

No. 18550

IN THE UNITED STATES COURT OF APPEALS
Seventh Circuit.

SHERMAN H. SKOLNICK, petitioner,)
vs.)
JUDGE HUBERT L. WILL, respondent.)

PETITION for WRITS OF MANDAMUS and/or PROHIBITION.

Sherman H. Skolnick, petitioner, pro se, asks for an Order prohibiting District Judge Hubert L. Will or any of the present district judges of the U.S. District Court, Northern District of Illinois from proceeding in the premises of case No. 70 C 790, Sherman H. Skolnick, plaintiff, vs. National Archives and Records Service, defendant, pending in said Court; that Judge Will be ordered to remove himself from the premises of said case; and that a district judge not from the Northern District of Illinois, nor from the 7th Federal Judicial Circuit, should hear and adjudicate case No. 70 C 790.

Statement of Facts.

1. Case No. 70 C 790 was filed in the U.S. District Court, April 6, 1970. Summons was served on April 9, 1970. Defendant, National Archives and Records Service, made no appearance within the 60 days period, and plaintiff's Motion for Default is pending. During open court hearings May 14 and June 15, 1970, paragraph 3 of plaintiff's Complaint was taken to be a motion requesting that none of the present judges of the Northern District of Illinois hear or adjudicate the case. During such hearings, plaintiff Skolnick elaborated on his request, stating that Judge J. Sam Perry is responsible for the false imprisonment of Abraham Bolden; imprisonment on admittedly perjurd testimony, the main witness against Bolden having confessed perjury. Skolnick then and there offered to further specify these matters. Skolnick's position is and was that as stated in his Complaint, the suppression of documents by defendant National Archives is interwoven with the false imprisonment of Bolden. [Pl. Complaint, paragraphs 9 and 11].

2. Contrary to Judge Will's assertion in his Order of June 15, 1970, plaintiff did make a statement, in open court, that Judge Perry was involved in the false imprisonment of Bolden. (Plaintiff has not sent up a transcript of proceedings because (a) the time element, and (b) the fact that he could not afford the burdensome cost of same.)

3. Plaintiff's position that Bolden was falsely imprisoned to keep him from testifying before the Warren Commission is interwoven with the factual context of plaintiff's Complaint, paragraphs 3, 8, 9, and 11. As he stated to Judge Will, Skolnick's position is that were Skolnick to prevail in case No. 70 C 790, considering the fact context, that Judge Perry conceivably could face prosecution for judicial oppression. In the fact context of the case, the present district judges in the Northern District of Illinois would tend to keep the Bolden case closed by arbitrarily closing up 70 C 790.

Statement of Issue Presented.

1. Whether the public interest requires that 70 C 790 be heard and adjudicated by a judge not of the Northern District of Illinois, nor of the 7th Circuit.

Reasons Why the Writs Should Issue.

1. The public interest requires that the decision in 70 C 790 be above suspicion. There is ample statutory machinery for handling this situation. 28 U.S.C.A. Sec. 292.

2. Case 70 C 790 has received worldwide press and electronic news coverage, and the public must be assured that the case would not be heard and adjudicated by a fellow judge in the same district as Judge Perry.

Papers Transmitted with Petition.

1. Certified copy of Complaint in 70 C 790, filed April 6, 1970.
2. Certified copy of Order of Judge Hubert L. Will, dated June 15, 1970.

Conclusion.

Wherefore, petitioner, Sherman H. Skolnick requests remedy as aforesaid.

Sherman H. Skolnick, petitioner, pro se
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