

UNITED STATES SUPREME COURT
OFFICE OF THE CLERK

Martin J. Zielinski,

Plaintiff-Appellant,

Case No. 21-3042

v.

Appeal from the United States

Court of Appeals for the Seventh Circuit.

DIANE S. SYKES, Chief Judge

DIANE P. WOOD, Circuit Judge

MICHAEL Y. SCUDDER, Circuit Judge

WISCONSIN LABOR AND INDUSTRY

REVIEW COMMISSION, et al.,

Defendant-Appellees,

Appeal from the United States

District Court for the Eastern District of

Wisconsin. Case No. 17-cv-471

Lynn Adelman, Judge.

MOTION FOR EXTRA TIME UNDER
RULE 30 OF THE SUPREME COURT RULES

Martin J. Zielinski, Plaintiff-Appellant, Pro Se, Motions the Supreme Court for extra time, under Rule 30 of the Supreme Court Rules, for the following reasons; The Appellant was seriously injured on 10 May 2001 at the Sheboygan, Wisconsin Power Plant when a many ton piece of swinging steel struck the side of my head, breaking bones in my neck with permanent

damage to my spinal cord. I suffer from constant severe pain and headaches that I cannot control that has progressively gotten worse since this accident. I get easily confused trying to decipher Court Rules and procedure. I could not find a lawyer to even talk to me, much less take my case, despite intense effort. This is a civil rights case involving the depreciation of my Constitutional rights by officers of the Court and other Appellees. I cannot function mentally for more than a few hours a day due to this debilitating severe pain and headaches that spiral out of control with any activity, causing me to take my meds and lay down for any relief. Without this extra time I have no chance to provide to this Supreme Court a satisfactory Petition for Certiorari in defense of my claims. Both medical and vocational experts on both sides of this civil matter have concluded that I have been seriously injured to the point that I will never be able to work again. This fact is part of the record in this matter. The number of defendant-appellees in this matter is another good reason to ask for these extra days.

The Appellant knows that 60 days is generally the most time the Court will allow for extensions but due to the mental and physical constraints I suffer from and the fact that I am representing myself Pro Se I am asking for 90 days. The Appellant wishes to request this time extension from the former Seventh Circuit Justice Amy Coney Barrett.

Sincerely and respectfully,

Appellant, Martin J. Zielinski, Pro Se,  24 August 2022

9665 S. Nicholson Rd., Oak Creek, Wisconsin, 53154

414-762-0195, knight25@wi.rr.com

CERTIFICATE OF SERVICE

The Plaintiff-Appellant, Martin J. Zielinski, Pro Se, swears that he sent the request for extra time to file a Petition for Certiorari to the Clerk of Court for the United States Supreme Court next day and to all Defendant-Appellee attorneys in this matter by 2 day delivery through the United States Postal Service on 24 August 2022. The names of the Defendant-Appellee attorneys and who they represent are listed on attached papers.

Sincerely and Respectfully,

Plaintiff-Appellant, Martin J. Zielinski, Pro Se,  24 August 2022

9665 S. Nicholson Rd., Oak Creek, Wisconsin, 53154

414-762-0195 knight25@wi.rr.com

United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:17-cv-00471-LA
Internal Use Only

Zielinski v. Christenson et al
Assigned to: Judge Lynn Adelman
Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 03/31/2017
Date Terminated: 12/14/2017
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Martin J Zielinski

represented by **Martin J Zielinski**
9665 S Nicholson Rd
Oak Creek, WI 53154
414-762-0195
PRO SE

V.

Defendant

**Wisconsin Labor and Industry Review
Commission**

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ATTORNEY TO BE NOTICED

Defendant

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ATTORNEY TO BE NOTICED

Defendant

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Defendant

Teirney Christenson

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

Department of Justice

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ATTORNEY TO BE NOTICED

UNITED STATES SUPREME COURT
OFFICE OF THE CLERK

MARTIN J. ZIELINSKI,

Plaintiff-Appellant,

Case No. 21-3042

v.

Appeal from the United States Court
of Appeals for the Seventh Circuit.

WISCONSIN LABOR AND INDUSTRY

DIANE S. SYKES, CHIEF JUDGE

REVIEW COMMISSION, et al.,

DIANE P. SYKES, CIRCUIT JUDGE

Defendant-Appellees,

MICHAEL Y. SCUDDER, CIRCUIT JUDGE

Appeal from the United States District

Court for the Eastern District of

Wisconsin. Case No. 17-cv-471

Lynn Adelman, Judge.

Dear Clerk of the Supreme Court,

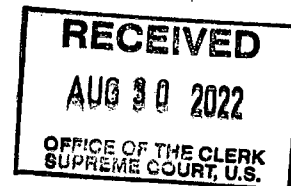
Enclosed for filling, under your discretion, is the Appellants Motion under Supreme Court Rule 30 for extra time to file a Petition for Certiorari and Certificate of Service. Thank you for this consideration.

Sincerely and Respectfully,

Martin J. Zielinski, Appellant, Pro Se  24 August 2022.

9665 S. Nicholson rd., Oak Creek, Wisconsin, 53154.

414-762-1095, knight25@wi.rr.com.



NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted June 10, 2022*

Decided June 13, 2022

BeforeDIANE S. SYKES, *Chief Judge*DIANE P. WOOD, *Circuit Judge*MICHAEL Y. SCUDDER, *Circuit Judge*

No. 21-3042

MARTIN J. ZIELINSKI,
*Plaintiff-Appellant,**v.*WISCONSIN LABOR AND INDUSTRY
REVIEW COMMISSION, et al.,
*Defendants-Appellees.*Appeal from the United States District
Court for the Eastern District of
Wisconsin.

No. 17-cv-471

Lynn Adelman,
*Judge.***ORDER**

Martin Zielinski appeals from the denial of various motions he filed in the district court several years after the court entered judgment against him. The district

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

judge determined that these motions were frivolous and vexatious, and he imposed a filing bar on Zielinski. We affirm.

This appeal arises out of a federal suit that Zielinski filed in 2017 in connection with a worker's compensation settlement adjudicated in Wisconsin's state courts. The district judge dismissed several of Zielinski's claims on jurisdictional grounds and others for failure to state a claim. After Zielinski's attempt to amend his complaint failed to address the identified deficiencies, the judge—in December 2017—dismissed the complaint and entered a final judgment. Zielinski did not appeal. Instead, he peppered the court with wide-ranging motions and filings that the judge rejected in April 2018, May 2018, and March 2021, respectively, because Zielinski provided “no reason to relieve him from the final judgment or to reopen the case.”

In April 2021, Zielinski filed three more motions seeking to add civil rights claims, new parties, and “past filings” to the lawsuit. Several defendants opposed the motions as frivolous and baseless and requested sanctions against Zielinski.

The judge denied Zielinski's motions and barred him from further filing in the case. See *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995). The judge explained that even if Zielinski's motions were construed as an attempt to amend his complaint, any postjudgment amendment presupposed that a motion under Federal Rule of Civil Procedure 59(e) or 60(b) had first been granted—which was not the case here. The judge then granted the defendants' motions for sanctions because Zielinski hadn't responded to the motions and, even if he had, he continued to inundate the docket with frivolous filings that burdened both the defendants and the court.

On appeal Zielinski asserts that the judge erred by denying him an opportunity to add claims, join new parties, and submit evidence that had been excluded from the state courts' proceedings. But after entry of a final judgment, district courts may not permit amendment unless the judgment is set aside under Rule 59 or 60. See *Vesely v. Armslist LLC*, 762 F.3d 661, 666–67 (7th Cir. 2014). And Zielinski has failed multiple times to have the judgment set aside.

Zielinski also challenges the filing bar as unconstitutional. But he waived this challenge by not responding to the defendants' motions for sanctions. See *Ennin v. CNH Indus. Am., LLC*, 878 F.3d 590, 595 (7th Cir. 2017). Waiver aside, the judge acted well within his discretion to impose the filing restriction. Courts have the inherent authority to curb abusive and frivolous litigation by imposing filing restrictions that—as here—

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are tailored to the abuse. See *In re Anderson*, 511 U.S. 364, 365-66 (1994); *McCready v. eBay, Inc.*, 453 F.3d 882, 892 (7th Cir. 2006); *Mack*, 45 F.3d at 186.

We have reviewed Zielinski's remaining arguments and none has merit.

AFFIRMED