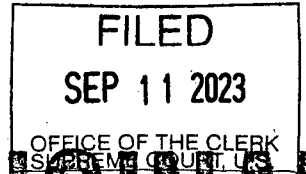


23-5986
No. _____



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

"In re"

Doose, Francisco Rodriguez Ruiz JR. — PETITIONER
(Your Name)

vs.

Jordan Wiernega — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court Eastern District of Wisconsin, or U.S. Court of Appeals, For Seventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

In re -

Doose, Francisco Rodriguez Ruiz JR - Plaintiff
(Your Name) — Petitioner

Waupun Correctional Institution

P.O. Box 351

(Address)

Waupun, WI 53963

(City, State, Zip Code)

None

(Phone Number)

QUESTION(S) PRESENTED

Within the U.S. District Court transcripts the Honorable Judges(s). Will see In (Motions) - Letter(s) written I've asked, and pointed out Facts not just concerning my claim. But also my Medical Health issues, and the lack of knowledge I have and had at the time of me handling my case.

But was denied.

On: November 7th. of 22. I Filed a letter Asking for the Court to take into consideration my issues.

At the time I Failed to Respond, Properly on a Brief Motion that the Defendants Attorney Filed.

Then it was dismissed. And Filed a Appeal to the U.S. Court of Appeals. At which point. Do to the lack of knowledge I had at the time Failed to File my Appeal within 30-days. (Instead of 63-days)

And therefore the Jurisdiction was denied/dismissed. And Now am Filing this Motion. *Browder v. Director, Dep't. of Corrections of Illinois, 434 U.S. 257, 264 (1978) 3* And In criminal cases the time limits are not set by statute and are not jurisdictional, rather the time limits are claim-processing rules that can be waived or forfeited. *United States v. Neff, 598 F.3d 320 (7th Cir. 2010).*

And Ask that you Honorable Judges look at all the Material Facts of my claim all together. Even though I stated on Record. I do not know what to do, or how to do it. (Properly). And ask that this all be taken into consideration. In the Brief Filed by the Defendant. He uses two statements that he should have been allowed to use. Because. They were statements made off of their assumptions.

Also: I should the Court (Eastern District Court). Documented evidence of mail being miss handled. But it was not used on my behalf.

And because I did not cross-examine the Defendant's Brief. My case was dismissed. At which in time it should have been appealed within 30-days.

If I would have had a council. None of these errors would have occurred.

Then I File a Petition One's the U.S. Court of Appeals dismissed my claim that was in the bigging except under "Good Faith". But then was shot down.

Federal Civil Procedure. Matters deemed admitted; acceptance as true of allegations in complaint when ruling on a defendant's motion to dismiss for failure to state a claim, a judge must accept a true air of the factual allegations contained in the complaint. Fed. Rules Civ. Proc. Rule 12(b)(6), 28 U.S.C.

Federal Civil Procedure. Pro Se or Lay Pleadings. A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers. Fed. Rules Civ. Proc. Rule 8 (a)(3), (f), 28 U.S.C.A.

In:

8.29.23

127 S.Ct. 2197
Supreme Court of the United States
William Erickson, Petitioner

V.
Barry J. Pardus et al.

No. 06-7317

Page 1 of 1.

Case no. 22-6366

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Appeal No. 2019AP002125CR → State of Wisconsin, - Plaintiff
v.
Francisco R. Ruiz JR., - Defendant

Case no. 23-C-368 → Francisco R. Ruiz JR - Plaintiff
v.
Case No. 23-1244 → Jordan Wiemega - Defendant

Case no. 23-C-600 → Francisco R. Ruiz JR., - Plaintiff
v.
Case no. 23-C-2539 → Wayne Bauer, LT - State
HSM. Weinman, NP. More

Case no. 23-C-662 → Francisco R. Ruiz JR - Plaintiff
v.
Sgt. Reganolds - Defendant
Pro Se

Involving Me: Petitioner, Francisco R. Ruiz JR

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES *I do not know what/which one to use.*

→ On: Nov 7th 2022, U.S. District Court Eastern District of Wisconsin and Dismissed my claim.
APPENDIX A On: June 26th of 2023, U.S. Court of Appeals For the Seventh Circuit. Deny the:
Petition for Rehearing.

APPENDIX B

APPENDIX C On: June 9th the Court of Appeals dismissed my case stating no Jurisdiction.

APPENDIX D On: June 21st I Attempted to properly File Petition for Rehearing. And was denied.
~~On: June 26~~

APPENDIX E 127 S.Ct. 2197 : Erickson V. Pardus No. 06-7317

APPENDIX F United State Court of Appeals 3 other documents or a
Sheet showing
doctet text.
Dated: June 26, 2023

which is the Petition for Rehearing
Accordingly, the Petition For Rehearing is Denied.

And send mail to the wrong Court: Supreme Court of Wisconsin

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

I don't recall; Nor do I have
any of the copies/documents.
Filed to the Court of Appeals.
(?)

STATUTES AND RULES Circuit Rule 52. Certification of Questions of State law
(a)(6)

Circuit Rule 56. Judges to give reasons when dismissing a claim,
Granting Summary Judgment, or Entering an Appealable order.

Circuit Rule 54. Remands from Supreme Court.

Fed. R. App. P. 45; Rule 45, Clerk's Duties.
(3).

OTHER

Erickson v. Pardus, ~~551~~ 551 U.S. 89 (2007)

3. Collateral order doctrine; McCarthy v. Fuller, 714 F.3d 971, 974-75 (7th Cir. 2013)
Mercado v. Dart, 604 F.3d 360, 362-63 (7th Cir. 2010). within the Seventh Circuit.
The Judges Postponed resolution until it has received additional submissions from
the litigants. (Pragmatic Finality).⁹⁹ Flynn v. Merrick, 776 F.2d 184 (7th Cir. 1985 and
Bogard v. Wright, 159 F.3d 1060 (7th Cir. 1998). was written within the Brief.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

☒ reported at Appendix A; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☒ reported at Appendix B; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix E to the petition and is

☒ reported at Appendix E; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Supreme Court of the United States court appears at Appendix E to the petition and is

☒ reported at Appendix E; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ~~5-30-23~~ 5-30-23 (May) *On consideration of the Jurisdictional Memorandum.*

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 6-26-23 (June), and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 6-26-23.
A copy of that decision appears at Appendix D.

☒ A timely petition for rehearing was thereafter denied on the following date: 6-26-23, and a copy of the order denying rehearing appears at Appendix D.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF THE CASE

Excessive Force was used on me, ~~Not~~ just once, but twice. By the Defendant, Jordan Wienerga.

In the process, the ICE department stated, Two Assumptions made from the ICE department. which is that I recieved the ICE. And that I failed to ~~Exhaust~~ my remedies.

I started. ~~3~~ Filed to the Court with evidence that mail was being miss handled. with proof of not just other peoples (inmates) mail. But other ICES Filed with me concerning mail being miss handled.

I filed to: From what the Court states a proper Brief to the Defendants motion. And therefore was dismissed.

I then Filed a letter/motion. Asking for the Eastern District Court to take into consideration my case being reopened/Filed. OR: File a motion for me on my behalf a Appeal on the Court dismissing my claim.

That was denied.

So when I did. After Nov 7th 22. After Christmas, and New Years.

I finally got the information to File a Notice of appeal. But By that time. I was 33-days into the 30-days.

And therefore a Brief was Filed against my Appeal stating that the Seventh ^{Circuit} ~~Court~~ had no Jurisdiction. And therefore the Seventh Circuit Court. dismissed my Notice of Appeal. But within 7-days. (The Seventh ~~Court~~ Circuit Court made the decision to dismiss on: June 9th 2023) on/By June 21st of 2023 the Seventh Circuit Court had Recieved the Petition for Rehearing. But on June 26th of 2023 the Seventh Circuit Court of Appeals ~~denied~~ ^{denied} my Petition.

REASONS FOR GRANTING THE PETITION

Evidence of a crime of Excessive force was destroyed with the Video Camera Footage. But was granted to proceed.

In that process As a Tactic. The Defendant used two Statements of there Assumptions of me not responding within a time frame of the ICE Department.

Then was dismissed. But in the Seventh Circuit Court I filed evidence Showing that the ICE department did not take any of the evidence of there Assumptions made of me receiving the mail. And therefore except it under "good cause". And still was dismissed.

But then when I Filed my Appeal the new issue was now "untimely".

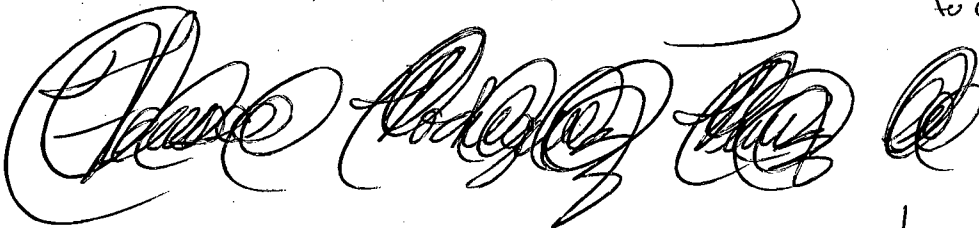
But then when the Jurisdiction was denied, I Filed my Petition for Rehearing.

Now threw out the whole bagginging process. I continued to Attempt to "Blow the wissle" By Stating "I do not know what to do, or how to do it". But continued threw the Eastern District, and the Seventh Circuit. That I need Relief. To prevent any "erriparable Harm", to that of my claim. But nothing was done on my behalf. Regardless of the evidence of the issues I continued to state and claim threw out A number of motion/letters. I ~~was~~ for the Honorable Judges of the United States Supreme Court. Take into consideration all of the truth, concerning facts of this claim. And allow for me, in some shape, way, and form. Seek justice.

Justice that will not just satifire me, but that of the people.

Note: The Court allowed the Defendant to use/State Facts that should not have been used by the Court to dismiss my claim/case. Because those statements made where just assumptions. Not Facts. And in my eyes was therefore a error.

Sincerely



8-29-23 @ 10:00Am!

Case no. 22-C-368

Case no. 23-1244

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



A handwritten signature in black ink, appearing to be "A. D. B. B.", is written over a horizontal line.

Date: Aug, 29th 2023