

SUPREME COURT OF THE UNITED STATES OF AMERICA

2 **Tony Hernandez** Case # 18-8271
3 2615 S Greeley Street #308 June 18, 2019
4 Milwaukee, WI 53207 Petitioner Appellant Plaintiff Pro Se
5 VS
6 Darlene S. Sims, Defendant civil 15CV007845 appeal 2017AP001602
7 1912 W Greenfield Ave. rear, Mil. WI 53204
8 **Respondent Defendant Milwaukee County as Petition for a Rehearing**
9 Chris Abele, County Executive Defendant for Milwaukee County,
10 DPW Security Operations, County Of Milwaukee, Defendant
11 Vel R. Phillips Juvenile Justice Center, County of Milwaukee, Defendant
12 Milwaukee County DOJ Justice Department Defendant
13 Milwaukee County Sheriff's Office, Defendant
14 Unknown State Facility & Building owner & occupant, Defendant
15 Unknown Building Facility Control Room management, Defendant
16 Unknown Insurance companies for the above Defendant

Petition for a Rehearing for a Writ of Certiorari

21 Petitioner Tony Hernandez Petitions for a Rehearing for a Writ of Certiorari
22 whereby the Federal Supreme Court has Federal Jurisdiction to Judgement:

24 This Civil case is a constitutional rights violation case in conjunction with a governmental
25 entity who deprived Tony Hernandez of his Federal rights acted under color of state or
26 territorial law for violations of Tony Hernandez constitutional rights under 42 USC : 1983
27 bringing a claim under both the 1983 statute and the underlining U.S. Constitutional
28 rights violation "Color of Law".

30 This discrimination case involves 2 conflicting Unconstitutional Wisconsin statutes that
31 prohibit Tony Hernandez from pursuing Legal remedies for justice in this case.

Petitioner Tony Hernandez also petitions the U.S. Federal Supreme Court to intervene into the almost 5 year old unresolved Workman's Compensation case which explicit similar patterns of tactics of noncompliance to Petitioners discovery pleading demands and delays to diminish case merits by Milwaukee County and its Agencies in violation of duties of Good Faith to resolve the cases in a timely manner in violation of mandatory laws and in violation of U. S. Constitutional equal treatment under Federal Civil Rights .

1 **1. I petition the Court to order the two different conflicting Wisconsin statute laws that**
2 **are prohibiting the pursuit of justice in my case to be rendered unconstitutional.**

3 These conflicting Wisconsin Statutes interfere with pursuing justice in a Wisconsin Civil Court
4 and this case has Federal merits for constitutional discrimination violation of rights.

5
6 A) civil actions “**must start**” against Milwaukee County within 6 months for non-on the job
7 discrimination & pain/suffering that are not covered by a workman compensation case. This
8 case was filed within that 6 month period.

9 B) The conflicting Wisconsin Statute states a civil case “**cannot start**” until the Workman’s
10 Compensation case settles first.

11 **2) I Petition the Federal Supreme Court to Order Milwaukee County to provide**
12 **Equal treatment to injured minority employee sheriff Public safety officers to be**
13 **equal to all their employees.**

14
15 a) I petition the Federal supreme court to order Milwaukee County to equal treatment of
16 on the job injured minority sheriff security employees for equal medical leave pay.

17
18 b) I petition Supreme Court to Order Milwaukee County to comply with Sheriff
19 Directives 20 to preserve & release evidence when minority officers get injured.

20
21 c) I petition the Supreme Court to order Milwaukee County to prosecute violators of
22 criminal felony battery of minority Milwaukee county employees equally as to all
23 government employees & according to Wisconsin Felony Battery statutes.

24
25 d) I petition the Court to order Milwaukee County to train their minority security officer
26 employees how to protect themselves if & when their sent into hostile situations.

27
28
29 This case evidence shows an ongoing pattern of unequal treatment of a minority Hispanic
30 Petitioner Tony Hernandez former Milwaukee County Sheriff employee after he sustained a
31 brutal felony assault and permanent injuries as trigeminal nerve damage from 6 to 10 blows to
32 the side of his head that ended in the loss of his job, and a full disability from being sent into an
33 ongoing hostile environment which he had not had any awareness training or self defense...

1 3) I petition the Federal Supreme court to Order the Wisconsin Supreme Court to uphold
2 the 3 day pro-se mailing rule that is policy and procedural rules stated in the Wisconsin
3 Supreme Court pro-se Guide to Appellate Procedure for the Self- Represented

4 Timeline Mistake Error was made by Judge Murray Court and by the Milwaukee County
5 Defendant Respondents in that this case was filed timely within the 12 months: To clarify
6 Judge Colon did not dismiss due to 12-month issue, Judge Murray Dismissed believing the
7 Reopening of this civil rights discrimination case was outside of 12 months in error.

8

9 a) See Brief Exhibit 19 attached to Brief with the attached transcript of the Honorable
10 Judge Murray which shows the Court believed the Milwaukee County Defendant
11 Respondent' mistake Error, page 3 line 20, (well beyond the year) this shows
12 Honorable Judge Colon' ruling Dates within 806.07 timeline was complied with.

13

14 b) See exhibit 19 this shows the Date of the Court Order from Judge Pedro Colon was
15 signed on February 15 2016, and Plaintiff Appellants Tony Hernandez motioned to
16 reopen was filed on February 1st 2017 Exhibit 20 attached to this Reply Brief well
17 within the 12 month 806.07 statute.

18

19 c) Exhibit 18 transcript of Judge Murray shows the court was advised of the timely filing
20 by Plaintiff Appellant Tony Hernandez during that Hearing. See Page 5 line 11.

21

22 d) Milwaukee County Defendant Respondents site and open the door to 806.07 &
23 806.07 (2) : mistake inadvertence surprise or executable neglect or newly discovered
24 evidence which entitles a party to a new trial or fraud or misrepresentation or other
25 misconduct of an adverse party or that the council or that the judgment is void or that
26 the judgment has been satisfied released or discharged or a prior judgment upon
27 which the judgment is based has been reversed or otherwise vacated or any other
28 reasons just find the relief run the operation of the judgment: Law of Statute stated

29

30 Milwaukee County Defendant Respondent' site 806.07 and state none of those apply
31 in this case, Plaintiff Appellant Tony Hernandez states provable errors, mistakes and
32 fraud exist as there are violations in preserving evidence and a pattern to diminish
33 discovery evidence in this case by Milwaukee County Defendant Respondents

34

35 I object to a ruling by the court Clerk that my brief was three days late, as a pro se appellant,
36 I am not allowed to file electronically, my brief and this reply brief must be mailed by
37 midnight of the due date, which I have complied with. If the law has changed, I was not
38 notified of this, and I should be grandfathered in to the old laws in place when I filed this
39 lawsuit. I would only have 12 days to reply, which is not consistent with the law of 15 days.

40 I Appealed Wisconsin Court case dismissal by Statute 806.07(a)(c)(h) for mistake errors of facts
41 & for violations of my Federal U.S. Constitution Civil Rights & conflicting Wisconsin Statutes:

This case was never ruled on by the Wisconsin Supreme Court Justices,
This CASE IS TIMELY, this case involves mistakes in interpretation in a long standing pro se
three day mailing rule by a Wisconsin Supreme Court clerk of court who claim it was 1 day late
although the mailing evidence shows it was mailed 1 day before the due date, then add the 3
days for the self-represented mail: timely (as previously pleaded)

a) it says (in a “separate box” on the page 29 in the pro-se instructions) **plus three extra days from date of mailing if Petition for Review served by mail.**

It doesn't say if "Response" to Petition for Review: interpreted by the clerk. **See Exhibit p29**
b) I mailed it 4 days early with the 3 day pro-se mailing on the 18th, the clerk stated I filed on the 20th , it may have been in the PO box 1688 before midnight of the 19th, due on the 22nd..

4) I petition the Federal Supreme Court to correct the heading of this case action to include Milwaukee County and its agencies in this Civil Case.

The heading for the Defendants was wrongly changed in the Wisconsin Supreme Court to omit the Defendant Milwaukee County and its agencies involved in this Civil case and this is causing misinformation in the filing of This action before The Federal Supreme Court.

The Orders and the correspondence from this Federal Supreme Court still indicates that this case Heading has only the defendant Darlene Sims and is omitting Defendant Milwaukee County and its agencies that are listed at the top of this Pleading as:

Tony Hernandez

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Milwaukee, WI 53207 Petitioner Appellant Plaintiff Pro Se

vs

Darlene S. Sims, Defendant

civil 15CV007845 appeal 2017AP001602

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Respondent Defendant Milwaukee County as

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Milwaukee County Sheriff's Office, Defendant

Unknown State Facility & Building owner & oc

Unknown Building Facility Control Room management, Defendant

Unknown Insurance companies for the above Defendant

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1 **5) I Petition the Federal Supreme Court to order judgement against Milwaukee**
2 **County and its agencies for non compliance for not answering this federal action**
3 **complaint of Plaintiff Tony Hernandez in the amount of \$777,000.00.**

4

5 I want the court to award Judgement against Milwaukee County for non-compliance submitting
6 an answer to this action before the Federal Supreme Court for years of hindering my case

7

8 The unequal treatment of this minority Milwaukee County employee officer Tony Hernandez
9 suffering fluctuating levels of daily pain, loss of consistent skills, financial hardships and
10 disgrace as Milwaukee County has violated good faith laws of human decency and equal
11 treatment to ALL citizens of the United States of America. Evidence is documented by
12 numerous sheriff employees and medical records, see the attached latest Doctor report
13 attached to other Pleadings before this Court.

14

15 Defendant Milwaukee County has demonstrated an ongoing pattern to diminish evidence in this
16 case, and they have refused to properly answer the accusations in Plaintiffs Tony Hernandez
17 pleadings therefore The Federal Supreme Court in its discretion has the right to accept the
18 accusations and pleadings of Plaintiff Tony Hernandez as true as the Defendant Milwaukee
19 County continues to refuse to properly answer the Pleadings and therefore award the
20 Judgement damages in a money award of \$777,000.00 or as the Court Deems Just. .

21

22 a) In this Civil case for explicit patterns of delay tactics to diminish case merits which
23 include time delays and failing to reply to Discovery interrogatories
24 caused financial hardships, embarrassment and ongoing stress suffered by Tony
25 Hernandez caused by Milwaukee County and its Agencies in violation of duties of Good
26 Faith to resolve this case in a timely manner with respect and dignity for quality of life.

27

28 b) Milwaukee County has not acted in mandatory Good Faith actions to protect Tony
29 Hernandez constitutional and civil rights and these actions that hindered justice in
30 lower Courts, were in violation of Federal U.S. Constitution and civil right and the
31 actions taken by Milwaukee County has harmed critical merit evidence so
32 intervention is warranted.

1 **6) I Petition the Federal Supreme court to intervene into the Workmans
2 Compensation Case and award \$575,000.00 for the damages covered by the
3 Workmans Compensation Case.**

4

5 As the pattern of deception, delays and failure to respond to pleadings including this Federal
6 action & within the history of both of these cases, it does not show a good faith resolution
7 Willingness to justice and resolution to the Workman's compensation case by Milwaukee
8 County, therefore the intentional delays to resolve the Workman's compensation case is another
9 tactic to delay and diminish merits of evidence critical to Petitioner Tony Hernandez cases by
10 Workman's compensation case by Milwaukee County defendant respondents therefore The
11 Federal Supreme Court has jurisdiction to intervene.

12

13 A government agency county is held to higher levels to civil rights laws compared to private
14 employers. Private employers would not be allowed by courts to withhold or destroying of
15 evidence or the refusal to pay on the job injured employee medical leave causing inflicted
16 financial hardships and discrimination of civil rights including the interference with a felony
17 criminal battery case. There exists a paper trail pattern, it shows a willingness by Milwaukee
18 County defendant to diminish the merits of the plaintiff appellant Tony Hernandez cases
19 including Misconduct ... refusal to answer in good faith, enter into discovery interrogatory's,
20 hindering justice, all unanswered in Milwaukee County Defendant Respondent' Brief.

21

22 **7) I petition the Federal Supreme Court to intervene and award punitive damages as
23 Court deems just against Milwaukee County and its agencies for violations of failure of
24 duty for manatory good faith efforts to resolve these cases in timely and honorable way.**

25 a) Milwaukee County Defendant Respondents have "not denied" in their RESPONSE BRIEF
26 their refusal to release audio & video evidence to this Plaintiff Appellant Tony Hernandez
27 in violation of directive 20 -11 of the Sherriff Code of Ethics and plaintiff appellant Tony
28 Hernandez as a pro se litigant has a right to that evidence, I want this court to order that
29 evidence released to me, this also shows a conflict of Interest exists and a willingness to
30 deceive the courts and diminish evidence against Milwaukee County Respondents..

31

32 b) The Milwaukee County defendant respondents have "not denied in their response brief "
33 to accusations of discrimination and their refusal to give paid medical leave to this
34 Veteran Hispanic Sherriff employee Tony Hernandez to inflict a financial hardship which
35 is inconsistent with treatment of other injured officers, in violation of civil rights
36 discrimination laws, including a pattern of Destroying of evidence and of a Felony
37 Battery assault upon him prosecuted as a misdemeanor and then dismissed against his
38 attacker vacated as if that felony battery had not occurred..

1 Petitioner Tony Hernandez Petitions the Federal Supreme Court to order \$777,000.00 against
2 Milwaukee County for discrimination and violations of Tony Hernandez civil rights and violations
3 to his U.S. constitutional rights for unequal actions of non-good faith activity to destroy case
4 evidence and case merits including pain & suffering, stress and financial hardship that is not
5 governed or included in a Workman;s Compensation case.

6

7 I Tony Hernandez Certify stating that the grounds are limited to intervening circumstances of
8 substantial or controlling the effect, or to other substantial grounds not previously presented in
9 the Petition for rehearing, they were included in the Wisconsin State Appeals Brief.

10

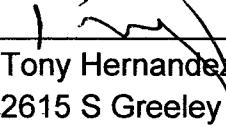
11 I Tony Hernandez certify that the petition for rehearing is presented in good faith and not for
12 delay

13

14 I Tony Hernandez certify and testify this is the truth and nothing but the truth so help me God.

15

16 Sincerely,

17 
18 Tony Hernandez, appellant plaintiff pro se
19 2615 S Greeley Street, Milwaukee, WI 53207

Subscribed & sworn to me on 06.18.2019

ANGELIN K. MALMBERG Notary Public Official

My commission expires 8-30-19

