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CLERK OF WISCONSIN

SUPREME COURT

November 7, 2023

To:

Hon. Stephen E. Ehlke
Circuit Court Judge
Electronic Notice

Pastori M. Balele
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Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Audrey Skwierawski
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Brian Keenan
Electronic Notice

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

No. 2023AP765-W

Balele v. Judge Ehlke, L.C.#2020CV1722

On May 2, 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 asserts that judges of the Wisconsin Court of Appeals have "destroy[ed] his documents intended [to] be presented in Supreme Court" and "induc[ed] . . . the Supreme Court clerk, to forge a Supreme Court order to lie to Balele that his case had been dismissed by the Supreme Court." Supporting Memo at 10. Mr. Balele further alleges that a Dane County Circuit Court judge "regarded Balele as a 'slave' or 'less-human being'

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who could be abused by White state government employees and nothing could happen to them." Id.

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

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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 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 filing restrictions on Mr. Balele's access to this court set forth in the order issued on even date in Balele v. Circuit Court for Dane County, 2023AP524, are incorporated as though fully set forth herein.

Samuel A. Christensen
Clerk of Supreme Court