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From:	tcamarda@gmx.com
Sent:	Monday, April 14, 2025 7:05 AM
To:	'CA07_pro_se_filings@ca7.uscourts.gov'; 'civilrights.justice@usdoj.gov'; 'hhsoig@oig.hhs.gov'; 'oeig.general@illinois.gov'; 'information@iardc.org'; 'osc.whistleblower@osc.gov'; 'hfs.mru@illinois.gov'; 'hfs.dcsscaru@illinois.gov'; 'judicialconduct@uscourts.gov'; 'civilrights@usdoj.gov'; 'CRM.CivilRights@usdoj.gov'; 'oig.hotline@usdoj.gov'; 'jib@illinois.gov'; 'civilrights@atg.state.il.us'; 'FOIA@treasury.gov'; 'ethics@americanbar.org'; 'usailn.civilrights@usdoj.gov'; 'AO_Ombudsman@ao.uscourts.gov'; 'usms.judicial.protection@usdoj.gov'; 'inspector.general@usdoj.gov'; 'tips@oig.hhs.gov'; 'crt.intake@usdoj.gov'; 'watchdog@pogo.org'
Cc:	'CircuitClerk-MB'; 'statesattorney@mchenrycountyil.gov'; 'RLFreese@mchenrycountyil.gov'
Subject:	FORMAL NOTICE OF PRESERVED PROCEDURAL CONDUCT, FRE 408 PROTECTION, AND CLARIFICATION OF LAWFUL COMMUNICATIONS
Attachments:	A34 - EMERGENCY FEDERAL SUPREMECY REBUTTAL AND MOTION TO STRIKE PEOPLE'S AMENDED REPONSE.pdf
Importance:	High

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

THOMAS E. CAMARDA
Plaintiff-Appellant, Pro Se

v.

ELIZABETH WHITEHORN, et al.
Defendants-Appellees

Case No. 24-3244

FORMAL NOTICE OF PRESERVED PROCEDURAL CONDUCT, FRE 408 PROTECTION, AND CLARIFICATION OF LAWFUL COMMUNICATIONS

TO THE HONORABLE CLERK AND PANEL:

This notice is respectfully submitted for judicial awareness and record preservation, in continued enforcement of perfected summary judgment under DKT113. Plaintiff-Appellant seeks to formally document the lawful structure of his communications from December 12 through December 26, 2024, in light of retaliatory characterizations made by State actors in McHenry County and referenced as grounds for a *third amended charge* on **April 11, 2025.**

I. FEDERAL RULE OF EVIDENCE 408 – SETTLEMENT COMMUNICATIONS ARE PROTECTED

All exhibits, voicemails, and written material submitted during this period were:

- **Presented in pursuit of dispute resolution**
- Made in good faith and **under lawful tone**
- Protected under **Federal Rule of Evidence 408**, which **bars the use** of settlement communications to **prove liability or criminal intent.**

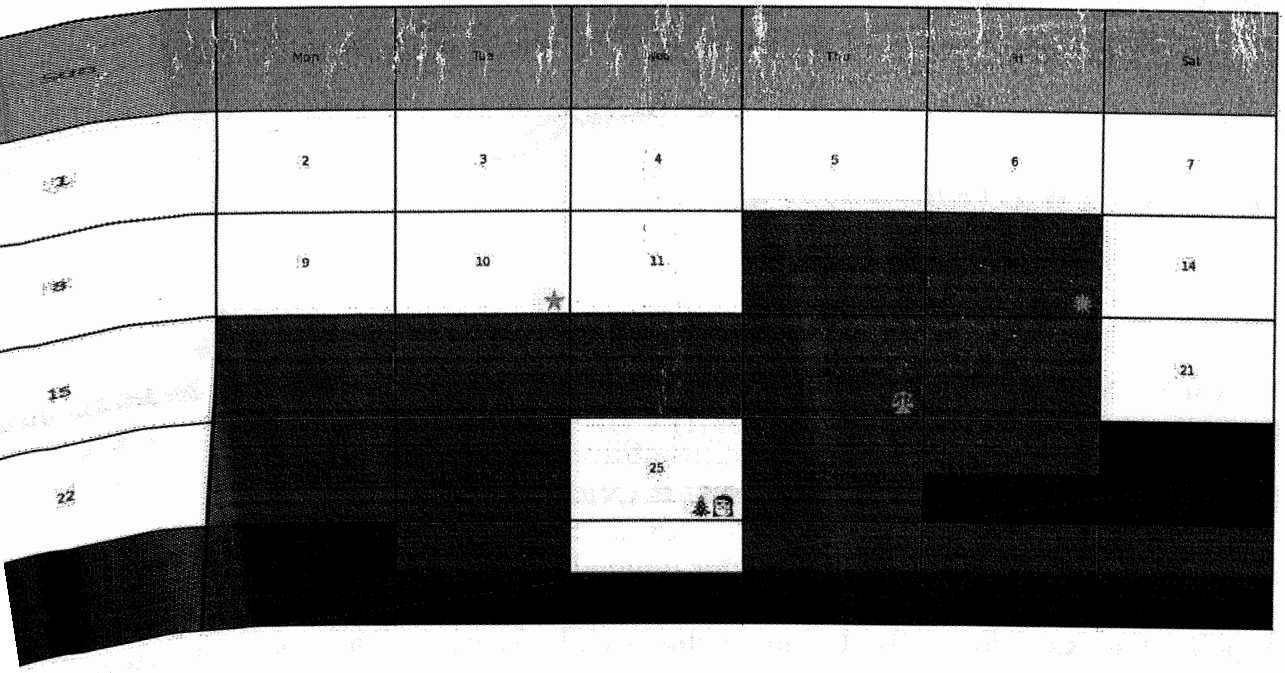
E 408 explicitly prohibits the introduction of statements made during
promise negotiations when offered to:

Prove or disprove the validity of a disputed claim

Support a criminal charge arising out of that communication

arty may legally repackage protected federal filings and outreach — **made in d faith for resolution** — into grounds for criminal prosecution. To do so is **liation under color of law.**

December 2024 - Legal Timeline



= UCC Major Checkpoints or Court Orders
= UCC Procedural Operation (via email notice under **UCC Article 3 and 9)**
= Unlawful Retaliation and obstruction of justice by the State (ongoing)
= Procedural Neutral or Non-Use Day such as **Christmas Day** and **New Years**
(even then, there is no bar, to reasonable notices on weekends, ect, just
ntiff's own honor and dignity customs for his own sake not the Defendants)

Tuesday, Dec 10, 2024 – Notice of Appeal + 60(b) Motion filed

Friday, Dec 13, 2024 – 60(b) concludes, appellate jurisdiction secured

Thursday, Dec 19, 2024 – Court Order acknowledging UCC enforcement rights

- **Tuesday, December 24, 2024 – Defendants Initiated Contact, Undermining Any Harassment Allegation**
    - On this date, **Defendants contacted Plaintiff directly via text message**, without provocation or solicitation. This unsolicited communication occurred in the midst of a pending federal lawsuit and an active UCC enforcement phase, and is legally significant for the following reasons:
        - **It destroys any claim of "harassment"** under Illinois or federal law, as the party claiming injury **initiated communication**.
        - Plaintiff **exercised total restraint**, confining himself solely to **lawful notices via email, logged voicemail**, and **no ongoing text communication after delivery of essentially identical email content to defendants evading service and process**, consistent with standard **litigation protocols** and in full compliance with **FRE 408 – Protected Settlement Communications**.
        - The **entire basis for McHenry's retaliatory prosecution** stems from this protected civil conduct and the **Defendants' own bad faith interaction**, now weaponized as false criminal allegations.
        - Plaintiff's behavior falls within **non-actionable civil communication**, containing **no threats, no coercion**, and **nothing beyond the candid tone** explicitly permitted under **FRE 408 and the First Amendment**.

      These retaliatory charges are:
        - **Legally void ab initio**
        - A violation of **constitutional due process (14th Amendment)**
        - A violation of **Lozman v. Riviera Beach, 138 S. Ct. 1945 (2018)**
        - And an active attempt to criminalize protected litigation conduct

      Immediate relief is warranted, including dismissal with prejudi suppression of all tainted "evidence," and federal review of prosecutorial misconduct.
- **Thursday, Dec 26, 2024** – Default perfected (5:01 PM)

- **Tuesday, Dec 31, 2024** – 2nd UCC lien filed for default on escalated settlement (FRE 408 protected)

This graphic makes the retaliation unmistakably clear. It is a textbook example of **obstruction of justice**. Every act taken by the state post-default was unlawful, baseless, and designed to sabotage a case that—by then—was already 100% closed and adjudicated.

Once the UCC filings exposed them, they didn't respond with legal arguments—they responded with **retaliation**. I wouldn't discover the full impact until **April 2025,** when a FOIA response from the Illinois State Treasurer revealed that **Elizabeth Whitehorn and others may never have had surety bonds at all**—or are hiding them. This is **incredibly dangerous and legally reckless, without a doubt against the law,** it is the equivalent to driving a Corvette at 180+ mph with no insurance, no license plate, no registration and NO driver's license, then getting angry that they were pulled over and ticketed (the UCC). The Defendants were out of control and lawless using Plaintiff's labor, income, and personal property and assets almost like their own funds, with constant seizures to the point Plaintiff **remains behind on all major living expenses** — including rent, vehicle payments, credit obligations, and essential needs. **Nearly a year after the initial unlawful levy, Plaintiff's life remains in a state of economic collapse, caused entirely by the defendants' reckless and unconstitutional actions.**

As I've continued to document:

No one retaliates more fiercely than the ones who got caught.
They've been exposed. The damage is done. The judgment is secured.
And now, it's time they **make restitution and return what's mine.**

I. UCC PROCEDURE WAS FOLLOWED TO THE LETTER

·om **December 12 to December 26, 2024,** Plaintiff engaged in the following vful sequence under **Article 9** of the **Uniform Commercial Code** and federal 'orcement standards:

- Written notices were served primarily during standard business hours as a professional courtesy — **though no statute requires such limitation,** and all communications sent outside regular hours remain fully lawful, were reasonable and protected under governing law.

Maintained proper affixation and transcription of voicemail communications

Submitted those transcriptions into the **federal appellate record**, not the tate docket

- Gave all parties opportunity to cure before initiating further action

This procedural window has been preserved, documented, and entered into record with time/date stamping compliant with federal transcription protocol. Nothing during this period was made in an unlawful, harassing, or deceptive manner. The materials are:

- Part of the **record of the Seventh Circuit**
- Protected by federal enforcement posture
- Covered by litigation privilege and procedural due process

III. LAWFUL CONTACT OF RELATIVES IN SUPPORT OF SERVICE AND ENFORCEMENT

When a Defendant actively evades legal process or communications, **contact with known associates, relatives, or indirect parties** is not prohibited. In fact, such action is routinely permitted and constitutionally protected under:

- **Civil investigatory norms**
- **Debt recovery regulations (FDCPA exceptions)**
- **Witness location procedures**
- **Judicial enforcement discretion during post-judgment phases**

Such contact is lawful provided it is:

- **Limited** in frequency
- **Non-threatening** in content (i.e. physical harm or threats of violence)
- **Targeted** toward locating or clarifying issues connected to the enforcemen

In the present case:

- No personal or confidential details were revealed
- **No threats, abuse, or harassment occurred**
- All contact was **clearly tied to enforcement or preservation** of fed filings
- Plaintiff's outreach was **limited in frequency** by any reasonable leg ethical, or statutory standard.

- **Email was the primary method of communication**, with phone voicemails limited to brief, professional messages
- **All communications were litigation-related**, including:
  - Protected settlement notices under **FRE 408**
  - Lawful UCC lien notifications under **UCC § 9-601 – § 9-625**
  - Confirmatory outreach following state-issued notices or retaliation
- No excessive, harassing, or off-topic messages were ever issued
- **Plaintiff has the right and duty** to pursue damages and resolution under UCC Article 9, FRE 408, and federal preemption doctrine
- **Defendants contacted Plaintiff first** on multiple occasions (e.g., Dec 24), negating any "harassment" theory

Federal supremacy **does not** require silence — **it demands accountability.**

IV. TEXTS WERE NOT INITIATED BY PLAINTIFF – ONLY RESPONSES TO UNLAWFUL CLAIMS

At no point did Plaintiff initiate improper text-based contact.

The record reflects:

- Plaintiff used **voice and voicemail** exclusively during the December 12–26 communication window
- **Voicemails were recorded, transcribed, and introduced into the court record appropriately**

Only text messages that were sent by Plaintiff to Defendant initiated texts — ***in direct response to unjustified accusations of harassment***

The texts clarified that all prior communications were **federal, protected,** and **entered into the appellate record**

t be made plain that:

ty has the right to destroy someone's business, life, or livelihood — n hide behind "harassment" when that person lawfully seeks ion.

V. LEGAL RIGHT TO PURSUE RESTITUTION REMAINS UNLIMITED UNTIL RESTORATION IS ACHIEVED

Plaintiff-Appellant maintains the right — under federal law, the Constitution, and this Court's summary judgment — to:

- **Pursue the full scope of damages** resulting from illegal conduct
- Investigate, contact, rebut, and escalate until full **financial and legal restoration** is achieved
- Preserve **every communication and response** made in pursuit of those efforts

This includes lawful conduct under:

- **42 U.S.C. § 1983** – Enforcement of civil rights
- **FRE 408** – Settlement protections
- **18 U.S.C. § 1512** – Retaliation against federal participants
- **28 U.S.C. § 1651(a)** – Enforcement under the All Writs Act

VI. CLOSING ASSERTION – FEDERAL LAW IS NOT OPTIONAL, AND SILENCE IS NOT AN ESCAPE

The continued attempt by State actors to criminalize protected communications — especially when tied to a **prevailing federal judgment** — constitutes a dangerou and unconstitutional pattern.

A Plaintiff who has been financially devastated, legally vindicated, and **federally affirmed** in his summary judgment is not only permitted, but **expected**, to:

- **Continue lawful pursuit** of damages and enforcement
- **Preserve** his procedural and communicative integrity
- **Resist retaliatory silencing**, particularly when that resistance is gro in **Supreme Court precedent**

Plaintiff is not asking for permission. He is asserting a judgment.

Respectfully submitted,

Thomas E. Camarda

, o Se
S. Court of Appeals, Seventh Circuit
...cement Active – Supremacy Invoked – Judgment Perfected

ed: April 14, 2025

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

v.

THOMAS E. CAMARDA,
Plaintiff-Appellant, Pro Se
(Special Appearance Only)

Case No. 24CM000976

EMERGENCY FEDERAL SUPREMACY REBUTTAL AND MOTION TO STRIKE PEOPLE'S AMENDED RESPONSE

(Filed in Defense of Summary Judgment, UCC Enforcement, and Federal Jurisdiction)

Filed by:
Thomas E. Camarda
Appearing *Pro Se*, Under Special Appearance Only
Federal Prevailing Party – United States Court of Appeals for the Seventh Circuit
Case No. 24-3244

Dated: April 14, 2025

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

THOMAS E. CAMARDA
Plaintiff-Appellant, Pro Se
Appearing Under Special Appearance Only
Case No. 24CM000976

EMERGENCY FEDERAL SUPREMACY REBUTTAL AND MOTION TO STRIKE PEOPLE'S AMENDED RESPONSE

NOW COMES Plaintiff-Appellant **Thomas E. Camarda**, appearing *under Special Appearance only*, and hereby refutes the "People's Amended Response to Defendant's Special Appearance & Motion to Bar" **with maximum force of law** as follows:

I. FEDERAL JUDGMENT ALREADY ENTERED – CASE PREEMPTED AND VOID

This court lacks jurisdiction to proceed.

- On **April 2, 2025**, the **United States Court of Appeals for the Seventh Circuit** entered **final, unrebutted, perfected summary judgment** in *Camarda v. Whitehorn et al.*, Case No. 24-3244 (see **DKT113**).
- The matter before this Court stems directly from that same federal litigation — and any further proceeding constitutes a **Supremacy Clause violation** under **U.S. Const. art. VI, cl. 2**.

A judgment rendered by a court without jurisdiction is void." — *United States v. otton*, 535 U.S. 625 (2002)

. STATE COURT VIOLATES FEDERAL ENFORCEMENT ORDER – RISDICTION IS NOT OPTIONAL

People of Illinois are attempting to enforce a retaliatory action:

Originating **post-federal summary judgment**

Based on **federally protected litigation conduct**

And **in defiance of a lawful non-judicial enforcement order** issued December 19, 2024

textbook retaliation under:

2 U.S.C. § 1983 – Retaliation for protected legal action

- **Lozman v. Riviera Beach**, 138 S. Ct. 1945 (2018) – Petition clause retaliation
- **18 U.S.C. § 242** – Deprivation under color of law
- **Rule 60(b)(4), FRCP** – State proceedings void due to lack of jurisdiction

III. THE WARRANT AND CHARGE ARE VOID AB INITIO – FRAUDULENTLY PROCURED

The December 31, 2024 warrant:

- Was issued **by a** family law judge ***without criminal division authority***
- Was **based on litigation activity protected under FRE 408**
- **Originated** from a Title IV-D enforcement chain already ruled unconstitutional and **subject to UCC lien and enforcement**

Therefore:

- The arrest warrant is **void** under **Franks v. Delaware**, 438 U.S. 154 (1978)
- The charges are **barred** under **Heck v. Humphrey**, 512 U.S. 477 (1994)
- The prosecution is **invalid** under **Blackledge v. Perry**, 417 U.S. 21 (1974)

IV. MISUSE OF 725 ILCS 5/111-3(d) IS INSUFFICIENT – FEDERAL RIGHTS ARE NOT SUBJECT TO STATE STATUTES

The People's entire argument rests on 725 ILCS 5/111-3(d), a **state procedural rule**. But:

"State procedure cannot override federal supremacy." — *Howlett v. Rose*, 496 U.S. 356 (1990)

No state statute, including 725 ILCS 5/111-3(d), can:

- Permit **retaliation against a federal litigant**
- Justify **alteration of charges post-summary judgment**
- Override protections under **FRE 408, U.S. Const. Amend. I, IV, V, XI**
- **Invalidate** a perfected UCC lien and non-judicial enforcement action

LAINTIFF-APPELLANT'S RIGHT TO FILE MOTIONS IS STITUTIONALLY PROTECTED AND LEGALLY UNASSAILABLE

State's filing curiously devotes time to complaining about the number or timing tions submitted by Plaintiff-Appellant, including the assertion that motions filed *"before this Court could even consider Defense Counsel's Motion to draw."* Such commentary is legally irrelevant and procedurally void of merit.

tiff-Appellant, proceeding under Special Appearance, has the **undisputed** to preserve his constitutional claims, ***confront unlawful procedure,*** and otions consistent with:

28 U.S.C. § 1654 – Right to self-representation

42 U.S.C. § 1983 – Enforcement of civil rights and protections against state deprivation

Rule 1, FRCP – To secure the just, speedy, and inexpensive determination of every action

U.S. Const. Amend. I – Right to petition the government for redress of grievances

U.S. Const. Amend. XIV — Due process protections at every stage of the proceeding

point is it unlawful — nor even unusual — for a pro se litigant to defend his sts by challenging an ongoing judicial violation, especially when said litigant **prevailing party in an active federal action with perfected summary ient.**

ate's apparent frustration with Plaintiff's lawful filings suggests more fort with the **content** of the motions than the **quantity** — because each its into the heart of their misconduct, jurisdictional overreach, and ory escalation.

r — judge, prosecutor, or clerk — may lawfully abridge the procedural and tional rights of a citizen engaged in **active federal enforcement**. Any n to the contrary is itself a due process violation and evidence of deeper rative bad faith.

gly, this Honorable Court is advised to treat the Plaintiff-Appellant's they are:

procedural assertions made in protection of constitutional acy.

VI. PROTECTED CONDUCT UNDER FRE 408 AND UCC ENFORCEMENT

Plaintiff was executing:

- **Lawful settlement communications** protected under **Federal Rule of Evidence 408**
- **Perfected UCC-1 enforcement**, acknowledged by this Court in the **December 19, 2024 ORDER**
- **Judicially preserved Notices** under the All Writs Act, **28 U.S.C. § 1651(a)**

No conduct alleged by the People rises to criminal behavior.

- The state has instead attempted to criminalize **civil enforcement, lien activity, and federal notice filings** — all of which are protected.

VII. REBUTTAL TO "NO AUTHORITY CITED" CLAIM

Contrary to the People's assertion, Defendant has cited **dozens of binding authorities** across every filing, including but not limited to:

- **Blackledge v. Perry**, 417 U.S. 21 (1974)
- **Heck v. Humphrey**, 512 U.S. 477 (1994)
- **Franks v. Delaware**, 438 U.S. 154 (1978)
- **Lozman v. Riviera Beach**, 138 S. Ct. 1945 (2018)
- **Marbury v. Madison**, 5 U.S. 137 (1803)
- **Rule 56(a), FRCP**
- **FRAP 31(c)**
- **U.S. Const. art. VI, cl. 2**
- **18 U.S.C. §§ 242, 1503, 1512**
- **42 U.S.C. § 1983**
- **FRE 408**
- **UCC Articles 3, 8, and 9**

VIII. THE PEOPLE'S POSTURE IS NOW ILLEGAL

The People now appear in an unlawful posture:

- Using voided administrative orders
- Retaliating for the use of protected communication

- Attempting to amend charges *after* knowledge of federal preemption
- Proceeding under a facially void charge issued outside the judge's jurisdiction

No authority—federal or state—permits the **amendment of charges that were void from inception.**

IX. IMPROPER CITATION OF INAPPLICABLE AUTHORITY UNDERMINES STATE'S ENTIRE ARGUMENT

The State's reliance on *Blackledge v. Perry*, *U.S. v. Goodwin*, and *Davis v. Foman* is procedurally and doctrinally inapposite. Not only are the facts inapplicable, but these cases address post-conviction or jury trial escalation, whereas Plaintiff is asserting **pretrial federal supremacy, active judgment enforcement,** and **administrative fraud rising to civil rights retaliation**.

This misuse of precedent suggests a deliberate attempt to distract from the applicable controlling law — namely:

- **FRAP 31(c)** (default by appellees),
- **Rule 56(a)** (summary judgment),
- **Hazel-Atlas Glass v. Hartford-Empire**, 322 U.S. 238 (1944) (fraud on the court), and
- **Heck v. Humphrey**, 512 U.S. 477 (1994) (bar to state criminal proceedings in conflict with federal judgments).

If the State wishes to cite authority, it must cite relevant, procedurally applicable law. **It has not.**

X. The State's Amended Charges Constitute a Direct Violation of 42 U.S.C. § 1983

The factual and procedural posture of this case leaves no room for ambiguity:

- The charges followed lawful federal settlement notices
- The charges were filed after the issuance of a perfected **federal UCC-1 lien**
- The charges were amended immediately after the **Plaintiff prevailed in the Seventh Circuit**

  The latest amendment stems directly from **protected federal filings and Rule 408 communications**

is **retaliation**, as clearly defined in:

Lozman v. Riviera Beach, 138 S. Ct. 1945 (2018)

- **Hartman v. Moore**, 547 U.S. 250 (2006)
- **Blackledge v. Perry**, 417 U.S. 21 (1974)

And as such, the court is not merely adjudicating an amended charge — it is presiding over a **civil rights violation in real time.**

XI. THE STATE HAS NO JURISDICTION TO CRIMINALIZE FEDERAL ENFORCEMENT CONDUCT

Any portion of the state's criminal charge(s) that references:

- Federal notices
- UCC filings
- Communications tied to federal settlement offers
- Contact with state employees in their official capacity
- Contact with state employees in their individual capacity
- Any attempt to use a litigant's immediate family to evade compliance, evade service, or intimidate or obstruct on behalf of a named defendant—especially when that defendant is knowingly avoiding lawful process—**constitutes an abuse of state power.**

  ...is void under the **doctrine of federal preemption** and violates both the **Supremacy Clause** and **42 U.S.C. § 1983..**
- *In this case, the named state employees are no different than any **private citizen**—they are subject to the law, may not evade service of process, and enjoy no special immunity from accountability once **acting beyond lawful authority.***

See:

- **Gonzales v. Raich**, 545 U.S. 1 (2005) – Federal law trumps where state law attempts to interfere
- **Sperry v. Florida**, 373 U.S. 379 (1963) – States may not regulate federally sanctioned activities
- **Marbury v. Madison**, 5 U.S. 137 (1803) – "A law repugnant to the Constitution is void."

Plaintiff was conducting **non-judicial enforcement pursuant to an acknowledged DKT23 - ORDER** and **perfected UCC liens**. Attempting to criminalize lawful redress of grievances under these facts is not only unconstitutional — it is **prosecutable against the each individual state actor.**

XII. PLAINTIFF'S FEDERAL UCC ENFORCEMENT WAS SANCTIONED BY JUDICIAL ORDER

On **December 19, 2024**, a formal ORDER titled **"NOTICE OF NON-JUDICIAL ENFORCEMENT PURSUANT TO UCC AUTHORITY"** was entered into the Seventh Circuit docket.

This order acknowledged Plaintiff's transition into:

- Lawful private enforcement,
- Lien recovery activity under Article 9 of the UCC, and
- Constitutionally protected procedural filings under Rule 408, UCC § 9-601, and 28 U.S.C. § 1651(a).

The State had notice of this order. Any attempt to treat the conduct arising from it s criminal is not only jurisdictionally defective — it is sanctionable under **Rule 11** nd **42 U.S.C. § 1983.**

XIII. PROSECUTORIAL OVERREACH CONFIRMS THE NEED FOR FEDERAL INTERVENTION

he very fact that a state prosecutor is now **interpreting a Seventh Circuit ummary judgment** and treating it as an "opinion" — while building criminal harges around its enforcement — demonstrates:

- **Prosecutorial ignorance of federal law**
- **Jurisdictional overreach**
- **Erosion of federal-state comity**

s warrants the entry of federal injunctive relief under:

Rule 60(b)(4) (void judgment),

Younger exceptions, and

28 U.S.C. § 1651(a) (All Writs Act)

ate court is permitted to redefine a binding federal judgment as a "nuisance" rassment," and no prosecutor may criminalize its lawful enforcement.

XIV. SILENCE FROM APPELLEES IS JUDICIALLY BINDING UNDER FRAP 31(C)

Let the record show:

- **No appellee brief was filed.**
- **No rebuttal to summary judgment was entered.**
- **FRAP 31(c)** activates judgment as a matter of federal procedure.

All downstream retaliation is therefore **in contempt of this Court**, and the state is operating against a procedurally perfected federal judgment.

Plaintiff is not seeking relief. He already won.

He is now defending that victory — against state actors who refuse to acknowledge it.

XV. THE STATE SEEKS TO CRIMINALIZE PROTECTED PETITIONING AND LAWFUL ACCESS TO COURT

At the core of the retaliation is Plaintiff's lawful use of:

- **Petitions to the court**
- **Notices of default and lien**
- **Protected communications under FRE 408**
- **Federal litigation under 42 U.S.C. § 1983**

This is not criminal behavior — it is **exactly what the First Amendment was designed to protect.**

See:

- **California Motor Transport v. Trucking Unlimited**, 404 U.S. 508 (1972) – Access to courts is protected
- **Bill Johnson's Restaurants v. NLRB**, 461 U.S. 731 (1983) – Even baseless lawsuits are protected from retaliation if brought in good faith
- **Lozman v. Riviera Beach**, 138 S. Ct. 1945 (2018) – The State may not criminally retaliate for prior protected litigation activity

The charges are an unconstitutional attempt to punish **use of the legal system** Such acts are presumptively retaliatory and federally barred.

XVI. THE STATE HAS NOT DENIED MATERIAL ALLEGATIONS – AND THUS ADMITS THEM

Nowhere in the State's response is there a denial of the following facts:

- That Plaintiff has **won federal summary judgment**
- That the orders giving rise to this prosecution are **unsigned** and **void ab initio**
- That federal enforcement of **UCC liens** and **Rule 408 communications** were active and ongoing
- That state officials received **lawful notices of settlement and failed to respond**

This silence—whether deliberate or unavoidable—functions as a **tacit admission under FRCP Rule 8(b)(6),** and further implicates the State under the doctrine of **judicial estoppel doctrine** constitutes a tacit admission of:

- Procedural misconduct
- Failure to rebut dispositive facts
- Improper initiation of retaliatory prosecution

Critically, the State is unable to rebut these facts—not because of oversight, but because the **record has already foreclosed them.** *The law is settled.* The timeline is documented. ***The violations are preserved.***

The State's failure to rebut critical facts further supports Plaintiff's demand for **immediate injunctive relief** and **dismissal with prejudice**.

VII. THE ILLINOIS STATE JUDICIARY HAS NOW CREATED A TWO-TIER SYSTEM OF LAW

By mocking a **Seventh Circuit summary judgment** as a "personal opinion," and advancing **criminal prosecution against a federal enforcement party**, the Henry County judiciary has:

- Denied Plaintiff equal protection under the law (14th Amendment)
- Created an illegal class distinction between licensed attorneys and prevailing pro se litigants
- Attempted to **invalidate a federal judgment by local custom**

No court — state or federal — is permitted to engage in de facto judicial apartheid where only state-sanctioned actors may enforce their rights.

This behavior mirrors the unconstitutional logic struck down in:

- **Gideon v. Wainwright**, 372 U.S. 335 (1963)
- **Yick Wo v. Hopkins**, 118 U.S. 356 (1886)

This Court must now declare: **there is only one Constitution, and it binds us all.**

XVIII. JUDICIAL ECONOMY DEMANDS THIS BE SHUT DOWN IMMEDIATELY

The continuation of this retaliatory prosecution does not merely violate the Constitution — it squanders public resources and undermines faith in the justice system. Every day that Plaintiff is required to defend against a **void, retaliatory action**, the federal judgment is further devalued.

This Court must **act decisively** to:

- Protect the enforcement of its own rulings
- Halt unlawful expenditures of time and taxpayer funds
- Prevent further damage to the Plaintiff's financial and reputational standing

XIX. PLAINTIFF REASSERTS STANDING AS A FEDERAL ENFORCEMENT PARTY

The record must reflect once more:

- Plaintiff is not merely defending himself — he is enforcing a judgment
- His filings are not requests — they are executions of federal procedural supremacy
- His authority stems from Rule 56(a), FRAP 31(c), and 28 U.S.C. § 1651(a), not a local courtroom

Accordingly:

"This is not a defendant fighting for freedom — this is the **prevailing party enforcing federal law**. The burden is not on him. It is on the State to **explain why it still pretends federal law does not apply.**"

XX. RELIEF REQUESTED

Plaintiff-Appellant respectfully demands the following relief based on perfected federal summary judgment (DKT113), active enforcement filings (A26–A31), and multiple violations of constitutional, statutory, and procedural law by the State and its actors:

1. **That the State's Amended Response** be **STRICKEN in full** as **unlawful and void**, for:
    - Lack of subject-matter jurisdiction
    - Violation of Article VI Supremacy Clause
    - Misrepresentation of Plaintiff's legal status as a prevailing federal litigant
2. **That all charges** against Plaintiff-Appellant in McHenry County Case No. 24CM000976 be **DISMISSED WITH PREJUDICE**, as they are:
    - **Void ab initio**, stemming from unsigned Title IV-D administrative orders (in violation of 28 U.S.C. § 1691)
    - Brought in **retaliation for protected federal litigation** under FRE 408, Rule 56(a), and 42 U.S.C. § 1983
    - Preempted by binding federal judgment already in enforcement under FRAP 31(c)
3. **That this matter be referred immediately** to federal oversight for formal investigation and prosecution under:
    - **42 U.S.C. § 1983** – For deprivation of rights under color of law
    - **18 U.S.C. § 242** – For criminal violations of civil rights
    - **18 U.S.C. § 1512** – For witness retaliation and interference with protected litigation activity
    - **Lozman v. Riviera Beach** and **Blackledge v. Perry** – As controlling Supreme Court precedent for retaliatory prosecution
4. **That sanctions be imposed** on all responsible parties, including the McHenry County State's Attorney's Office, for:
    - Frivolous pleadings under **Rule 11**
    - Misuse of prosecutorial power for retaliatory purposes
    - **Professional misconduct** in direct defiance of judicial ethics, Illinois Rules of Professional Conduct (Rule 3.1, 3.3, 4.4), and the clear factual record
5. **That judicial review and disciplinary action** be initiated against all officers involved, including but not limited to:
    - Judge Mary Nader (22nd Judicial Circuit)

- ASA Nathaniel Holm
- Clerical personnel involved in transcript obstruction or procedural obstruction
- Any officials knowingly participating in the defiance of federal supremacy

6. **That a protective judicial declaration be entered** affirming:
   - Plaintiff-Appellant's standing as the **federal enforcement party** of a perfected judgment
   - That **continued state litigation or re-amendment attempts constitute further federal violations**
7. **That the Court issue a declaratory order** enjoining all future state action in this matter unless explicitly authorized by a federal court, to prevent further injury, delay, or erosion of Plaintiff-Appellant's protected rights.

XXI. FINAL NOTICE TO THIS COURT

No further delays will be tolerated.

This matter is **not subordinate** to McHenry County or any state-level authority. It is a **federally closed case**, governed by **perfected summary judgment under Rule 56(a)** and **procedural default under FRAP 31(c)**, as issued by the United States Court of Appeals for the Seventh Circuit in **DKT113**.

This Court is hereby **formally notified** that the **only lawful action it may now take** is:

1. **Immediate dismissal** of all charges **with prejudice**
2. **Full referral** to appropriate federal authorities for constitutional review and enforcement

Any attempt to proceed, amend, recharacterize, or delay this case constitutes a **direct act of judicial defiance** against:

- **Article VI, Clause 2** of the U.S. Constitution (Supremacy Clause)
- The binding authority of the **Seventh Circuit**
- Plaintiff-Appellant's status as the **prevailing federal litigant and enforcement party**

This is no longer a matter of discretionary adjudication — it is a matter of **constitutional obedience.**

Let the record show: This Court is under **total preemption**, and **continued action from this point forward shall be treated as willful violation** of federal law, subject to immediate escalation under **42 U.S.C. § 1983**, **18 U.S.C. § 242**, and all federal remedies preserved in the record.

Respectfully submitted,

Thomas E. Camarda
Plaintiff-Appellant, Pro Se
United States Court of Appeals – Seventh Circuit
Case No. 24-3244

Dated: April 14, 2025

IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff	)	
v.	)	No. 24CM976
THOMAS E. CAMARDA, Defendant	)	

PEOPLE'S AMENDED RESPONSE TO DEFENDANT'S SPECIAL APPEARANCE & MOTION TO BAR THE STATE'S IMPROPER AMENDMENT OF CHARGE

NOW COME, the People of the State of Illinois, by their attorney, RANDI FREESE McHenry County State's Attorney, through Nathaniel D. Holm, duly appointed Assistant State's Attorney, and moves this Honorable Court to deny Defendant's Special Appearance & Motion To Bar The State's Improper Amendment Of Charge.

Statement Of Facts

1. On December 31, 2024, the Defendant was charged with Phone Harassment – Lewd Comment for phone calls made on or about December 24, 2024.

2. On December 31, 2024, the Honorable Mark R. Facchini issued a warrant for the Defendants arrest.

3. On January 16, 2025, the Defendant was served with the warrant that had been issued on December 31, 2024.

4. On February 4, 2025, Attorney Thomas Cheronis entered an appearance.

5. On March 10, 2025, Attorney Thomas Cheronis filed a Motion to withdraw citing irreconcilable differences between the Defendant and Mr. Cheronis.

6. On March 11, 2025, before this Court could even consider Defense Counsel's Motion to Withdraw, the Defendant began filing motions Pro Se.

7. On March 14, 2025, Defendant filed a Pro Se Appearance.

8. That same day, the State filed a Superseding Information charging three counts of Phone Harassment.

9. On March 17, 2025, Defendant filed a Special Appearance and Motion to Bar the State's Amendment of the Charge.

Legal Authority

1. *Blackledge v. Perry*, 417 U.S. 21, 22 (1974) dealt with a post-conviction appeal. *Id.* Moreover, *Perry* involved the state charging the Defendant with a more serious offense once he asserted his right to appeal. 417 U.S. at 23.

2. *U.S. v. Goodwin*, 457 U.S. 368 (1982) dealt with whether to apply a presumption of vindictiveness when prosecutors filed additional charges after the Defendant had demanded a jury trial.

3. *Davis v. Foman*, 371 U.S. 178 (1962) deals with estates, not criminal law.

4. 725 ILCS 5/111-3(d) provides:

> At any time prior to trial, the State on motion shall be permitted to amend the charge, whether brought by indictment, information or complaint, to make the charge comply with subsection (c) or (c-5) of this Section.

Argument

Defendant argues that the State cannot amend a charging instrument while citing no authority that supports his position. To the contrary, 725 ILCS 5/111-3(d) provides that the State "shall be permitted to amend". As such, Defendant's Motion is without merit and should be denied.

CONCLUSION

WHEREFORE, the People respectfully pray this Honorable Court deny Defendant's Motion.

Respectfully Submitted,

Nathaniel D. Holm
Assistant State's Attorney

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