Here's a refined version of your motion to ensure clarity, precision, and a strong legal argument:

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David Martin

v.

Attorney General Kwame Raoul, Judge Gregory Emmett Ahern Jr., Unnamed Cook County Clerks, Cook County, Chief Deputy Clerk Gretchen Peterson, Unknown Employee of the Illinois Department of Employment Security

Appeal No: 24-1915

\*\*MOTION TO DECLARE STATE COURT ORDER VOID\*\*

I, David Martin, the Plaintiff, respectfully move this honorable court to declare the state court order for body attachment void. The state court order was entered post-removal on August 10, 2023, in violation of 28 U.S. Code §§ 1441 and 1446. In support of my motion, I state the following:

\*\*BRIEF STATEMENT OF FACTS\*\*

Maybe add state court appeal information.

I filed a Section 1983 complaint in the U.S. District Court, seeking declaratory and injunctive relief, citing \*Pulliam v. Allen\*, 466 U.S. 522 (1984), which permits federal courts to grant such relief against state court judges. The state court case was removed in accordance with 28 U.S. Code §§ 1441 and 1446. The state court acknowledged the removal on November 11, 2023, and April 26, 2023.

U.S. District Judge Andrea Wood held numerous oral status hearings (Docket # 1 – 54). On November 30, 2023, Judge Wood agreed that the case was properly removed and that I had a right to challenge Judge Ahern’s orders. She stated that she would enter a judgment on January 25, 2024. However, no judgment was entered, and the case was eventually transferred to Judge Harjani.

Soon after the transfer, District Court Judge Harjani dismissed my complaint and denied my motion for a temporary restraining order, citing it as moot (Docket # 61). In his order, he stated that a state court appeal was pending when I filed my case and that the U.S. District Court should not adjudicate my claim due to principles of equity, comity, and federalism. He found that Judge Ahern is afforded absolute judicial immunity for actions taken in his judicial capacity and must be dismissed (Docket # 62).

\*\*ARGUMENT\*\*

Maybe add information showing state court appeal is still in play.

\*\*PLAIN LEGAL ERROR\*\*

Judge Harjani’s dismissal was improper and based on a clear misinterpretation of my claims. His order indicates that I am seeking to right past wrongs and that Ahern has judicial immunity. I am not seeking to right past wrongs done by Ahern. I am seeking declaratory and injunctive relief, or any other remedy that would allow me to appeal Judge Ahern’s judgment in state court. In my complaint, I argued that \*Pulliam v. Allen\*, 466 U.S. 522 (1984) establishes that the United States District Courts have jurisdiction to provide injunctive and declaratory relief (Docket # 10, page 14).

The defendants also understood that I was seeking declaratory and injunctive relief, stating, “Plaintiff seeks declarative and injunctive relief against Judge Ahern” (Docket # 21, page 1).

In my response to the motion to dismiss, I clarified, “A declaratory judgment is meant to define the legal rights and obligations of the parties in anticipation of some future conduct, not simply to proclaim liability for a past act” (\*Justice Network Inc. v. Craighead County\*, 931 F.3d 753 (8th Cir. 2019)). In this case, I am seeking a declaratory judgment to preserve the records for my future appeal (Docket # 26, pages 10-11).

I also explained in several oral hearings with Judge Wood that I was seeking declaratory and injunctive relief. Illinois Appellate Court requires either a bystander’s report or a record of the proceedings. According to state law, I am responsible for obtaining the court records and the bystander report. Without a certified report, I would automatically lose my appeal (Docket # 26, pages 8-9).

One of my amended complaints also seeks declaratory and injunctive relief from the Cook County clerks. I alleged that parts of the document were altered with the intention of making it unusable for my appeal (Docket # 28, page 17).

\*\*Declaratory Relief is Not Available\*\*

According to \*Pulliam v. Allen\*, 466 U.S. 522 (1984), a judge does not have immunity from declaratory and injunctive relief. The ongoing issue is that I need to appeal Judge Ahern’s judgment in state court, and multiple requests have been made to correct the records. Certifying bystanders’ reports is a routine judicial function. However, Judge Ahern is refusing to do so. As a result, declaratory relief is not available in this situation because I cannot proceed with my appeal without the bystanders’ report. This refusal effectively prevents me from obtaining the necessary legal remedy.

\*\*MY ORIGINAL REQUEST WAS NOT DEPENDENT ON MY COMPLAINT\*\*

My original motion for injunctive relief was not dependent on my complaint. This motion is not dependent on my complaint either. Losing in federal court did not make my request for injunctive relief moot. My motion for injunctive relief was based on federal law, not my complaint. 28 U.S.C. §§ 1441 and 1446 establish that state courts lose jurisdiction after a case has been removed. The loss of state court jurisdiction is not dependent on success in federal court. “Any proceedings in the state court after the filing of the petition are absolutely void, despite subsequent determination that the removal petition was ineffective” (\*South Carolina v. Moore\*, 447 F.2d 1067, 1073 (4th Cir. 1971); \*United States ex rel. Echevarria v. Silberglitt\*, 441 F.2d 225, 227 (2d Cir. 1971)). A more recent case, \*Roman Catholic Archdiocese v. Feliciano\*, 140 S. Ct. 696 (2020), states that “After removal, the state court loses all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment are not ... simply erroneous, but absolutely void” (\*Steamship Co. v. Tugman\*, 106 U.S. 118, 122 (1882)).

\*\*AHERN MADE A CLEAR JURISDICTIONAL ERROR\*\*

Judge Ahern entered an order for contempt after the case had been duly removed to federal court. The state court acknowledged the removal, but Ahern proceeded nonetheless. This action constitutes a clear jurisdictional error as state courts lose jurisdiction upon the removal of a case to federal court. “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 (1882)). Any subsequent proceedings in state court on the case are void ab initio. Ahern continued to hold hearings in state court. I did not participate in these hearings. It appears that Ahern proceeded because he determined that my case was not properly removed. I argue that the removal statute clearly deprives judges of any authority to gauge the strength of a removal. Eventually, I was held in contempt of state court. As a result, Ahern issued an order for body attachment. I argue that the order for body attachment is obviously void because it is in violation of federal law. Dismissing my complaint does not address the removal violation.

\*\*U.S. DISTRICT COURTS MAY PROVIDE RELIEF FROM STATE COURT ORDERS\*\*

When a case is removed, the entire civil action, including all the parties and their claims, is transferred to federal court. "A federal court is free to reconsider a state court order and to treat the order as it would any interlocutory order it might itself have entered" (\*NOC Properties, LLC v. Great Smoky Mountains Railroad, LLC\*, 2021). "A prior state court order in essence is federalized when the action is removed to federal court, although the order remains subject to reconsideration just as it had been prior to removal" (\*Farmland Partners Inc. v. Fortunae\*, Docket # 38, page 11).

This court may relieve parties from void orders. Federal Rule of Civil Procedure 60(b) provides, “On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding... based on the reasoning that (4) the judgment is void” (Docket # 38, page 11). This court should relieve me from Ahern’s orders because they are void. They were issued after the state acknowledged the removal and after he and the state court litigants received notice of the removal.

\*\*CHALLENGES IN COMPLYING WITH THE VOID ORDER\*\*

Despite the order being void, I still attempted to pay the bond for fear of my freedom. I went to the Daley Center and attempted to place the bond on a credit card. However, it was not possible to pay the bond because Cook County abolished cash bonds in 2023. As a result, the department that would have processed the bond was being reorganized. I later filed an affidavit in state court indicating that I did not have enough cash to cover the huge bond and requested a reasonable payment plan. Ahern’s court clerk directed me to reach out to the opposing party, which I did, but the opposing attorney refuses to respond.

I ask this court to declare the order for body attachment void because the order is in fact void. It is also inhumane. I am currently unemployed, and I argue that the open order for a body attachment limits my employability. What