E-FILED
Tuesday, 30 June, 2026 05:43:18 PM
Clerk, U.S. District Court, ILCD

UNITED STATES DISTRICT COURT
for the
CENTRAL DISTRICT OF ILLINOIS
Springfield Division

LUKE A. THOMAS,

Plaintiff,

-against-

HOLLY J. HENZE, in her official capacity only;
JERRY J. HOOKER, in his official capacity only;
DEVRON OHRN, in his official and individual capacities;
JUSTIN OLIVER, in his official and individual capacities;
GWENDOLYN M. THOMAS, in her official and Individual capacities;
GEORGEANNE OSMER, individually;
JOHN D. OSMER, individually;
CASS COUNTY, ILLINOIS;
MENARD COUNTY, ILLINOIS;
THE EIGHTH JUDICIAL CIRCUIT OF ILLINOIS;
JOHN DOES 1–10, individually and in their official capacities (as applicable)

Defendants.
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Civil Action No.

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Plaintiff, Luke A. Thomas, *pro se*, moves this Court pursuant to Fed. R. Civ. P. 65(b) for a Temporary Restraining Order and Preliminary Injunction and in support, states:

I. INTRODUCTION

This action arises from a systemic deprivation of Plaintiff's Due Process and ADA rights within the Eighth Judicial Circuit. Defendants have engaged in a pattern of "Judicial

Tunneling," substituting *ex parte* directives for adversarial proceedings. Most recently, the Court has utilized coercive scheduling orders to force Plaintiff to choose between pursuing his right to discovery of *ex parte* misconduct (under Illinois Supreme Court Rule 2.9) and the adjudication of essential property and parental rights.

As alleged and established in Plaintiff's Complaint filed contemporaneously herewith, the series of procedural abuses currently plaguing this case are the direct symptoms of an ongoing cover-up. What began on the morning of September 12th was an arrogant, premeditated violation of basic property rights. Defendants orchestrated the warrantless seizure and transfer of Plaintiff's highly regulated FFL inventory—an act executed by a sitting Sheriff, a retired Sheriff, and an experienced family law and interim State's Attorney.

Despite their extensive professional knowledge of the strict regulations governing firearm transfers, their confidence in their local network allowed them to brazenly override the law. They fully understood the severity of their actions. Indeed, in October 2022, Defendant Gwendolyn Thomas voiced concerns over whether Plaintiff would "prosecute her parents," and chillingly admitted that the network had anticipated the execution of the Emergency Order of Protection would result in Plaintiff's suicide.

When Plaintiff instead chose to fight for his rights and his children, the Defendants' realization of their exposure triggered a snowball of ethical breaches and continuous due process violations. The Court's current refusal to permit discovery of *ex parte* communications is the shield protecting this network; without this Court's immediate intervention, Plaintiff will remain permanently trapped in a corrupted forum designed solely to insulate these state actors from the consequences of their initial, indefensible acts. Irreparable harm, personally, professionally, and financially has and continues to result.

II. ARGUMENT

1. Irreparable Harm via Procedural Coercion The Court's March 2026 Order, which sets parenting motions for hearing while leaving Plaintiff's Motions to Compel *ex parte* disclosures pending, is a calculated act of procedural coercion. By conditioning the movement of the case on the waiver of Plaintiff's Rule 2.9 disclosure requests, the Court is forcing Plaintiff to choose between constitutional transparency and the immediate needs of his children. This " Hobson's Choice" constitutes irreparable harm, as it effectively immunizes Defendants from accountability for systemic *ex parte* misconduct and forces Plaintiff to participate in a tainted process.

2. Harm to Plaintiff and his Dependent: Though Plaintiff and Plaintiff's minor son (now 18) have worked very hard and have made significant strides in regaining and improving his health despite the dire circumstances and limited resources faced while living in Minnesota, Plaintiff's child's conditions are life-long, requiring consistent, expert medical management and specialized equipment. Plaintiff's own long-term health is equally at risk; his five-year cancer treatment plan, established in 2019, was forcibly suspended as a direct result of Defendants' actions from September 2022 until June 27, 2024. Although Plaintiff was recently able to resume his prescribed course of care, he remains significantly behind in critical, life-saving preventative and exploratory procedures—including an overdue colonoscopy necessary to monitor his post-oncological status. As Plaintiff shared at the onset of the state court litigation, access to Plaintiff's assets were not requested out of greed; the need to be able to secure counsel to alleviate the stresses and burdens of self-representation and continue the care that was in place in 2022 is necessary to prevent the ongoing, irreparable harm.

Defendants' continued conversion and/or concealment of the marital assets and FFL proceeds has rendered him financially unable to maintain the necessary health insurance or cover the out-of-pocket costs for his own treatment and his son's diabetic care without seekjing public aid The Defendants' continued interference with these assets constitutes a direct and ongoing threat to the physical well-being of both Plaintiff and his dependent. This harm is not merely financial; it is a clear, present, and irreparable danger to the health of the Plaintiff and his family. Absent immediate injunctive relief to freeze the assets and provide an accounting, Plaintiff is effectively deprived of the means to secure the life-sustaining medical intervention required to manage his son's chronic illness and his own post-cancer recovery.

3. Violation of Rule 2.9 and Due Process The record, including transcript admissions by Defendants Judges confirms that the Court has routinely engaged in private, extrajudicial coordination with the Guardian ad Litem (GAL) and Petitioner. The Court's refusal to rule on Plaintiff's pending Motions to Compel Disclosure of *ex parte* communications (filed Jan. 14, 2025, and Oct. 6, 2025) is not merely a docket management issue; it is a deliberate obstruction of Due Process. The Court's failure to abide by Rule 2.9 is a continuous injury that undermines the integrity of every order entered in Cass County Case No. 2022-DC-15.

4. Likelihood of Success on the Merits Plaintiff has demonstrated that the Eighth Judicial Circuit operates as a "closed system" where the GAL acts as an extrajudicial agent, funneling information to the Court outside the record. This conduct violates the Fourteenth Amendment's Due Process Clause. Because Plaintiff has documented the specific *ex parte* admissions and the Court's refusal to hold an evidentiary hearing—choosing instead to rely on off-the-record consultations—the likelihood of success on the merits is high.

Futhermore, Defendants' continued concealment of firearms, ammunition, and federally mandated ATF Form 4473s causes immediate and irreparable harm by creating a regulatory vacuum regarding the legal status of Plaintiff's property. Without these records, Plaintiff is prevented from fulfilling his federal obligations, and Defendants are actively shielding their illicit transfers from regulatory scrutiny. The Court must intervene to mandate an accounting of these records, as the absence of this documentation exacerbates the ongoing conversion of Plaintiff's assets and continues to expose Plaintiff to potential regulatory liability created by Defendants' own unlawful conduct.

4. The Status Quo Must Be Preserved The conversion and liquidation of Plaintiff's FFL inventory—conducted in violation of the Gun Control Act of 1968 and PICA—continues to be facilitated by the Court's refusal to account for these assets. Immediate injunctive relief is required to preserve the remaining assets and to mandate that state proceedings return to a constitutional, on-the-record framework.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order:

A. **ENJOINING** Defendants from further liquidating, transferring, or distributing any proceeds, records, or inventory related to the conversion of Plaintiff's FFL property;

B. **ORDERING** an immediate accounting and impoundment of all funds held by any Defendant—including Gwendolyn Thomas and the Will Sullivan Auction Company—derived from the conversion of Plaintiff's property;

C. **ENJOINING** the Eighth Judicial Circuit and its judges from conducting any substantive proceedings in Case No. 2022-DC-15 without providing Plaintiff a full, on-the-record accounting of all *ex parte* communications as required by Illinois Rule 2.9;

D. **ENJOINING** the Court from enforcing any waiver of Plaintiff's disclosure requests that resulted from the Court's coercive March 2026 scheduling order.

E. **ORDERING** the Defendant, Gwendolyn Thomas, to provide a full, itemized accounting of all FFL inventory, including the immediate production of all associated ATF Form 4473s, and to preserve all records pertaining to the disposition of Plaintiff's firearms and ammunition.

V. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court enter a Temporary Restraining Order and Preliminary Injunction granting the relief set forth in the accompanying Proposed Order.

VERIFICATION

I, Luke A. Thomas, declare under penalty of perjury that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 30, 2026

Respectfully submitted,

By:

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