

1. On or around 2/22/2022 I became unemployed, and I have had trouble finding stable employment. The total time spent unemployed was about 8 to 9 months. I recently found temporary employment on 7/10/2023... The employer was concerned with an arrest that appeared on my background check, and they warned me that it could be an issue.

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2. On or around 2/27/22, I was denied unemployment benefits, and I have not received any unemployment benefits to date.
3. On 11/10/22 I filed a complaint in the US DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS. Judge Ahern is the defendant in that complaint.
4. On 11/14/22 I filed a notice of removal in state court, and email copies to the opposing party.
5. On 11/18/22 I appeared in court via zoom to notify Judge Ahern and the opposing parties that the case had been removed to federal court.
6. On 3/17/23 Judge Ahern continued to conduct court room hearings.
7. On 4/24/23 I filed a notice of removal in the U.S. District Court.
8. On 4/26/23 I filed a notice of removal and my amended complaint in state court.
9. On 8/23/23 I received an email copy of a court order indicating that a body attachment may be issued if I fail to appear in state court.
10. On 8/23/23 I performed a case search on cook county's website and I found the following entry for my state case "Activity Date: 08/10/2023 Event Desc: Held In Contempt Of Court - Allowed"

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**ARGUMENT**

According to the removal statutes, the state court proceedings were supposed to have stopped until the case was remanded. Despite being given several notices of removal, defendant Ahern continued to conduct hearings and in one instance found me in contempt of court. In another hearing, Ahern indicated that a body attachment may be issued. I allege that Ahern has been timing the state hearings so that I would not have any time to participate in the state litigation if this case is remanded. The result of the timing of the hearings would be an order for my arrest. This motion is being filed to request any remedy that this court can provide. One such remedy would be a temporary restraining order to stop the state court proceedings until after a decision has been reached in my federal claims.

**JUDGE AHERN DOES NOT HAVE JURISDICITON  
BECAUSE THE CASE WAS REMOVED TO THE U.S DISTRICT COURT**

I argue that the defendant does not have jurisdiction in state court because the case was removed. According to Federal statute 28 U.S. Code § 1446 and 1441, Ahern was prohibited from proceeding any further until the case is remanded. The law is well-settled and clear, after removal, the state court's jurisdiction immediately and totally

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ceases, and federal court immediately attaches. In addition “It is the duty of the state court to recognized the removal and proceed no further in the matter and subsequent proceedings therein, except for the order of removal , are void”.

I argue that all the proceedings conducted after Ahern received the notice of removal are void. **“1446 expressly provides that upon removal ‘the State court shall proceed no further unless and until the case is remanded.’ 28 U.S.C. Sec. 1446(e). Hence, after removal, the jurisdiction of the state court absolutely ceases and the state court has a duty not to proceed any further in the case. Steamship Co. v. Tugman. 106 U.S. 118, 122, 1 S.Ct. 58, 60, 27 L.Ed. 87 (1882). Any subsequent proceedings in state court on the case are void ab initio. Steamship Co., supra, 106 U.S. at 122, 1 S.Ct. at 60. “**

I allege that defendant Ahern was given both a verbal notice of removal and a written notice of removal. Removal was also argued in the jurisdiction section of my complaint against him. I allege that despite receiving a fair notice of removal, Ahern continued to conduct proceedings in state court. I allege that the state court proceedings were timed with the proceedings in federal court. The timing is done in such a way that I would have little to no time to participate in the state court proceedings.

I ask that this court declare that all the state court proceedings and orders entered after the removal are void....**“any proceedings in the state court after the filing of the petition and prior to a federal remand order are absolutely void,**

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**despite subsequent determination that the removal petition was ineffective.”**

**South Carolina v. Moore, 447 F.2d 1067, 1073 (4th Cir.1971); see United States ex rel. Echevarria v. Silberglitt, 441 F.2d 225, 227 (2d Cir.1971)”**

**JUDGE AHERN DOES NOT HAVE  
PERSONAL JURISDICTION**

In my original complaint, I argued that Judge Ahern did not have personal jurisdiction. So far, the defendant has not provided any arguments to suggest otherwise. Instead, in their most recent filing, the defendants argue that (*“Deciding plaintiff’s claim would be an inappropriate intrusion into the workings of the state court system because exercising federal jurisdiction over these claims would reflect a lack of respect for the state’s ability to resolve these issues properly before its courts... Because Plaintiff is asking this Court to inject itself into state court proceedings dealing with state law, this Court should decline to exercise jurisdiction based on general principles of federal abstention.”*)

I argue that the defendant is missing the point of my section 1983 claim. I cannot appeal without a bystander’s report and accurate court records. I allege that Ahern and the other defendants are sabotaging my appeal. It’s evident that the state court does not have the ability to " resolve these issues properly" because they are the ones that’s sabotaging my appeal. As my claims pertain to Ahern, I am requesting declaratory relief.

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Asking this court to grant a remedy so that I can appeal his judgment. The U.S. District court clearly has the authority to grant relief. Rule 57 of the Federal Rules of Civil Procedure provides the process for declaratory judgments. That rule provides that declaratory judgments may be obtained under 28 U.S.C. § 2201.

A temporary restraining order should be issued because the defendants never had personal jurisdiction in the state case, and this court clearly has the authority to issue declaratory relief.

**JUDGE AHERN DOES NOT HAVE  
SUBJECT MATTER JURISDICTION**

It is important to note that Judge Ahern did not have subject matter jurisdiction in the state case. The defendant contends that *“as a sitting judge in the Circuit Court of Cook County, Judge Ahern had jurisdiction to hear any claim brought in the Cook County Circuit Court. See Ill. Const. Art. 6 §§ 6 & 9.”*

I argue that the defendant is simply wrong. Judge Ahern does not have jurisdiction to hear “any claim” brought before him... I believe the defendant is referring to Article 6 section 9 of the Illinois Constitutions. The relevant part provides “Circuit Courts shall have original jurisdiction of all justiciable matters”... (**"In order to invoke the subject matter jurisdiction of the circuit court, a plaintiff's case, as framed by**

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the complaint ... must present a justiciable matter.") Schottel v. Young, 687 F. 3d 370 - Court of Appeals, 8th Circuit 2012.... "The Illinois Supreme Court defines "justiciable" as "a controversy appropriate for review by the court, in that it is definite and concrete, as opposed to hypothetical or moot, touching upon the legal relations of parties having adverse legal interests." Schottel v. Young, 687 F. 3d 370 - Court of Appeals, 8th Circuit 2012." In other word's, courts only have jurisdiction when there is a real or genuine controversy. I argue that Ahern did not have jurisdiction because there was never a real controversy. I have never refused to assist my son with paying for college. Ms. Thompson has never asked me to assist with paying for his college expenses. My son has never asked me to assist him with paying for college. I did not even know he was **going** to college until I was sued in state court. The defendants have not argued and cannot argue that there was a real controversy... The evidence will show that Ahern could not have had subject matter jurisdiction because Ms. Thompson's complaint did not present a genuine controversy.

A temporary restraining order should be issued because the defendants never had subject matter jurisdiction in the state case.

**ILLINOIS STATUTE 750 ILCS 5/513 IS VOID**

**BECAUSE ITS VAGUE**

In my complaint I argued that the statute 750 ILCS 5/513 is void because it's vague. The defendant contends that *"Plaintiff seems to believe that a statute must outline every conceivable way that it may be applied to in order to not be vague, but that*

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*requirement would be impossible. As the Supreme Court has recognized, "[c]ondemned to the use of words, we can never expect mathematical certainty from our language."* *Grayned v. City of Rockford*, 408U.S. 104, 110 (1972). Due process thus requires only "reasonable specificity." *Coates v. Cincinnati*, 402 U.S. 611, 614 (1971)".

I argue that the defendant is being disingenuous, and he is trying to muddy the waters... **Grayned v. City of Rockford, 408U.S. 104, 110 (1972)**. Provides the basic principles of void for vagueness... **"we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. Third, but related, where a vague statute "abut[s] upon sensitive areas of basic First Amendment freedoms,"[6] it "operates to inhibit the exercise of [those] freedoms.""** To make a long story dull, Grayned was convicted for violating the "antinoise" ordinance. Which provides **"[N]o person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class thereof. . . ." Code of Ordinances, c. 28, § 19.2 (a).**" ... Grayned's argument was **"that proscribed conduct was not sufficiently specified and that police were given too broad a discretion in determining whether conduct was**



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**proscribed."** However, at the end of the day Grayned's conduct along with that of other protesters disrupted school activities. Which (**"the ordinance forbids deliberately noisy or diversionary activity that disrupts or is about to disrupt normal school activities. It forbids this willful activity at fixed times—when school is in session—and at a sufficiently fixed place—"adjacent" to the school."**) **Grayned v. City of Rockford, 408U.S. 104, 110 (1972).** To overcome a vagueness challenge, a statute must simply "give the person of ordinary intelligence a reasonable opportunity to know what is prohibited". The vagueness doctrine does not require that a statute provide specific details, but "a reasonable opportunity to know what know what is prohibited". The defendant is trying to evade the simple question(s) I presented in my previous filings. Which was, what did I do, or what did I fail to do which cause me to be sued? Grayned's conviction was upheld because he participated in a protest which disrupted school activities. The statute in question did not specifically say what was prohibited. It simply gave him a reasonable warning of what type of conduct was prohibited. In short, his conduct led to his arrest and conviction... **Similarly in Coates v. Cincinnati, 402 US 611 - Supreme Court 1971.** Coates was convicted for his conduct (participating in a labor dispute). In that case it was argued that **"The city is free to prevent people from blocking sidewalks, obstructing traffic, littering streets, committing assaults, or engaging in countless other forms of antisocial conduct. It can do so through the enactment and enforcement of ordinances directed with reasonable specificity toward the conduct to be prohibited."** **Similarly in Coates v. Cincinnati, 402 US 611 - Supreme Court 1971.** Again, the statute provided a reasonable warning of what was prohibit. Coates conduct generally speaking fell into

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the category of what was prohibited. Generally speaking, what did I do to violate the statute?

I argue that the statute allowed Ms. Thompson to arbitrarily file a claim against me. As previously stated, I never refused to help Ms. Thompson with college expenses and she never asked me to help. I never refused to help our son with college, and he never asked me to help.

I argue that a temporary restraining order is warranted because the statute is void for vagueness. It allowed Ms. Thompson to arbitrarily file claims against me and it allowed Ahern to make arbitrary finical decisions for my family. Generally speaking, It does not provide a reasonable opportunity to know what conduct is prohibited and it allows for arbitrary enforcement.

**I HAVE BEEN DENIED SUBSTANTIVE**

**DUE PROCESS BY STATUTE 750 ILCS 5/513**

In my previous filings I argue that I was denied substantive due process. The defendant contends *“Plaintiff continues to argue that the College Contribution Statute violates that his parental rights because, he asserts, his parental rights include the right to make all financial decisions related to his child. However, Plaintiff cites no authority for this position, and it is simply false. There is no right to be free from making financial contribution to support one’s child and Plaintiff is trying to pervert the Constitution to*

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*avoid having to help fund his child's education. The College Contribution Statute is constitutional so long as it is rationally related to a legitimate government interest, and it will stand unless the plaintiff can negate every conceivable basis for the government action. Minerva Dairy, Inc. v. Harsdorf, 905 F.3d 1047"... I allege that the defendant is deliberately misstating my arguments.*

I never made the argument that my parental rights *"include the right to make all financial decisions related to"* my child. In my amended complaint I clearly argued **"the planning, coordination, and budgeting that should happen between two parents."** In my answer to the defendant's motion to dismiss I clearly argued **"parental rights have long been established as fundamental rights. I argue that this right includes the equal right to make financial decisions for their children"...** I've made it clear that I believe that me and Ms. Thompson are equal under the eyes of the law and we both possess equal rights as it regards to our son. However, the statute deprives me of my right to have a seat at the table where decisions are made regarding my son. No where in any of my filings did I argue that I have the right to make all financial decisions regarding my child.

I have never made the argument that I have the right to "be free from making financial contribution to support one's child". In my answer to the defendant's motions to dismiss, I specifically stated that **"I provided financial support for Ms. Thompson throughout her pregnancy". "After his birth I continued to provide for him...financially". "At some point Ms. Thompson abducted our son. I continued to provide financial support throughout his abduction."** The support would have

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continued if the state had not inserted themselves. It was actually the state who told me that I was no longer obligated to provide support.

I am not trying to ("pervert the Constitution to avoid having to help fund my child's education.") In my answer to the defendants motion to dismiss I wrote that **"Sometime after his birth, I offered Ms.Thompson several forms of additional support beyond the financial support that I was already providing. One of the notable forms of additional support was that I would start a 529 college saving plan."**

I argue that the defendant incorrectly believes that *Minerva Dairy, Inc. v. Harsdorf*, applies to my case. It does not. That case does not involve a fundamental right. As a result a rational basis test was used. However (**"where the right infringed upon is among those rights considered "fundamental" constitutional rights, the challenged statute is subject to strict scrutiny analysis."**) *Village of Lake Villa v. Stokovich*, 211 Ill.2d 106, 122, 284 Ill.Dec.... Making education decisions regarding your child **"is perhaps the oldest of the fundamental liberty interests recognized by this Court."** *Troxel v. Granville*, 530 US 57 - Supreme Court 2000. To survive strict scrutiny, a statute "must be narrowly tailored to promote a compelling Government interest **"a statute is narrowly tailored only if it targets and eliminates no more than the exact source of the `evil' it seeks to remedy."** See *Ward v. Rock Against Racism*, 491 U.S. 781, 804, 109 S.Ct. 2746, 105 L.Ed.2d 661. I argue that the statute in question horribly fails the strict scrutiny analyses. The statute does not seek to remedy any evil. Instead it cast a broad net which ensnares the innocent. Without reason and without cause the statute has made me a debtor and it has completely removed my parental rights.

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I am very troubled; I allege that the defendant has essentially resorted to lying. I argue that the defendant has resorted to these measures because he cannot prove that he had jurisdiction. He cannot prove that there was a controversy in my case. He cannot prove that the statute is valid.

A temporary restraining order is warranted because the statute in question denies me substantive due process.

**THE US DISTRICT COURT HAS THE POWER TO  
PREVENT PRIVATE PARTIES FROM ENFORCEING  
STATUTE 750 ILCS 5/513**

In my original complaint, I sought relieve from someone trying to enforce 750 ILCS 5/513 in the future. The defendants contends *“Attorney General’s option to intervene pursuant to Federal Rule of Civil Procedure 5.1 does not make the Attorney General a proper defendant under the Ex parte Young doctrine.... Attorney General’s option to intervene pursuant to Federal Rule of Civil Procedure 5.1 does not make the Attorney General a proper defendant under the Ex parte Young doctrine To state an official capacity claim for injunctive relief, the named official must have some involvement in the enforcement of the challenged statute. Doe v. Holcomb, 883 F.3d 971, 975 (7th Cir. 2019) (citing Ex parte Young, 209 U.S. at 123. 157 (1908)).” ...*

Ex parte Young establishes that federal courts may intervene when there is a violation of the U.S. constitution, there is a risk of imprisonment and property being

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taken without due process of law. On 11/29/22, Attorney General Raul was sent a notice according to Federal Rule of Civil Procedure 5.1(a)(1)(B) because **“a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity”**.

The logic used in Doe v. Holcomb do not apply because Doe’s suit did not involve a fundamental right. Doe was suing for a name change, which was blocked because he could not provide proof of citizenship. In contrast, my case involves fundamental rights. At stake is real property which have been earned through the fruits of my labor, and my right to have a seat at the table to which financial decisions are being made for my children.

In all fairness, I argue that it’s too late for Attorney General Raul to intervene. His intervention or lack thereof, does not prevent this court from providing relief because my federal complaint is not a suit against the state. Therefore, it’s not barred by the eleventh amendment. *Ex parte Young* refers to *Reagan v. Farmers' Loan and Trust Co.*, 154 U.S. 362 (1894). Which was a suit against the members of a railroad commission. all of which were suable. In my case I am seeking to stop private individuals from using the statute in the future. My claim is directed to private individuals and not the state. This court has several tools available to grant relief. For example, in *Reagan v. Farmers* the court issued an injunction to **“all other individuals, persons, or corporations be, and they are hereby, perpetually enjoined, restrained, and prohibited from instituting or prosecuting any suit or suits against the said railroad company”**.

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This court could issue a similar injunction. Alternatively, this court could also enter a declaratory judgment which would provide protection.

I argue that, this court has jurisdiction to prevent private parties from trying to enforce 750 ILCS 5/513. A temporary injunction is warranted. Such an injunction should be allowed until this court has reached a decision in the matter.

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Wherefor I pray:

1. Any remedy that this court can provide.
2. That it be declared that all state court proceedings after removal are void.
3. That it be declared that all state court orders after removal are void.
4. A temporary restraining order preventing defendant Ahern from issuing a body attachment.

Date of signing: 9/14/23  
David Martin  
5352 S. Princeton, Chicago IL 60649  
Email: martinvtompson@gmail.com  
Signature of Plaintiff

*David Martin*