

IN THE

UNITED STATES SUPREME COURT

CHAD LUTLER, S16948

PETITIONER

V.

ANTHONY WILLS,

RESPONDENT

NO. _____

ON PETITION FOR A WRIT OF HABEAS CORPUS TO
THE SEVENTH CIRCUIT COURT OF APPEALS

MOTION SEEKING AN EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF HABEAS CORPUS

CHAD LUTLER, S16948
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MOTION SEEKING AN EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF HABEAS

PLAINTIFF-APPELLANT-PETITIONER LUTLEY
RESPECTFULLY REQUESTS A 60 DAY EXTENSION OF
TIME IN WHICH TO FILE HIS PETITION FOR WRIT OF
HABEAS. THE FOLLOWING POINTS SUPPORT THE
MOTION.

1. CHAD LUTLEY'S CURRENT CASE IN THE
U.S. DISTRICT COURT (NO. 3:23-CV-03127-GLS), SOUTH-
ERN DISTRICT OF ILLINOIS, CONTAINS RULINGS WHICH
PROVIDE BASES FOR SEVERAL INTERLOCUTORY APP-
EALS TO THE SEVENTH CIRCUIT U.S. COURT OF APPEALS.
ONE OF THESE (APPEAL NO. 24-2428) PROVIDES THE
SUBSTANCE FOR PETITION FOR WRIT OF HABEAS.
PARTIES IN THE ORIGINATING CASE AND APPEAL
24-2428 ARE AS FOLLOWS: CHAD LUTLEY, PLAINTIFF-
APPELLANT-PETITIONER; ANTHONY WILLS, DEFENDANT-
APPELLEE-RESPONDENT.

THE ORIGINATING CASE IS ONE ALLEGING DEL-
IBERATE INDIFFERENCE TO MR. LUTLEY'S AFFILIATION

WITH BOTH AUTISM AND A SECOND CONDITION INVOLVING THE FREQUENT OCCURRENCE OF CATATONIC EPISODES. RELATED FIRST AMENDMENT CLAIMS IN THE SAME CASE ALLEGE DEFENDANT WARDEN WILLS' MALICIOUS DESTRUCTION OF 82 WRITTEN SUBMISSIONS WHICH SOUGHT TO BOTH EXHAUST ADMINISTRATIVE REMEDIES AND TO SELF REPORT THE SERIOUS MEDICAL NEED. THESE ACTS OF AFFIRMATIVE MISCONDUCT PROMPTED MR. BUTLER'S FILING IN DISTRICT COURT FOR A GRANT OF EQUITABLE ESTOPPEL TO PROHIBIT DEFENDANT WARDEN WILLS FROM FILING FOR SUMMARY JUDGMENT ON A BASIS OF PLAINTIFF'S ALLEGED FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.

THE DISTRICT COURT'S DENIAL OF PLAINTIFF'S MOTION FOR EQUITABLE ESTOPPEL IMPACTS THE ONGOING SITUATION, WHICH IS CHAD BUTLER'S LOOMING RISK OF IRREPARABLE HARM DUE TO SUFFERING CATATONIC EPISODES WITH NO PROTECTION IN A PRISON ENVIRONMENT. THIS RULING PROMPTED MR. BUTLER'S APPEALING THE DECISION UNDER THE COLLATERAL ORDER DOCTRINE TO THE SEVENTH CIRCUIT COURT OF APPEALS.

2. PETITIONER ZUTLER'S CATATONIC EPISODES, WITH NO PROTECTION, LEAVE HIM UNABLE TO RESIST OR DEFEND AGAINST VIOLENT OR SEXUAL ADVANCES BY OTHER INMATES. HIS MANY ATTEMPTS TO ACQUIRE MEDICAL ATTENTION, APPROXIMATELY SEVEN DOZEN WRITTEN SUBMISSIONS SINCE JULY OF 2023, HAVE BEEN LARGELY IGNORED AND MOSTLY DESTROYED BY WARDEN WILLS AND HIS STAFF. THIS DESTRUCTION OF PLAINTIFF'S EMERGENCY GRIEVANCE REPORTS LEAVES THE FALSE APPEARANCE OF MR. ZUTLER HAVING FAILED TO PROPERLY EXHAUST ADMINISTRATIVE REMEDIES, AND DEFENDANT-RESPONDENT WARDEN WILLS HAS FILED, UNDER THE EXHAUSTION REQUIREMENT OF THE P.L.R.A. (42 U.S.C. SECTION 1997e(a)), THE VERY SAME AFFIRMATIVE DEFENSE. WARDEN WILLS INTENDS TO IGNORE MR. ZUTLER'S LOOMING RISK OF IRREPARABLE HARM AND EMPLOY THE EXHAUSTION DEFENSE TO HAVE THE CASE DISMISSED.

PETITIONER ZUTLER'S MOTION SEEKING EQUITABLE ESTOPPEL (DENIED IN DISTRICT COURT, APPEALED UNDER THE COLLATERAL ORDER DOCTRINE TO THE SEVENTH

CIRCUIT COURT OF APPEALS, THEN DISMISSED WITHOUT REVIEW AND AS A STRICTLY JURISDICTIONAL MATTER) WOULD PROHIBIT WILLS FROM FILING IN SUCH FASH- ION FOR DISMISSAL, THEREBY PROTECTING PETITIONER'S CASE AND HIS QUEST FOR MEDICAL ATTENTION.

3. PETITIONER BUTLER HAS SOUGHT PRELIM- INARY INJUNCTIVE RELIEF (DENIED IN DISTRICT COURT JUNE 4, 2024; APPEALED TO THE SEVENTH CIRCUIT COURT OF APPEALS, APPEAL 24-2194 CURRENTLY PENDING) TO PROTECT HIMSELF FROM IRREPARABLE HARM ASSOCIATED WITH HIS SERIOUS MEDICAL NEED. THIS SLOW PROC- ESS (INITIATED OCTOBER OF 2023) MAY YET PROTECT HIM IF THE CASE IS NOT ON THE AFOREMENTIONED GROUNDS SUMMARILY DISMISSED.

THE MOTION FOR EQUITABLE ESTOPPEL WOULD PREVENT DEFENDANT WILLS' REQUESTING SUCH A DISMISSAL. THE APPEAL OF THE DENIAL OF THE MOTION, AND THE SEVENTH CIRCUIT COURT OF APPEALS' JURIS- DICTIONAL DISMISSAL OF THE APPEAL (NO. 24-2428) ARE THE SUBJECTS OF THE PETITION FOR WRIT OF HABEAS COR- PORIS.

4. PETITIONER ZUTLEY SEEKS AN EXTENSION OF TIME IN WHICH TO SUBMIT HIS PETITION FOR WRIT OF HABEAS CORPUS, AND FOR THE FOLLOWING REASONS:

A. AS AN AUTISTIC PERSON PREPARING PRO SE LEGAL FILINGS, PETITIONER'S RATE OF PROGRESS IS EXTREMELY SLOW. MR. ZUTLEY WOULD, OUTSIDE THE PRISON ENVIRONMENT WITH THE ABILITIES TO QUICKLY RESEARCH, TYPE AND PRINT, EASILY MANAGE WITHIN THE 90 DAY DEADLINE. HAND WRITING THE PETITION, HOWEVER, WITH ONLY THE ADDITIONALLY SLOW PRISON LAW LIBRARY FOR RESEARCH PRESENTS ADDITIONAL CHALLENGES.

B. MENARD PRISON LAW LIBRARY OFTEN REQUIRES 2-3 WEEKS TO COMPLETE REQUESTS FOR RESEARCH OR PHOTOCOPYING DOCUMENTS. SPECIFIC EXAMPLES CAN BE CITED.

C. PETITIONER HAS ONGOING CASES IN BOTH THE DISTRICT COURT (ORIGINATING CASE) AND THE SEVENTH CIRCUIT COURT OF APPEALS (SEPARATE APPEAL NO. 24-2194) ADDRESSING THE SAME SERIOUS MEDICAL NEED. APPEAL 24-2194 IS IN THE BRIEFING STAGE, AND OTHER FILINGS AND RESEARCH ARE WORKS IN PROGRESS.

5. THE SEVENTH CIRCUIT COURT OF APPEALS ON DECEMBER 18, 2024 DENIED (SEE ATTACHED COPY OF THE ORDER) PLAINTIFF-APPELLANT LUTLEY'S MOTION FOR REHEARING, THEREBY DISMISSING THE APPEAL AND CREATING FOR THIS PETITION FOR WRIT OF HABEAS CORPUS AN APPROXIMATE FILING DEADLINE OF MARCH 18, 2025.

6. FOR THE FOREGOING REASONS, AND OTHERS INVOLVING AUTISM WHICH ARE LESS EASILY EXPLAINED, PETITIONER RESPECTFULLY REQUESTS THIS HONORABLE COURT GRANT A 60 DAY EXTENSION OF THE FILING DEADLINE.

WHEREFORE, MR. LUTLEY REQUESTS THE COURT GRANT AN EXTENSION OF TIME TO FILE THE PETITION FOR WRIT OF HABEAS CORPUS.

JANUARY 27, 2025

RESPECTFULLY SUBMITTED



CHAD LUTLEY, S16948
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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
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ORDER

November 12, 2024

Before
ILANA DIAMOND ROVNER, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*
JOHN Z. LEE, *Circuit Judge*

No. 24-2428	<p>CHAD CUTLER, Plaintiff - Appellant</p> <p>v.</p> <p>ANTHONY WILLIS, Defendant - Appellee</p>
Originating Case Information:	
District Court No: 3:23-cv-03127-GCS Southern District of Illinois Magistrate Judge Gilbert C. Sison	

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is **DISMISSED** for lack of jurisdiction.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court’s civil docket pursuant to Rule 58 of the Federal Rules of Civil Procedure. *See Alonzi v. Budget Construction Co.*, 55 F.3d 331, 333 (7th Cir. 1995); *Cleaver v. Elias*, 852 F.2d 266, 267 (7th Cir. 1988).

In this case, appellant seeks to appeal the district court’s July 15, 2024, order granting in part and denying in part his request to amend his complaint and August 1 and August 2, 2024, orders denying his “motion for equitable estoppel,” which sought to preclude defendants from raising an exhaustion defense. But the case continues with respect to appellant’s other claims, including any exhaustion issues that may arise with respect to those claims. These “managerial”

orders are not immediately appealable. *Wingerter v. Chester Quarry Co.*, 185 F.3d 657, 662 (7th Cir. 1998).

Appellant asserts appellate jurisdiction based on the collateral order doctrine, which permits an appeal of select categories of otherwise interlocutory orders. Arguments to extend collateral-order review beyond the few, well-established categories of appealable orders usually fail. *Herx v. Diocese of Fort Wayne-S. Bend, Inc.*, 772 F.3d 1085, 1090 (7th Cir. 2014). Like so many other litigants who have tried to expand the small class of collaterally appealable orders, appellant has not persuaded us that the interests he raises meet the doctrine's high bar

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

December 18, 2024

Before

ILANA DIAMOND ROVNER, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*
JOHN Z. LEE, *Circuit Judge*

No. 24-2428

CHAD CUTLER,
Plaintiff-Appellant,

Appeal from the United States District Court
for the Southern District of Illinois.

v.

No. 3:23-cv-03127-GCS

ANTHONY WILLIS,
Defendant-Appellee.

Gilbert C. Sison,
Magistrate Judge.

ORDER

Plaintiff-Appellant filed a petition for rehearing and rehearing *en banc* on December 2, 2024. No judge in regular active service has requested a vote on the petition for rehearing *en banc*, and all members of the original panel have voted to deny panel rehearing. The petition for rehearing and rehearing *en banc* is therefore DENIED.

IN THE

UNITED STATES SUPREME COURT

CHAD LUTLER, 316948
PETITIONER

NO. _____

V.

ANTHONY WILLS,
RESPONDENT

PROOF OF SERVICE

DECLARATION UNDER 28 U.S.C. SECT. 1746

THE ATTACHED DOCUMENT HAS BEEN SERVED
UPON ALL PARTIES TO THIS CASE, TO INCLUDE:

TARA MARIE BARNETT, COUNSEL TO DEFENDANT-
RESPONDENT ANTHONY WILLS.

THE U.S. DISTRICT COURT, SOUTHERN DISTRICT
OF ILLINOIS.

SERVICE HAS BEEN MADE IN ACCORDANCE
WITH U.S.C.S. SUPREME COURT RULE 24(5)(2). I,
THE PLAINTIFF-PETITIONER, HAVE ELECTRONICALLY
FILED TO ALL PARTIES THE MOTION REQUESTING EXT-
ENSION OF TIME TO FILE PETITION FOR CERTIORARI.

I DECLARE UNDER PENALTY OF PERJURY THE
FOREGOING IS TRUE AND CORRECT (28 U.S.C. S. 1746).

JANUARY 27, 2025


CHAD LUTLER, 316948