOIA is a statutory right that runs to every person; the order does not mention it, and does not say whether making a request is “communicating.”
Ill. S. Ct. R. 775 immunizes a communication to the Attorney Registration and Disciplinary Commission from civil liability, and Rule 8.3 makes such reports mandatory for lawyers.	Continue a disciplinary matter whose respondents sit in appellee's counsel's offices — which the People say in writing is part of the justification for the order. See Part VI.

I have complied with the order. I have sent nothing to Mr. Boose, to Mr. Psenicka, or to Mr. Rinehart since July 31, and this letter is not copied to them. That compliance has a price and it is being paid in every row above. I am asking you, as the only lawyer with authority to speak for me in that court, to have the clause construed or vacated. Item 3 of Part IX is the request. It asks for clarity, not for victory: an order that says which of the five rows is permitted would end the problem in a sentence.

V. MARTINEZ, TAKEN AT THE PEOPLE'S OWN VALUATION, AND THE TWO THINGS IT DOES NOT REACH

I am going to make the answer for you rather than wait to see whether you find it, because it is a real case and it really is adverse. Here is the People's statement of it, from their verified Objection, in their words and not mine:

PEOPLE'S OBJECTION OF AUGUST 5, 2026, ¶ 11 (EXHIBIT D)

[The Supreme Court of the United States has established that there is no constitutional right to appellate self-representation. Martinez v. Ct. of Appeal of California, Fourth App. Dist., 528 U.S. 152, 163 (2000). It explained that courts have discretion allowing a person to proceed pro se, and that individual autonomy principles are outweighed by governmental interests in ensuring the integrity and efficiency of the appellate process.]

Take it at full strength. I accept for the purposes of this letter that the federal Constitution does not compel an Illinois reviewing court to permit self-representation on direct appeal. That concession costs me nothing, for two reasons that are inside the People's own sentence and inside the Illinois Constitution.

First, their own sentence says “discretion.” A holding that a court is not *required* to permit something is not a holding that it may not, and it is not authority for anything at all about how a discretion is exercised in a particular case — least of all where it was exercised without a motion, without notice, without a hearing and without a finding, in a paragraph appended to an order granting the appellant's own request for counsel. Nothing in Martinez supplies the missing predicate, because Martinez is a case about a litigant who *asked* to represent himself. On July 31 I had asked for the opposite. I asked for counsel under Rule 607(a), the Court granted it, and then restricted me on a question no one had put to it.

Second, Illinois has its own text and it is not Martinez's. Article I, section 8 of the Illinois Constitution of 1970 provides, and the emphasis is the drafters':

ILL. CONST. 1970, ART. I, § 8

[In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel.]



The conjunction is the Constitution's. Whatever Martinez decides about the federal floor, it decides nothing about the Illinois ceiling, and a state charter that guarantees the accused the right to appear and defend in person is not construed by a case holding that the federal Constitution does not require states to do so. I do not ask you to win that argument in this letter. I ask you to make it in the court where it belongs, or to tell me in writing that your Office declines to. Item 6 of Part IX is that request.

And then the part that Martinez does not touch at all. Martinez is about who writes the brief. It is not authority, and the People do not claim it is authority, for an order that a litigant may not communicate *by any means* with a public office — not for barring service of process, not for barring a request under a public records statute, not for barring a defendant from speaking to the prosecutor in a live circuit-court case in which no appeal is pending, and not for barring a communication that Supreme Court Rule 775 exists to protect. Not one word of the opinion addresses any of that, and the July 31 order cites nothing. The two halves of that order are not governed by the same authority, and only one of them has any authority offered for it at all.

VI. THE AUGUST 5 CERTIFICATION — THE STATE'S OWN WRITTEN POSITION ON WHY I WAS SILENCED

This part is the reason the last two pages of this letter exist, and I did not write the sentence it is built on. Paragraph 13 of the People's verified Objection, filed August 5, 2026, states:

PEOPLE'S OBJECTION OF AUGUST 5, 2026, ¶ 13, VERIFIED UNDER 735 ILCS 5/1-109 (EXHIBIT D)

[This Court's July 31, 2026 Order – to appoint counsel and refrain from filing documents with this Court or communicate with appellee's counsel – is further justified by defendant's harassing 'Notice of Disciplinary Referral' dated July 30, 2026, detailing his four prior, as well as future, intended ARDC claims against various representatives of the People including the undersigned, as well as varying demands and vexatious litigation tactics for these and other proceedings.]

Read what that is. It is the State of Illinois, in a verified filing, signed by the lawyer it names, telling a reviewing court that a restraint on a litigant's speech and filing is *justified in part* by the litigant having made and noticed complaints to the Attorney Registration and Disciplinary Commission. It is not my characterization of their position. It is their sentence, and it is attached.

Supreme Court Rule 775 provides that a communication to the Commission is immune from civil liability. Rule 766 keeps the file confidential until a complaint is voted and filed. The Supreme Court wrote both rules to make it safe to make such a report. A rule that exists to protect the communication cannot at the same time be the ground for restraining the person who made it, and I have not found a case saying it can. If the People have one, they may cite it; they cited none. Beyond the disciplinary rules, this is a restraint on petitioning a government body, imposed after and expressly because of the petition, and it now sits unanswered on the record of my appeal.

You are my lawyer. That paragraph was filed against your client eight days ago and nothing has been filed in answer to it. I am not asking you to adopt my view of it. I am asking whether your Office intends to respond to it at all, and if not, to say so in writing so that the record shows who was asked and when. Item 6 of Part IX is that question.

VII. THE CLOCK, AND WHAT HAPPENS ON IT WITHOUT A RULING AND WITHOUT YOUR PARTICIPATION

Every date below is taken off the face of an order or a rule, and each one is produced. None of them requires anyone to agree with anything in this letter.



DATE	WHAT FALLS DUE, AND ON WHOM
TODAY August 13, 2026	The People's fourteen-day window under Rule 323(c) on the proposed report of proceedings served July 30, 2026 closes. The next step the rule prescribes — presentation to the trial court for settlement and certification — belongs to a party . I am forbidden to act. You are counsel. If nothing is done today, the record of this appeal will show that the only mechanism for producing a report of proceedings lapsed while the appellant was barred from filing and his counsel had not yet read the file.
Sept. 9, 2026	Record on appeal due in the First District , No. 1-26-0055 — and the order imposing that date puts it on “Defendant-Appellant Ehab Allababidi” by name (Ex. B), while the Clerk's office of the same Court has told him in writing to contact your Office instead of filing (Ex. G).
Sept. 10, 2026	Report of proceedings, bystander's report, or agreed statement of facts due to be filed in the trial court, No. 2-26-0352 (Ex. F).
Sept. 24, 2026	Record on appeal due in the Second District (Ex. F). This is the date your August 10 e-mail identifies as the next step.
Running now	180 days activated June 17, 2026 on an oral motion. Warrant outstanding since May 28, 2026 — seventy-eight days as of today, August 14, 2026. Neither is stayed. No motion to stay has been filed by anyone.

Your August 10 electronic mail describes the sequence as: order the record, then assign an individual attorney, then that attorney reads the record and researches the applicable law, then that attorney contacts me to discuss my options. Set that sequence against the last row of the table. It is not a criticism of the sequence, which is the ordinary and correct one for an ordinary appeal. It is the observation that the ordinary sequence and a running custodial term do not occupy the same calendar, and that the Court told your Office so on July 31 in a parenthesis.

VIII. LITIGATION HOLD — EFFECTIVE ON TRANSMISSION OF THIS LETTER

Three federal actions and two state appeals are pending, and the conduct described in this letter is within the subject matter of all five. The duty to preserve is neither prospective nor discretionary. This is a formal demand that you, the Office of the State Appellate Defender, and each office and custodian named below immediately 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 Custodians.** Christopher M. McCoy; Jaime L. Montgomery; Kerry Goetsch; Elena B. Penick; Douglas R. Hoff; James E. Chadd; every attorney or staff member who touched either appeal; and the mailboxes 2ndDistrict@osad.state.il.us, 2nddistrict.eserve@osad.state.il.us, 1stDistrict@osad.state.il.us and 1stdistrict.eserve@osad.state.il.us.
- 2 The August 4 withdrawal motion.** Every draft, redline, comment and version; the portal captures and downloads described in its paragraph 1, with their retrieval timestamps; the research file; all internal correspondence about whether to file it and what it would say; and the native file with metadata intact.
- 3 The “explicitly confirmed” communication.** Every communication, in any medium, between any person at the Office of the State Appellate Defender and any person at the Office of the State’s Attorneys Appellate Prosecutor or the Lake County State’s Attorney, from July 31, 2026 forward, and specifically any communication bearing on what your Office was or was not willing to seek. Paragraph 14 of the People’s verified Objection describes such a communication. Whatever it was, it exists or it does not, and both answers are now material.
- 4 Communications with either Court.** Every communication, written or oral and including telephone logs and calendar entries, between your Office and any justice, staff attorney, chambers, or Clerk’s office of the First or Second District concerning me, my filings, my appointment, or the restrictions entered July 31, 2026.
- 5 The record-ordering instruction.** For each appeal: the date the record was ordered, the instrument ordering it, its addressee, the court reporting personnel or clerk it went to, every acknowledgment, and every communication about transcription of the May 28 and June 17, 2026 proceedings, including any statement by anyone that no recording or transcript exists.



- 6 File, case-management and assignment records.** The complete file in both appeals; intake screens; conflict checks; assignment and reassignment logs; supervisory review notes; time and activity entries; and every entry recording a decision not to file something.
- 7 Electronic mail and messaging.** Mailboxes, archives, recoverable-items folders, retention labels and policies, eDiscovery and Purview holds, transport rules, forwarding rules and message-trace logs in the *osad.state.il.us* tenant for all custodians above, January 1, 2026 to the present, together with Teams messages and any messaging on personally owned devices used for public business.
- 8 Backups.** All backup media, snapshots, journals and disaster-recovery copies containing any of the above, notwithstanding any ordinary rotation or overwrite schedule.

The obligation is not merely a civil-discovery one. 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, and Illinois recognizes the tort where a duty to preserve was assumed. *Boyd v. Travelers Ins. Co.*, 166 Ill. 2d 188 (1995); *Shimanovsky v. General Motors Corp.*, 181 Ill. 2d 112 (1998). I ask for **written confirmation by 5:00 p.m. Monday, August 17, 2026** that the hold has issued, identifying by title the person responsible for it.

IX. DEMAND — BY ITEM, BY 5:00 P.M. MONDAY, AUGUST 17, 2026

Not one item below asks your Office to adopt an issue, concede a point, or take a position on the merits of anything. Each is either a filing this Court itself named, a step a rule makes due, a written answer Rule 1.4 already requires, or a confirmation. Each can be satisfied in a paragraph.

- 1 Act today under Rule 323(c).** The People’s fourteen-day window on the proposed report of proceedings served July 30, 2026 closes **today**. Present the report to the trial court for settlement and certification, or state in writing that your Office declines to and why.
- 2 File the motion this Court named.** A motion under Rule 609(a) to stay the sentence imposed on the June 17, 2026 order, in No. 2-26-0352, by 5:00 p.m. Monday, August 17, 2026 — or state in writing that your Office declines to file it, and identify the ethical or legal ground on which it declines, given paragraph 14 of the People’s verified Objection.
- 3 Seek construction or vacatur of the communication bar.** Move the Second District to construe or vacate the clause forbidding communication “by any means with appellee’s counsel,” addressing at a minimum the five rows of the table in Part IV, or state in writing that your Office declines to.
- 4 Order the report of proceedings under Rule 607(b).** For **May 28, 2026 at 9:00 a.m.** and **June 17, 2026 at 9:00 a.m.**, Courtroom 611, Nineteenth Judicial Circuit — without charge, as Rule 607(b)(1) directs in this posture — and confirm to me in writing the date ordered, the personnel it was directed to, and the expected date of delivery. Both minute sheets name an ECR Specialist on their face; the audio exists.
- 5 Answer paragraph 14.** State in writing whether any person at your Office confirmed to the People, before August 5, 2026, a willingness to seek a stay of the June 17, 2026 order; if so, who, when, and in what terms; and if not, what your Office intends to do about a verified representation to the contrary now sitting in the Second District’s file.
- 6 Answer paragraph 13 and the constitutional question.** State in writing whether your Office intends to respond to the People’s position that the July 31 order is “further justified” by my disciplinary complaints, and whether it intends to raise article I, section 8 of the Illinois Constitution in either district. A statement that it does not is an acceptable answer and will be reported as what it is.
- 7 Correct or supplement the August 4 motion** as to the three recitals in the table in Part III, or state in writing that your Office has now reviewed the Rule 45 material and maintains the recitals notwithstanding it.



- 8 **In the First District, No. 1-26-0055:** state whether your Office will adopt or re-file the emergency motion rejected at intake on August 4, 2026 (Ex. G); whether it will join or supplement the pending Rule 9(f)(1) motion (Ex. H); and how the **September 9, 2026** record deadline that order places on me by name is to be met by a person the Clerk's office has told not to file.
- 9 **Identify the assigned attorney** in each appeal, and the date of assignment, or state that none has been assigned.
- 10 **Confirm the litigation hold** in Part VIII in writing by 5:00 p.m. Monday, August 17, 2026, and confirm receipt of this letter and its exhibits.

X. THE DISCIPLINARY REFERRAL — WHAT I ALREADY KNOW, AND WHY IT IS NOT AN OFFER

I would rather show you the weak part myself than let you find it, so this part begins with what does not work. I have been through the Commission's process. I hold four file numbers already. All four are closed. Both closure letters are attached in Exhibit J, unedited, including the paragraphs that are bad for me.

ARDC FILE	RESPONDENT	DISPOSITION
2026IN03189	Bailey Clare Russell	Closed at intake, June 18, 2026, without investigation.
2026IN03190	Nicholas Shepherd, Assistant State's Attorney	Closed at intake, June 18, 2026, without investigation.
2026IN03266	Francis Paul De Rosa, Assistant State's Attorney	Closed at intake, July 1, 2026, without investigation.
2026IN03281	Gregory R. Ticsay	Closed at intake, July 1, 2026, without investigation.

So I know what happens when I file the next one. A file is docketed, numbered, reviewed in the Intake Division at 130 East Randolph Drive, and within a few weeks a letter arrives on the Commission's letterhead containing a sentence I have now received twice:

ARDC TO EHAB ALLABABIDI — JUNE 18, 2026 AND AGAIN JULY 1, 2026 (EXHIBIT J)

*[Such claims are appropriately addressed and resolved in the courts through motions, appeals and other legal actions. Therefore, in most instances, **this Commission will not act on such claims unless a court has first found that a [lawyer] acted improperly.**]*

THE ADMINISTRATOR'S STANDING INVITATION — FINAL SUBSTANTIVE PARAGRAPH OF BOTH LETTERS (EXHIBIT J)

*[If, in the future, **any court finds that the State ... acted improperly in connection with your case, we invite you to send us a copy of the court's decision. At that time, we will determine whether further action by this office may be warranted.**]*

That is not my characterization of Commission practice. It is the Commission's written instruction to me and it is attached. It converts a referral from an argument into a two-step procedure whose second step is controlled entirely by what a court writes down. I am telling you the result of step one before I take it, because the only asset this letter has is that every word in it can be checked. Here is the sequence:

- 1 A request for investigation is filed with the Administrator naming the attorneys of your Office responsible for the conduct described in Parts I through III, and naming supervising counsel under Rule 5.1(a), (b) and (c). It attaches this letter and Exhibits A through J. Rule 775 immunizes that communication from civil liability; Rule 766 keeps the file confidential until a complaint is voted and filed.
- 2 The file is docketed, numbered, and in all probability closed at intake, for the reason the Commission has already given me twice.



- 3 The same materials are filed of record in the pending federal actions, where the tribunal is not confined to reviewing a lawyer's ethics in the abstract, and where the documented date of your knowledge — today — is what makes anything done after it a knowing act rather than an inadvertent one.
- 4 When a court makes a finding, the finding goes to the Administrator under the same file number with the Commission's own invitation stapled to the front of it. At that point the file is no longer a self-represented litigant's assertion. It is a judicial determination, and it is the single event the Administrator has identified as the one that warrants further action.
- 5 I will not be the only person with an obligation at that point. Rule 8.3(a) obliges every lawyer who knows of a violation raising a substantial question as to honesty, trustworthiness or fitness to inform the Commission, and Rule 2.15 of the Code of Judicial Conduct imposes a parallel duty on any judge who receives such information. Those duties are not mine to invoke or to waive.

None of this is an offer. There is nothing in this letter to trade and no consideration is proposed. I am not offering to withhold a referral in exchange for the items in Part IX, and you should not read one into it — bargaining over whether appointed counsel files the motion a reviewing court named would be its own problem, for both of us. The referral is being prepared. What Part IX changes is not whether it is filed but what it says. There will be a paragraph in it describing what your Office did in the four days after it was handed the July 31 order, paragraphs 13 and 14 of the People's verified Objection, and the dates in Part VII. Right now that paragraph is unwritten. By 5:00 p.m. Monday, August 17, 2026 it will say one of two things, and you are the only person who decides which. If your Office does the items in Part IX, that paragraph will say so, in the referral itself, in the same sentence — not as a concession extracted from anyone, but because a submission that omitted it would be the same species of document I am writing to you about.

XI. THE FEDERAL RECORD, AND WHY IT IS THE OPERATIVE FORUM

The disciplinary track is second and not first because the federal track is where a finding actually gets made. Three actions are pending and the conduct described here is within the subject matter of all three.

CASE	COURT / POSTURE
1:26-cv-01077	<i>Allababidi v. Junkin, et al.</i> — habeas corpus, N.D. Ill., Hon. John Robert Blakey. Rule 4 review passed April 13, 2026. Dkts. 53, 54 and 55 were accepted and stamped August 10, 2026 (Ex. I). The State's pending motion represents that "no record was prepared for petitioner's direct appeal." The exhaustion question in that case turns on whether the state corrective process was <i>actually usable</i> . The July 31 order and the August 4 intake rejection are evidence on that question.
1:26-cv-06738	<i>Allababidi v. Shepherd, et al.</i> — 42 U.S.C. § 1983, N.D. Ill., Hon. Matthew F. Kennelly. Lake County Assistant State's Attorneys are named in their individual capacities. Fed. R. Civ. P. 5 requires service on them; the July 31 order forbids me to communicate with their office.
1:25-cv-15800	<i>Allababidi v. Advocate Health and Hospitals Corp., et al.</i> — civil RICO, N.D. Ill., Hon. Jorge L. Alonso. Leave to supplement the record granted August 7, 2026 (Ex. J).
2-26-0352 · 1-26-0055	The two appeals in which your Office is counsel of record. Record deadlines September 24, 2026 and September 9, 2026.

Federal Rule of Civil Procedure 11(b)(3), 28 U.S.C. § 1927, and the disciplinary provisions of the Local Rules of the Northern District of Illinois, LR 83.25 *et seq.*, each supply a mechanism, and each produces the one thing the Commission says it is waiting for: a court's written finding. When one issues it goes on the federal record first and to the Administrator second.

XII. WHAT IS ASSERTED HERE, WHAT IS NOT, AND WHAT IS NO LONGER CONCEDED

A demand that overreaches gets discounted, so the limits are stated. But two of them are gone since the last time I wrote a letter like this, and their absence is deliberate rather than accidental.



- 1 **I do not assert that appointed counsel must adopt every issue I want raised.** Rule 1.2(a) gives counsel the means and gives the client the objectives, and that division is not in dispute here. Not one item in Part IX asks your Office to raise an issue on the merits. Every item is a filing this Court named, a step a rule makes due, a written answer Rule 1.4 already requires, or a confirmation.
- 2 **I do not assert that anyone at your Office destroyed or concealed anything.** Part VIII exists so that the records which can answer the questions in Part IX survive to answer them.
- 3 **I do not assert facts I cannot document, and I will not guess at them.** I do not know who inside your Office decided that the first filing in my name would be a request to be excused. I do not know whether the confirmation described in paragraph 14 of the People's Objection was ever given. Item 5 asks. Not knowing is not the same as nothing having happened, and I am not going to write it as though it were.
- 4 **What is no longer conceded.** On August 4 I filed a motion in the First District containing a part which stated that no clerk, no employee of the electronic filing manager, and no attorney of the Office of the State Appellate Defender had failed in any duty. I have not withdrawn a word of that motion and I do not withdraw it now. I am not repeating the sentence. It was written on August 4. On August 5, 2026 the People certified under section 1-109 that a restraint on my speech was "further justified" by my having filed disciplinary complaints, and on August 7, 2026 withdrawal was denied, I was not told for three days, and the next communication I received described the next step as ordering a record due September 24, 2026. A concession offered before the facts arrived is not one that has to be renewed after they do, and nothing in this letter extends anyone the benefit of a doubt the record no longer supports.

RESPOND IN WRITING BY 5:00 P.M. MONDAY, AUGUST 17, 2026

One item is due today — the Rule 323(c) step in Part IX, item 1. The rest are due by the hour above. None of them requires your Office to concede anything, and each is verifiable in a paragraph: the Rule 609(a) motion this Court itself named, or a written refusal identifying the ground; a motion construing or vacating the communication bar, or a written refusal; the Rule 607(b) order for the May 28 and June 17 recordings; written answers to paragraphs 13 and 14 of the People's verified Objection; the name of the assigned attorney in each appeal; and confirmation of the litigation hold. If I receive no reply by that hour I will report it to both Courts, and to the Commission, as exactly what it is — no response — and not as agreement. Address the reply to defcon5ready@gmail.com and ehabhilfiger@gmail.com.

XIII. 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 each proceeding listed in Part XI, and tendered for filing in both appeals.
- 2 A request for investigation as described in Part X will be submitted to the Administrator of the Attorney Registration and Disciplinary Commission and supplemented on the occurrence of any judicial finding, under the procedure the Commission itself described in Exhibit J.
- 3 Requests under the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, will be directed to the Office of the State Appellate Defender for the non-exempt records enumerated in Part VIII, with review by the Public Access Counselor if denied, and subpoenas under Rule 45 of the Federal Rules of Civil Procedure will issue in the actions listed in Part XI for the records FOIA does not reach.
- 4 I reserve every remedy available under Rule 375, Rule 137, Rule 11 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1927, 42 U.S.C. § 1983, and the common law of spoliation, and I waive none by sending this.

No conclusion in this letter is stated before the document that establishes it, and no rule appears in it that is not quoted in the words the Supreme Court used, including the words that cut against me. Strip away the thirteen parts and the question in front of you is narrow, dated, and entirely yours: whether the motion the Second District named on July 31, and which the People told that court on August 5 your Office was willing to seek, gets filed before the thirty-first day.



Nothing here requires your agreement. It requires your answer, in writing, by Monday.

Respectfully and without waiver of any right or remedy,

/s/ Ehab Allababidi

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