

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

LUKE A. THOMAS,

Plaintiff,

-against-

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.26-cv-03219

MEMORANDUM OF LAW IN
SUPPORT OF PLAINTIFF'S
RENEWED MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
RENEWED MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiff, Luke A. Thomas, pro se, respectfully submits this Memorandum of Law in support of his Renewed Motion for Temporary Restraining Order and Preliminary Injunction, filed concurrently herewith.

I. INTRODUCTION

Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction to preserve the status quo and prevent irreparable harm pending this Court's resolution of the merits of Plaintiff's First Amended Complaint. The requested relief is necessary to prevent the continued dissipation of assets, the ongoing concealment of federally regulated records, the continuing deprivation of Plaintiff's constitutional rights, and the ongoing denial of reasonable accommodations under the Americans with Disabilities Act.

As demonstrated below, Plaintiff satisfies all four factors for injunctive relief: (1) a likelihood of success on the merits; (2) irreparable harm absent relief; (3) the balance of equities tips in his favor; and (4) the public interest supports the requested injunction. *Girl Scouts of Manitou Council, Inc. v. Girl Scouts of U.S.A., Inc.*, 549 F.3d 1079, 1086 (7th Cir. 2008); *see also Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

II. STANDARD OF REVIEW

A plaintiff seeking a preliminary injunction bears the burden of establishing four factors: (1) a reasonable likelihood of success on the merits; (2) irreparable harm if relief is not granted; (3) the balance of equities tips in his favor; and (4) the injunction serves the public interest. *Girl Scouts*, 549 F.3d at 1086. The same standard applies to requests for temporary restraining orders and preliminary injunctions. *LTD Commodities, Inc. v. Perederij*, 699 F.2d 404, 407 (7th Cir. 1983).

The four factors are "interdependent: the greater the likelihood of success on the merits, the less net harm the injunction must prevent in order for preliminary relief to be warranted." *Judge v. Quinn*, 612 F.3d 537, 546 (7th Cir. 2010). However, "the likelihood of

success factor serves as a threshold requirement" and "[a] failure to show a likelihood of success or a failure to demonstrate irreparable injury must necessarily result in the denial of a preliminary injunction." *LTD Commodities*, 699 F.2d at 407; *see also Michalski v. S & K Glob. LLC*, No. 22-CV-04406, 2023 WL 5021064, at *3 (N.D. Ill. Aug. 7, 2023).

III. PLAINTIFF HAS DEMONSTRATED A LIKELIHOOD OF SUCCESS ON THE MERITS

A. The Warrantless Seizure and Theft Violated the Fourth Amendment

As confirmed by the sworn testimony of Defendant Georgeanne Osmer, as of September 8, 2022, she was in receipt of electronic and written notice of no trespass, which she purposefully ignored and continued to ignore thereafter. Defendant G. Osmer's sworn testimony further establishes that after receiving that notice, she, along with David, John, Steve, Daniel, Marty, and Jack, entered Plaintiff's home on September 12, 2022, without a warrant, court order, or exigent circumstances, and seized and removed Plaintiff's firearms, ammunition, business records, tax documents, electronics, surveillance equipment, and personal property.

G. Osmer further testified that there was no court order authorizing the taking. Depending on discovery, these individuals may be identified as the currently named John Does (1-10).

This unauthorized taking constituted theft under Illinois law, 720 ILCS 5/16-1(a)(1)(A), which provides that a person commits theft when he or she "knowingly obtains or exerts unauthorized control over property of the owner" and "intends to deprive the owner permanently of the use or benefit of the property." Defendants' admission that the ammunition is now "gone" (Doc. 28-1, ¶ 6) confirms the permanent deprivation element of the offense. The ammunition

was never addressed in any court order, the Judgment of Dissolution, the Order of Protection, or any of Defendant Gwendolyn Thomas's motions or affidavits.

"Warrantless searches and seizures are per se unreasonable under the Fourth Amendment subject to limited exceptions." *U.S. v. U.S. Dist. Ct.*, 407 U.S. 297, 313 (1972). No exception applies here. The taking was unlawful from its inception—Defendants never had lawful possession of Plaintiff's property at any time. The subsequent sale, concealment, and failure to account for the property constitute conversion under Illinois law. Moreover, Defendants' sale and transfer of the firearms violated the Protect Illinois Communities Act (PICA), 720 ILCS 5/24-1.9, despite Plaintiff's formal notice to Defendants on January 24, 2024 that the proposed sale would violate PICA.

B. The State Court's Ex Parte Communications Violate Due Process

Illinois Supreme Court Rule 2.9(A) provides that a "judge shall not initiate, receive, permit, or consider ex parte communications," with limited exceptions for scheduling, administrative, or emergency purposes that "do[] not address substantive matters or issues on the merits."

Plaintiff has submitted transcripts and other evidence demonstrating that the state court has engaged in ex parte coordination with the Guardian ad Litem and Petitioner, and has failed to provide the notice and opportunity to respond required by Rule 2.9(B). Plaintiff's motions to compel disclosure of these communications have been pending for over nine months, and the state court has refused to rule.

The state court's systematic use of ex parte communications, its refusal to disclose those communications, and its coercion of Plaintiff into waiving his disclosure requests deprive Plaintiff of procedural due process. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Georgeanne

Osmer's testimony that she acted based on an overheard off-the-record judicial comment is direct evidence of this ongoing pattern.

C. The ADA Claims Are Proper

The Eighth Judicial Circuit is a "public entity" subject to Title II of the ADA. *Tennessee v. Lane*, 541 U.S. 509, 533-34 (2004). Plaintiff has alleged all required elements of a Title II ADA claim: (1) Plaintiff is a qualified individual with a disability; (2) Plaintiff was denied the benefits of services, programs, or activities of the Eighth Judicial Circuit; and (3) the denial was by reason of Plaintiff's disability. *Maughan v. S. Ill. Univ. Sch. of Law*, 769 F. App'x 437, 441 (7th Cir. 2019). The Eighth Judicial Circuit has failed to engage in the interactive process, denied Plaintiff reasonable accommodations, failed to follow permitted accommodations, and has retaliated against Plaintiff for requesting accommodations.

As a public entity, the Eighth Judicial Circuit is subject to suit under Title II for prospective injunctive relief. *See Tennessee v. Lane*, 541 U.S. at 533-34; *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009) (holding that "Title II and Rehabilitation Act suits for prospective injunctive relief may, under the doctrine established in *Ex parte Young*, proceed against individual officers in their official capacity"). While individual capacity suits under Title II are generally not permitted, *Garcia v. S.U.N.Y. Health Sci. Ctr. of Brooklyn*, 280 F.3d 98, 107 (2d Cir. 2001), the Eighth Judicial Circuit itself may be enjoined to comply with its ADA obligations.

D. The State Forum Is Inadequate Under *Younger*

Younger abstention requires federal courts to abstain from interfering with "ongoing state proceedings that are (1) judicial in nature, (2) implicate important state interests, and (3) offer an adequate opportunity to raise federal claims." [FreeEats.com](https://www.freeeats.com), *Inc. v. Indiana*, 502 F.3d 590, 595

(7th Cir. 2007). Even when these elements are met, abstention is inappropriate where the state forum is "inadequate" to remedy the constitutional violations. *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 437 (1982).

The state forum is inadequate because:

1. **The state court refused to rule.** Plaintiff's motions to compel disclosure of ex parte communications have been pending for over nine months. The state court has refused to rule, insisting the parties proceed to hearing without first receiving the disclosures or rulings on the motions seeking the same.
2. **The state court engages in ex parte communications.** The record demonstrates communications outside the record, directed ex parte hearings, and a failure to disclose those communications, in violation of Illinois Supreme Court Rule 2.9.
3. **The state court refuses to enforce its own orders.** The state court has failed to enforce the Judgment's requirement that Defendant Thomas provide an accounting for the firearms sale. Plaintiff was forced to pay \$4,824.93 out of his own pocket to satisfy a judgment lien that the Judgment expressly contemplated would be paid from the gun sale proceeds.
4. **The state court denies ADA accommodations.** The state court has failed to engage in the interactive process required by the ADA and has retaliated against Plaintiff for requesting accommodations.
5. **The state court has actively restrained Plaintiff's access to other forums.** On May 20, 2023, the state court entered a sua sponte Emergency Order enjoining Plaintiff from filing in any jurisdiction or venue other than Cass County. This order remains in effect.

6. **The state court has imposed sua sponte sanctions without due process.** On June 23, 2026, the state court sua sponte imposed Rule 137 sanctions without notice or opportunity to be heard. Plaintiff filed a Notice of Appeal from this order on July 23, 2026, which has been docketed in the Illinois Appellate Court, Fourth District, as General No. 4-26-0842. Plaintiff simultaneously filed a request for a stay of enforcement in the trial court. As of the filing of this Motion, the trial court has not responded.
7. **The state court conducted an unrecorded trial.** In January 2024, the court conducted an unrecorded 1-2 hour Zoom hearing in a recused judge's private room, deciding issues originally estimated to take a week.
8. **Recused judges continued to enter orders.** On September 19, 2022, Judges Wessel and Thomson recused themselves. Despite this, both continued to enter administrative and financial orders.

These facts demonstrate that the state forum is inadequate under *Younger*.

E. The State Proceedings Are Motivated by Bad Faith

The evidence of ex parte communications, judicial monitoring, and coordination between Defendants and state actors supports the conclusion that the state proceedings are motivated by a desire to harass Plaintiff and protect Defendants from accountability. *T & H Marina, Inc. v. M & A Boat Sales, Inc.*, No. 23-CV-0328, 2024 WL 1136740, at *6 (S.D. Ill. Mar. 15, 2024). On September 12, 2022, Defendant Gwendolyn Thomas voiced concerns over whether Plaintiff would "prosecute her parents," and 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, the Defendants' realization of their exposure triggered a snowball of ethical breaches and continuous due process violations.

A forum is not adequate if it is biased or a party is barred on procedural or other grounds from raising its federal claims. *Younger v. Harris*, 401 U.S. 37, 45 (1971). Additionally, "abstention is not warranted if . . . there is no adequate alternative state forum where the constitutional issues can be raised." *Younger*, 401 U.S. at 45. Here, Plaintiff has been effectively barred from raising his federal claims in the state forum because the state court refuses to address them. The trial court's pattern of ignoring Plaintiff's motions, entering sanctions without due process, and engaging in ex parte communications demonstrates that the state forum is not adequate.

IV. PLAINTIFF FACES IMMEDIATE AND IRREPARABLE HARM

Irreparable harm is "harm that cannot be prevented or fully rectified by the final judgment after trial." *Michalski*, 2023 WL 5021064, at *5. "The threat of irreparable harm must be substantial and imminent—not remote or speculative." *See Winter*, 555 U.S. at 22.

A. Health and Safety Harms

Plaintiff's 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. Plaintiff's minor son suffers from a life-long condition requiring consistent, expert medical management and specialized equipment. Plaintiff has been rendered financially unable to maintain necessary health insurance or cover

out-of-pocket costs for his own treatment and his son's care. This harm is not merely financial; it is a clear, present, and irreparable danger to the health of the Plaintiff and his family. *See Goodman v. Bd. of Trs. of Cmty. Coll. Dist. No. 524*, 498 F. Supp. 3d 995, 1004-05 (N.D. Ill. 2020).

B. Property and Regulatory Harms

Defendants continue to conceal ATF Form 4473s and other federally mandated records. Plaintiff is unable to fulfill his federal regulatory obligations and is exposed to potential liability for Defendants' unlawful conduct. The conversion and liquidation of Plaintiff's FFL inventory occurred in violation of the Gun Control Act of 1968 and PICA. As a result of Defendants' concealment and conversion of Plaintiff's property, Plaintiff was stripped of his original ownership rights and exceptions permitting continued ownership of banned firearms after the January 1, 2024 effective date of PICA—and said right is now forever lost. This is an irreparable loss of a property right that cannot be restored by a later judgment. Upon information and belief, Defendants continue to liquidate, transfer, conceal, and/or distribute proceeds, records, and inventory related to the seizure and conversion. Without immediate injunctive relief, these assets are subject to being dissipated and unrecoverable.

C. Due Process and Access to Courts Harms

The state court's March 2026 order conditions the progression of the case on Plaintiff's waiver of his requests for disclosure of ex parte communications. This forces 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. The state court continues to engage in ex parte communications, each of which is a separate and ongoing constitutional violation. The state

court's May 20, 2023, order enjoining Plaintiff from filing in any jurisdiction or venue other than Cass County remains in effect, actively restraining Plaintiff's access to other forums. The June 23, 2026 sua sponte sanctions order remains in effect, causing ongoing harm to Plaintiff's ability to litigate.

D. Financial Harms

Plaintiff is a pro se litigant with a 12-year-old laptop, no legal research tools, no administrative support, and no paid leave. Defendant Thomas has access to firm software, office equipment, the marital home, her position as State's Attorney with legal research tools, administrative support, and paid leave. As a direct result of Defendants' conversion and concealment of Plaintiff's assets, Plaintiff is unable to secure counsel to represent him in this matter. The Seventh Circuit has recognized that the inability to secure counsel due to the wrongful conduct of another party can constitute irreparable harm where it prevents access to the courts. *Sottoriva v. Claps*, 617 F.3d 971, 975 (7th Cir. 2010).

V. THE BALANCE OF EQUITIES TIPS IN PLAINTIFF'S FAVOR

The balance of equities tips sharply in Plaintiff's favor. The status quo—the condition of the parties immediately before the alleged wrongful conduct—favors Plaintiff. The status quo before September 12, 2022, was that Plaintiff was in possession of his property, his health care was uninterrupted, and he had access to a neutral forum. Defendants have no legitimate interest in continuing unconstitutional conduct. The injunction simply preserves the remaining assets and imposes an accounting obligation—it does not deprive Defendants of any lawful right. The harm to Plaintiff if the injunction is denied far outweighs any burden to Defendants if the injunction is granted. Plaintiff faces irreparable harm to his health, property, and constitutional rights.

Defendants face only the burden of preserving assets and providing an accounting—matters that are already required by law.

VI. THE PUBLIC INTEREST SUPPORTS THE REQUESTED INJUNCTION

The public interest is served by granting the requested injunction: (1) enforcing constitutional rights, including ADA compliance; (2) ensuring judicial integrity and transparency; (3) preventing regulatory evasion; (4) protecting vulnerable individuals; and (5) ensuring access to courts. "In exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction." *Winter*, 555 U.S. at 24. The requested injunction promotes, rather than harms, the public interest.

VII. BOND

Fed. R. Civ. P. 65(c) requires the applicant to post security "in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." The Seventh Circuit has held that the bond requirement is within the court's discretion, and courts may waive the bond in appropriate circumstances. *Edgar v. MITE Corp.*, 457 U.S. 624, 649 (1982); *Habitat Educ. Ctr. v. U.S. Forest Serv.*, 607 F.3d 1112, 1114 (7th Cir. 2010). Plaintiff requests that the Court waive the bond requirement or set a nominal bond due to his severe financial hardship.

VIII. CONCLUSION

Plaintiff has demonstrated: (1) a likelihood of success on the merits; (2) irreparable harm absent relief; (3) the balance of equities tips in his favor; and (4) the public interest supports the requested injunction.

The state court has refused to enforce its own orders, refused to rule on Plaintiff's motions, and entered sanctions without due process. The record—including Georgeanne Osmer's own testimony and Defendants' admission that the ammunition is "gone"—establishes a prima facie case of theft, larceny, and serious violations of PICA.

The state court has ignored this evidence and silenced Plaintiff for attempting to raise these issues. This Court is the only forum where Plaintiff can obtain immediate relief to preserve the status quo and prevent irreparable harm. Plaintiff respectfully requests that this Court grant the relief set forth in his Renewed Motion for Temporary Restraining Order and Preliminary Injunction and the accompanying Proposed Order.

Dated: July 24, 2026

Respectfully Submitted,

BY /s/ Luke A. Thomas

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of July, 2026, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Central District of Illinois using the CM/ECF system, which will provide Notice to the following defendants:

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Dated: July 22, 2026

By: /s/Luke A. Thomas

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