

CIRCUIT RULE 41(d)

Notice of Filing of Petition for Writ of Certiorari

USCA Docket No. : 08-4240; 09-3463; 09-3569

Notified by: Pro-se (mail)
Counsel/Pro Se

Party: Leo D. Stoller

Date of Notification: 1-14-10

Received by: [Signature]
Deputy Clerk

**IN THE
SUPREME COURT OF THE UNITED STATES**

IN RE: LEO D. STOLLER,

Petitioner,

v.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

On appeal from the United States Court of
Appeals for the Seventh Circuit
Justices Presiding Frank H. Easterbrook,
Richard A. Posner, and Diane S. Sykes
No. 2008-4240

Appeal from the United States District Court
For the Northern District of Illinois, Eastern Division
No. 1:07-cv-05118
The Honorable Judge W. Darrah

Appeal from the U.S. Bankruptcy Court
Northern District of Illinois, Eastern Division
The Honorable Jack B. Schmetterer
No. 05 B 64075

NOTICE OF FILING

**TO: Justice Easterbrook
Justice Posner
Justice Sykes
U.S. Court of Appeals
For the Seventh Circuit
219 S. Dearborn Street
Chicago, Illinois 60604**

**Richard M. Fogel
Shaw, Gussis, Fishman, Glantz,
Wolfson & Tobin, LLC.
321 N. Clark Street, Suite 800
Chicago, Illinois 60610**

U.S.C.A.—7th Circuit
RECEIVED

JAN 14 2010 EF

GINO J. AGNELLO
CLERK

U.S.C.A.—7th Circuit
FILED

JAN 14 2010 EF

GINO J. AGNELLO
CLERK

**Michael T. Zeller, Esq.
Quinn, Emanuel, Urquhart,
Oliver & Hedges, L.L.P.
865 S. Figueroa Street, 10th Floor
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**James B. Sowka
Seyfarth, Shaw, LLP.
131 S. Dearborn Street, Suite 2400
Chicago, Illinois 60603**

PLEASE TAKE NOTICE that on the 12th day of January, 2010, there was filed with the Clerk of the Supreme Court of the United States, the attached 1) **Motion For Extension of Time to File Petition for Leave to File Writ of Certiorari and/or Writ of Prohibition and/or Writ of Mandamus.**

Service of this document is being made by depositing it in an envelope addressed to the persons above, with proper postage prepaid, and depositing the envelope in the U.S. Mail at Chicago, Illinois on **January 12, 2010.**



Leo Stoller, Petitioner
7115 W. North Avenue #272
Oak Park, Illinois 60302
(312) 545-4554

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: LEO D. STOLLER,

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

On appeal from the United States Court of
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MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR LEAVE TO FILE
WRIT OF CERTIORARI AND/OR WRIT OF PROHIBITION
AND/OR WRIT OF MANDAMUS

NOW COMES the Petitioner, LEO STOLLER, and requests leave of Court for a sixty (60) day extension of time to file a Petition for Writ of Certiorari and/or Writ of Prohibition and/or Writ of Mandamus, and states as follows:

The Petitioner moves this Court under Supreme Court Rule 13 (5) for an extension of time to file Petitioner's Petition for Leave to File Writ of Certiorari and/or Writ of Prohibition and/or Writ of Mandamus.

The Petitioner is currently in bankruptcy, case no. 05 B 64075. Petitioner needs an additional sixty (60) days to raise the filing fee for his appeal before this Court.

The Petitioner is appealing a final decision dated December 4, 2009, issued by the Seventh Circuit Court of Appeals which unconstitutionally bans the Petitioner from filing any papers in the Northern District of Illinois. *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam).

As a result of the *Mack* bar, the Seventh Circuit Court of Appeals dismissed Stoller's Appeals, No. 08-4240, Appeal No. 09-3463 and Appeal No. 09-3569. Appeal No. 08-4240 was dismissed on December 4, 2009. Appeal No. 09-3569 was dismissed on December 17, 2009, and Appeal No. 09-3463 was dismissed on January 7, 2010.

The Petitioner is requesting that the Court allow the Petitioner to consolidate Seventh Circuit Court of Appeals appeal numbers 08-4240, 09-3463, and 09-3569 for judicial economy, in that all three appeals are related and have grown out of the Seventh Circuit's decision entered December 4, 2009 in Appeal No. 08-4240. The Seventh Circuit decision in 08-4240, banning the Petitioner from filing any papers was a direct result of the Seventh Circuit dismissing the Petitioner's appeal numbers 09-3463 and 09-3569.

The Petitioner is seeking relief from the U.S. Supreme Court, declaring the *Mack* filing bar unconstitutional because it violates the Petitioner's due process and equal protection rights under the First, Fifth and Fourteenth Amendments of the U.S. Constitution. *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam).

The relief the Petitioner is seeking before the U.S. Supreme Court is for this Court to order the Seventh Circuit Court of Appeals to vacate the Petitioner's *Mack* filing bar, and to reinstate the Petitioner's Appeal Nos. 08-4240, 09-3463 and 09-3569.

WHEREFORE, the Petitioner prays that this Court grant the Petitioner an extension of time to file Petitioner's Petition for Leave to File Writ of Certiorari and/or Writ of Prohibition and/or Writ of Mandamus.

Respectfully submitted,



Leo Stoller
7115 W. North Avenue, #272
Oak Park, Illinois 60302
(312) 545-4554

VERIFICATION

Under penalties as provided by law under the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, and as much matters, the undersigned certifies as aforesaid that I verify believe the same to be true, and the attached documents are true and correct copies of the originals.

Leo Stoller

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

December 4, 2009

Before

FRANK H. EASTERBROOK, *Chief Judge*

RICHARD A. POSNER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 08-4240

IN RE: LEO D. STOLLER,
Debtor-Appellant.

Appeal from the
United States District Court for
the Northern District of Illinois,
Eastern Division.

No. 1:07-cv-05118

John W. Darrah,
Judge.

Appellant Leo Stoller sought leave to proceed in forma pauperis on appeal and filed an affidavit swearing that his only income is \$589 per month in Social Security benefits. Seven months earlier, however, Stoller paid a \$10,000 sanction imposed by this court. We were skeptical that Stoller could have paid such a large fine and yet claim to be indigent, so we ordered him to show cause why the appeal should not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(A). We discharged the rule to show cause after Stoller responded that his brother Christopher Stoller provided the funds to pay the sanction. We denied Stoller's motion for leave to proceed in forma pauperis, however, and Stoller then paid the \$455 filing fee. This conflicted with his allegations of indigency, so we reissued the order to show cause. We warned that if we concluded that Stoller had falsely claimed to be indigent, we would reimpose a prior *Mack* bar against him. Stoller insisted he had been truthful, so we referred the matter to a special master to take testimony and consider the apparently conflicting evidence.

Magistrate Judge Geraldine Soat Brown, as special master, devoted considerable time to the matter, filed a written report, and now seeks guidance from this court regarding whether additional proceedings are necessary. Judge Brown reports that she took numerous submissions from Stoller; Pure Fishing, Inc. (one of Stoller's creditors); and the trustee of Stoller's bankruptcy estate. She also took judicial notice of filings in other court proceedings. We accept Judge Brown's thorough report and conclude that no further proceedings are necessary. Although the report describes numerous examples of Stoller's duplicity, we need only recite a few here. For instance, in September 2009 Stoller attempted to appear as an expert witness in a Wisconsin case, and the plaintiff said she paid Stoller a \$300 fee for his services. In his expert report in that case, Stoller claimed to have "been involved in" more than 60 trademark-infringement lawsuits as an expert witness and represented that he published three self-help litigation manuals in 2008. He also claimed he has served as executive director of several organizations pertaining to the enforcement of intellectual-property rights and the ethical obligations of attorneys and judges, and has "sued more lawyers for legal malpractice in Chicago, Illinois than any other party." This conflicts with his representation that he is unemployed and his only income is \$589 per month in Social Security benefits. In addition, although Stoller told this court that his brother Christopher gave him the money to pay the \$10,000 sanction, filings in Christopher's Arizona bankruptcy case do not list any gifts or loans to Stoller.

This is enough to establish that Stoller has been deceptive. Accordingly, **IT IS ORDERED** that this appeal is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(A).

IT IS FURTHER ORDERED that the *Mack* bar against Stoller is reinstated. The clerks of all federal courts in this circuit are directed to return unfiled any papers submitted either directly or indirectly by him or on his behalf. See *In re City of Chicago*, 500 F.3d 582, 585-86 (7th Cir. 2007); *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam). In accordance with our decision in *Mack*, exceptions to this filing bar are made for criminal cases and for applications for writs of habeas corpus. See *Mack*, 45 F.3d at 186-87. The appellant is authorized to submit to this court, no earlier than two years from the date of this order, a motion to modify or rescind this order. See *City of Chicago*, 500 F.3d at 585-86; *Mack*, 45 F.3d at 186.

IT IS FURTHER ORDERED that the clerk of this court shall forward the Report of the Special Master and Request for Instructions, prepared by Judge Brown, to the U.S. Attorney for the Northern District of Illinois for consideration of whether a perjury prosecution is warranted.

Judge Brown has our thanks for her service to the court on this matter.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

December 17, 2009

BEFORE

FRANK H. EASTERBROOK, Chief Judge
RICHARD A. POSNER, Circuit Judge
DIANE S. SYKES, Circuit Judge

No.: 09-3569	GOOGLE INCORPORATED, Plaintiff - Appellee v. CENTRAL MANUFACTURING, INCORPORATED, et al., Defendants APPEAL OF: LEO STOLLER
Originating Case Information:	
District Court No: 1:07-cv-00385 Northern District of Illinois, Eastern Division District Judge Virginia M. Kendall	

Upon consideration of the **MOTION OF GOOGLE INC. TO DISMISS APPEAL**, filed on December 8, 2009, by counsel for the appellee,

IT IS ORDERED that the motion is **GRANTED**. The appeal is **DISMISSED** pursuant to the filing bar imposed on appellant by this court. In re: Leo Stoller, No. 08-4240 (7th Cir. December 4, 2009).

form name: c7_Order_3J (form ID: 177)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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ORDER

January 7, 2010

By the Court:

No.: 09-3463	IN RE: LEO D. STOLLER, Debtor - Appellant
Originating Case Information:	
District Court No: 1:08-cv-06520 Northern District of Illinois, Eastern Division District Judge William J. Hibbler	

The following is before the court:

1. **MOTION TO DISMISS**, filed by Appellee Pure Fishing, Incorporated, on December 21, 2009.

Pursuant to this court's order dated November 25, 2009, the appellant was required to pay the appellate filing fees or seek leave to proceed in forma pauperis by December 8, 2009. Pursuant to this court's order in appeal no. 08-4240, dated December 4, 2009, the appellant is barred from filing any papers in this circuit. Because he has neither paid the required filing fees nor previously filed an in forma pauperis motion, **IT IS ORDERED** that this appeal is **DISMISSED**. See Cir. R. 3(b).

Accordingly, **IT IS FURTHER ORDERED** that the motion to dismiss is **DENIED** as unnecessary.