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CLERK OF WISCONSIN

SUPREME COURT

November 7, 2023

To:

Hon. Rhonda L. Lanford
Circuit Court Judge
Electronic Notice

Brian Keenan
Electronic Notice

Carlo Esqueda
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Pastori M. Balele
6777 Schroeder Rd. #4
Madison, WI 53711

You are hereby notified that the Court has entered the following order:

No. 2023AP524-W

Balele v. Circuit Court for Dane County, L.C.#2021CV2487

On March 28, 2023, Pastori M. Balele filed a petition for supervisory writ and supporting materials. After all members of the court reviewed Mr. Balele's filing, the court denied the supervisory writ petition by order of August 17, 2023.

On September 8, 2023, Mr. Balele filed documents that the court has construed as a motion for reconsideration of the court's August 17, 2023 order. In this filing, Mr. Balele asserts that this court's commissioners withheld his supervisory writ petition from the court's review. This assertion is incorrect; as noted above, this court issued its August 17, 2023 order after all members of the court reviewed Mr. Balele's petition.

Beyond this incorrect assertion, Mr. Balele advances a wide number of frivolous and inflammatory assertions. For example, he suggests that "the Commissioners, all lawyers, were part of [a] deal" in which judges of the Wisconsin Court of Appeals "induc[ed] [the clerk of this court] to steal a Supreme court logo stationery" so that the judges could "lie to him" in a separate matter. Supporting Memo at 8. Mr. Balele further asserts that "the Commissioners did not route his documents to [the] Justices because he was Pro Se and Black." Id. at 9. Mr. Balele further asserts that judges of the Wisconsin Court of Appeals "had called the Commissioners to ensure Balele[s] case was not forwarded to the Justices of the Supreme Court." Id. at 11. Mr. Balele further asserts that "[o]ne warn-out phrase racist[] Appeal Court District 4 judges use is: 'Black peoples' arguments are usually not developed.'" Id. at 1.

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This is not the only matter in which Mr. Balele has made frivolous assertions. Far from it. See Balele v. Roggensack, No. 2016AP2534, 2017 WL 11686839, at *2 (Wis. Ct. App. Nov. 2, 2017) (noting Mr. Balele's "pattern of frivolous and vexatious litigation at a significant cost to the court system and, ultimately, to taxpayers"; imposing filing restrictions on Mr. Balele in the court of appeals); see also Balele v. McCallum, Dane County Circuit Court No. 2018CV741 (June 25, 2018) (finding Mr. Balele's lawsuit frivolous; requiring proof of review by a licensed attorney or permission from a judge to file new actions against any official, employee, or agency of the State of Wisconsin arising from the same or similar subject matter as that lawsuit); see also Balele v. Barnett, No. 96-1133 (7th Cir. April 29, 1997) (directing all courts of the circuit to reject Mr. Balele's filings until he pays off substantial costs he has incurred in litigating previous frivolous cases, and unless he files an affidavit certifying that the matters he raises in the proposed filing are not frivolous and have not been raised in previous suits).

The court notes, too, that Mr. Balele has been a prolific pro se filer in this court. In the past ten years alone, he has filed no less than eight petitions for review, five supervisory writ petitions, and one bypass petition.

Despite receiving ample warnings from other state and federal courts against making frivolous and inflammatory assertions in his court filings, Mr. Balele has continued this practice here—not only in the September 8, 2023 filing currently under review (see above excerpts), but in virtually every filing this court has received from Mr. Balele in recent years. See, e.g., Balele v. Circuit Court for Dane County, 2023AP12, Pet. at 11 (stating that a particular Assistant Attorney General, "a Jewish American male, could not stand being confronted by his supervisors who happened to be females. Jewish males believe [they] are superior to females and people of other races."); Balele v. Hon. Rachel A. Graham et al., 2022XX841, Pet. at 19 (stating that he "hopes the judges of Court of Appeals District 1 do not behave like the judges in District 4 who all are Caucasians and love to bully Blacks all the time. However, if Hon. Judges White and Donald behave as they did with Balele's appeal, then Blacks should not blame Caucasians mistreating Blacks. How would Hon. Judges White and Donald like police to be called on them because they are Blacks in a government office!"); Balele v. Fitzpatrick, 2021AP1994, Pet. at 16-17 (alleging that certain court of appeals judges ordered the clerk of this court "to lie to Balele using the Supreme Court logo"; further alleging that these judges "turned Wisconsin Court of Appeals into Louisiana Court of Appeals syndrome where staff there were dismissing all cases filed by Pro Se litigants and especially Blacks. The individual who orchestrated the scheme shot himself in the office to avoid going to prison."); Balele v. Circuit Court for Dane County, 2021AP1515-W, Pet. at 12-13 (stating that certain court of appeals judges "are done as judges. No law will protect their jobs. All they have to do now is to pray [the] Judicial Commission ignores their crime for inducing [the clerk] to forge [a] Supreme Court decision.").

Mr. Balele's pattern of conduct in this court, viewed in the context of his long history of frivolous litigation in other courts, establishes that issuing only a warning to Mr. Balele would be of no benefit to him or to this court; he has shown he will not be deterred by a mere instruction to cease his abusive litigation activities. We therefore join our fellow courts in imposing filing restrictions on Mr. Balele. See Minniecheske v. Griesbach, 161 Wis. 2d 743, 748, 468

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N.W.2d 760, 762 (Ct. App. 1991) ("A court faced with a litigant engaged in a pattern of frivolous litigation has the authority to implement a remedy that may include restrictions on that litigant's access to the court.")

IT IS ORDERED that the motion for reconsideration is denied; and

IT IS FURTHER ORDERED that the following restrictions on Mr. Balele's access to this court are hereby imposed:

1. Given Mr. Balele's history of frivolous litigation, Mr. Balele's eligibility to file pleadings electronically in this court is revoked. This court will not facilitate Mr. Balele's pattern of frivolous filings by making it logistically easier for him to persist in such filings. When litigating in this court, Mr. Balele shall file, serve, and receive paper documents by traditional methods. See Wis. Stat. § (Rule) 809.80.
2. The clerk shall create and maintain a miscellaneous file with the general title "In re Pastori M. Balele." The file shall be assigned an "XX" case number. The miscellaneous file shall serve as the repository of this order, all documents proffered for filing by Mr. Balele covered by the terms of this order for which authority to file is not granted, and any order entered pursuant to this order. The clerk shall also maintain a docket associated with the miscellaneous file.
3. Whenever Mr. Balele proffers a document for filing in this court in a civil matter, excluding habeas corpus proceedings, the clerk shall accept the papers and stamp them "received" (rather than "filed"). The court will examine any documents tendered by Mr. Balele and determine whether or not they should be filed. The court will deny leave to file the documents that are merely duplicative of matters already litigated or currently pending, legally frivolous, contain inflammatory or disparaging language, or do not comply with the rules of appellate procedure.
4. If the court enters an order denying leave to file the materials, the clerk of court shall retain the order and a copy of the materials in the miscellaneous file and cause a copy of the order to be mailed to Mr. Balele.
5. If the court enters an order granting leave to file the materials, the clerk shall cause the materials to be processed in accordance with the order issued by the court. The clerk shall also cause a copy of the order to be mailed to Mr. Balele.

Samuel A. Christensen
Clerk of Supreme Court