

**United States District Court  
Northern District of Illinois**

David Martin,	)	
Plaintiff	)	
	)	
	)	
V.	)	Case # 1:22-cv-06296
	)	
Attorney General Kwame Raoul	)	
Judge Gregory Emmett Ahern Jr.	)	
Unnamed Cook County Clerks	)	
Cook County	)	
Chief Deputy Clerk Gretchen Peterson	)	

**MOTION IN SUPPORT OF PARTIAL  
SUMMARY JUDGMENT**

I, David Martin, in pursuant to Federal Rule of Civil Procedure 56, request that this court issue a partial summary judgment and or any remedy that this court deems appropriate. In support of this motion, I state the following

**UNDISPUTED FACTS**

1. There was no actual controversy in the state court case.
2. On January 31st, 2022, a default order for contribution of college expenses was entered against me.

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3. On March 10th, 2022, I appeared in court to correct the court's record and to object to the court's jurisdiction to hear a claim for college expenses (see affidavit of proceedings). Judge Ahern issued an order for college expenses.
4. On June 8th, 2022, Judge Ahern denied my request to certify my bystanders report (see affidavit of proceedings).
5. The bystander's report is necessary to appeal Ahern's judgments.
6. The state court complaint for college expenses did not provide the correct zoom information.
7. The case was being appealed when Ms. Thompson filed her claim for college expense.

**ARGUMENT**

**THIS COURT HAS JURISDICTION TO ENTER A DECLARATORY JUDGMENT  
FOR THE BYSTANDERS REPORT**

As established in **Griffin v. Illinois, 351 U. S. 12 (1956)**, the right to appeal and challenge state court judgments is fundamental to due process and equal protection under the law. This landmark decision emphasized that indigent litigants should be afforded the same quality of appeals as those with financial means, grounded in constitutional guarantees of due process and equal protection. **Mayer v. Chicago, 404**

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**US 189 - Supreme Court 1971**, further underscored the principle that the right to appeal is a due process right based on fundamental fairness.

In my case, the ability to file a bystanders report in state court is central to preserving my right to appeal Ahern's judgments. I contend that my appeal is being sabotaged, with state court records being altered and Ahern refusing to certify the bystanders report. The case was removed to ensure the preservation of state court records, certify the bystanders report, and safeguard my rights in future proceedings.

Federal courts possess exclusive jurisdiction over cases removed from state court, as outlined in 28 U.S.C. § 1446(e), which bars further state court proceedings until remand. Moreover, federal courts have inherent authority to review and reconsider state court orders post-removal, safeguarding the integrity of the removal process and protecting litigants' rights, as seen in *NOC Properties, LLC v. Great Smoky Mountains Railroad, LLC*.

The case was also removed under 42 U.S. Code § 1983, as the right to appeal is both a due process right and a right to equal protection under the United States Constitution. **Section 1983 serves to interpose federal courts as guardians of individuals' federal rights, as affirmed in *Mitchum v. Foster*, 407 U. S. 225, 242.**

Given that the right to appeal is a constitutional matter falling under 28 U.S.C. § 1331, granting federal courts original jurisdiction over civil actions arising under the Constitution, laws, or treaties of the United States, this court has jurisdiction to enter a declaratory judgment affirming my right to file a bystanders report in state court.

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Wherefore I pray:

1. Any remedy that this court can provide.
2. A summary judgment declaring my right to file a bystanders report in state court.
3. The vacating of Ahern's judgments issued after removal.

Date of signing: 3/12/24  
David Martin  
5352 S. Princeton, Chicago IL 60649  
Email: martinvtompson@gmail.com  
Signature of Plaintiff

*David Martin*