23-7095

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
MAR 16 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JERICO MATIAS CRUZ — PETITIONER-APPELLANT

VS.

STATE OF ILLINOIS — RESPONDENT-APPELLEE

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS ON YOUR CASE)

# PETITION FOR WRIT OF CERTIORARI

JERICO MATIAS CRUZ
(Your Name)

5135 N KEATING AVE
(Address)

CHICAGO, IL 60630
(City, State, Zip Code)

312-600-8678
(Phone Number)

## QUESTION(S) PRESENTED

1. Whether the United States Court of Appeals for the Seventh Circuit and three Circuit Judges entered a nonprecedential disposition order with a citation of common laws in conflict with the other Court of Appeals before reviewing Petitioner-Appellant Jerico Matias Cruz's petition for panel rehearing.
2. Whether the United States Court of Appeals for the Seventh Circuit and three Circuit Judges reviewed the procedural mistakes of the United States District Court for the Northern District of Illinois, Eastern Division and Honorable Jorge L. Alonso, Judge, Presiding, and the substance of Petitioner-Appellant Jerico Matias Cruz's original complaint and first amended complaint.
3. Whether the United States Court of Appeals for the Seventh Circuit and three Circuit Judges cited an irrelevant case such that "*in the matter of*" Jerico Matias Cruz upon reviewing the final decision of the District Court and directed the Clerk of the United States Court of Appeals for the Seventh Circuit to stop accepting Petitioner-Appellant Jerico Matias Cruz's new appeal in IFP Non-Prisoner without prepayment filing fee.

## LIST OF PARTIES

[X] 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

*Ammons v. Gerlinger,* 547 F.3d 724, 726 (7th Cir. 2008)

*Anderson v. Hardman,* 241 F.3d 544, 545 (7th Cir. 2001)

*Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc.,* 570 F.3d 845, 848 (7th Cir. 2009)

*Campbell v. Clarke,* 481 F.3d 967, 969–70 (7th Cir. 2007)

*Cruz v. Illinois,* No. 22-3182, 2023 WL 3172182 (7th Cir. 2023) reh'g denied, No. 22-3182, 2023 WL 3725196 (7th Cir. 2023)

*In re City of Chicago,* 500 F.3d 582, 583 (7th Cir. 2007)

*In re Jerico Matias Cruz,* No. 23-C-3115 (N.D. Ill. July 18, 2023)

*Gakuba v. Dodd,* 143 S. Ct. 629 (2023)

*Gakuba v. Ill. Prisoner Rev. Bd.,* 143 S. Ct. 641 (2023)

*Martin v. District of Columbia Ct. of Appeals,* 506 U.S. 1 (1992)

*Webster v. CDI Indiana,* 917 F.3d 574, 578 (7th Cir. 2019)

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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

[X] For cases from federal courts:

The opinion/nonprecedential disposition order of the United States Court of Appeals appears at Appendices A and B to the petition and is

[X] reported at www.govinfo.gov; 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 _____; or,

[X] 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 to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the court appears at Appendix to the petition and is

[ ] reported at _____ ; 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 November 29, 2023.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 27, 2023, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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 _____.

A copy of that decision appears at Appendix ___.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at

Appendix ___.

[ ] 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).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Petitioner-Appellant Jerico Matias Cruz's employment discrimination complaint covered 42 U. S. C. §2000e *et seq.* in particular with the Equal Employment Opportunity Act of 1972 ("EEOA"), as amended. *See* Appendix C. The District Court's employment discrimination complaint explicitly enumerated and explained the Federal Civil Rights Act violations, including the Grandfather Clause. *See* Appendix A. The Grandfather Clause allowed Petitioner-Appellant Jerico Matias Cruz to be exempted from taking an examination for the Illinois State Police ("ISP") Terrorism Research Specialist Trainee position. In addition, the provisions of Grandfather Clause do not violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

Petitioner-Appellant Jerico Matias Cruz's appeal of employment discrimination is timely filed with the Clerk of the United States District Court for the Northern District of Illinois. *See* Appendix C. This appeal mainly focused on and with the provisions of Grandfather Clause and procedural mistakes of the District Court. *See* Appendix B. However, the Clerk of the United States Court of Appeals for the Seventh Circuit and three Circuit Judges' nonprecedential disposition order

reviewed the procedural history of Petitioner-Appellant Jerico Matias Cruz's employment discrimination complaint and a court order from *In Re Jerico Matias Cruz*. *See* Appendix B; *In re Jerico Matias Cruz,* No. 23-C-3115 (N.D. Ill. July 18, 2023). The Court of Appeals failed to review the ruling of the District Court with the dismissal of Petitioner-Appellant Jerico Matias Cruz's original complaint and first amended complaint for failure to state a claim, as required by 28 U.S.C. §1915(e)(2)(B)(ii), and eventually ruled on the appeal from the District Court's certification of the dismissal in writing, which was not in good faith, as required by 28 U.S.C. §1915(a)(3). See Appendix B. Further, the Court of Appeals reviewed the non-compliance, as required by Fed. R. Civ. P. 41(b), of Petitioner-Appellant Jerico Matias Cruz for failure to file a second amended complaint. *See* Appendix B; *Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc.,* 570 F.3d 845, 848 (7th Cir. 2009); *Webster v. CDI Indiana,* 917 F.3d 574, 578 (7th Cir. 2019). However, the Court of Appeals erred to cite Fed. R. Civ. P. 28(a)(8)(A) instead of Fed. R. App. P. 28(a)(8)(A), which involved the citations or authorities of the arguments of the appellant's brief. *See* Appendix B; *Anderson v. Hardman,* 241 F.3d 544, 545 (7th Cir. 2001).

The Court of Appeals further reviewed an irrelevant case *In Re Jerico Matias Cruz* instead of the specific rulings of the District Court. *See In Re Jerico Matias Cruz,* No. 23-C-3115 (N.D. Ill. July 18, 2023). The Court of Appeals cited multiple common laws to justify this appeal as a frivolous litigation compared to the other cases filed in the District Court and appealed in the Court of Appeals. *See* Appendix

B. The Court of Appeals cited *Cruz v. Illinois et al.,* which involved a criminal matter that resulted in false arrest, false detention without probable cause and potential violations of Federal Civil Rights Act. *See* Appendix E; *Cruz v. Illinois et al.,* No. 22-3182, 2023 WL 3172182 (7th Cir. 2023) reh'g denied, No. 22-3182, 2023 WL 3725196 (7th Cir. 2023). *In Re Jerico Matias Cruz* listed active and previously litigated civil cases, involving false arrests and false imprisonments without probable causes and with potential violations of Federal Civil Rights Act in any place of public accommodation, as required by 42 U.S.C. §§1981 and 2000a, employment discrimination, as required by 42 U.S.C. §§2000e *et seq.*, and public education discrimination under Section 504 of Rehabilitation Act of 1973, as amended, as required by 42 U.S.C. §§2000c *et seq.*, and Title II of the American Disabilities Act, as amended. *See In Re Jerico Matias Cruz,* No. 23-C-3115 (N.D. Ill. July 18, 2023).

The Court of Appeals overlooked *In Re Jerico Matias Cruz* without investigating and analyzing the cause of action and prima facie evidence of each civil case. *See In Re Jerico Matias Cruz,* No. 23-C-3115 (N.D. Ill. July 18, 2023). The Court of Appeals revoked the previously granted IFP Non-Prisoner (Long Form) to appeal without prepaying a filing fee. *See Ammons v. Gerlinger,* 547 F.3d 724, 726 (7th Cir. 2008); *Campbell v. Clarke,* 481 F.3d 967, 969–70 (7th Cir. 2007); *In Re City of Chicago,* 500 F.3d 582, 583 (7th Cir. 2007). Further the Court of Appeals revoked the privilege of litigating new appeals of Petitioner-Appellant Jerico Matias Cruz in IFP Non-Prisoner (Long Form) in any court of the United States Court of Appeals

for the Seventh Circuit. *See Gakuba v. Ill. Prisoner Rev. Bd.,* 143 S. Ct. 641 (2023); *Martin v. District of Columbia Ct. of Appeals,* 506 U.S. 1 (1992). In addition, the Court of Appeals instructed the Clerk of the United States Court of Appeals for the Seventh Circuit to stop accepting a new appeal of Petitioner-Appellant Jerico Matias Cruz. *See Gakuba v. Dodd,* 143 S. Ct. 629 (2023).

## STATEMENT OF THE CASE

The United States Court of Appeals for the Seventh Circuit and three Circuit Judges issued a nonprecedential disposition order, dated November 29, 2023, arguing relevant to the procedural mistakes of Petitioner-Appellant Jerico Matias Cruz's filing history instead of the United States District Court for the Northern District of Illinois, Eastern Division and Honorable Jorge L. Alonso, Judge, Presiding's rulings and irrelevant case of *in the matter of* Jerico Matias Cruz, pertaining to civil cases filed in the District Court in support of IFP Non-Prisoner (Short Form) and appeals in the Court of Appeals in support of IFP Non-Prisoner (Long Form). Further, the United States Court of Appeals for the Seventh Circuit denied Petitioner-Appellant Jerico Matias Cruz's petition for panel rehearing, as required by Fed. R. App. P. 40(a)(2) and Cir. R. 40(a) and (c), dated December 27, 2023. Further, the United States Court of Appeals for the Seventh Circuit granted Petitioner-Appellant Jerico Matias Cruz's motion to proceed on appeal with IFP Non-Prisoner (Long Form), dated May 10, 2023.

The United States District Court for the Northern District of Illinois, Eastern Division and Honorable Robert M. Dow, Jr., Judge, Presiding, allowed the motion to

amend the Petitioner-Appellant Jerico Matias Cruz's original complaint, dated January 13, 2022, and granted Petitioner-Appellant Jerico Matias Cruz's application to proceed in IFP Non-Prisoner (Short Form), as required by 42 U.S.C. §9902(2). The Executive Committee issued a court order and reassigned this civil case to Honorable Jorge L. Alonso, Judge, Presiding, dated October 11, 2022. Honorable Jorge L. Alonso, Judge, Presiding, dismissed Petitioner-Appellant Jerico Matias Cruz's first amended complaint for failure to state a claim without prejudice, as required by 28 U.S.C. §1915(e)(2)(B)(ii), and allowed Petitioner-Appellant Jerico Matias Cruz to file a second amended complaint, dated October 26, 2022. On or about February 28, 2023, Honorable Jorge L. Alonso terminated this civil case for non-compliance, as required by Fed. R. Civ. P. 41(b), directed Petitioner-Appellant Jerico Matias Cruz to pay the full filing fee, and directed the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division to enter a final judgment. On or about February 28, 2023, Petitioner-Appellant Jerico Matias Cruz filed a first-postjudgment motion to vacate the final judgment, but Honorable Jorge L. Alonso granted in part without prepaying the filing fees and denied in part without changing final judgment and this civil case remained closed, dated March 3, 2023. Petitioner-Appellant Jerico Matias Cruz appealed this civil case, dated March 24, 2023.

## REASONS FOR GRANTING THE PETITION

The Clerk of the Supreme Court of the United States and Chief Justices should grant the Petition for a Writ of Certiorari for the following reasons:

1. The provisions of Grandfather Clause allow Petitioner-Appellant Jerico Matias Cruz to be exempted from taking an examination for the ISP Terrorism Research Specialist Trainee;
2. The provisions of Grandfather Clause do not violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, which requires all 50 States to practice the provisions of the federal equal protection;
3. Petitioner-Appellant Jerico Matias Cruz's civil cases personally appealed to the United States Court of Appeals for the Seventh Circuit, as a *pro se* litigant, involved criminal matters, which were originally adjudicated from the Cook County Criminal Courts of Respondent-Appellee State of Illinois and involved Federal Civil Rights Act violations, including Equal Employment Opportunity Act of 1972, as amended; and
4. Petitioner-Appellant Jerico Matias Cruz's civil cases personally filed to the United States District Court for the Northern District of Illinois, Eastern Division, as a *pro se* litigant, involved criminal matters, which were originally adjudicated from the Cook County Criminal Courts of Respondent-Appellee State of Illinois and involved Federal Civil Rights Act violations, including EEOA, as amended.

**CONCLUSION**

WHEREFORE, Petitioner-Appellant Jerico Matias Cruz prays to the Supreme Court of the United States to grant the Petition for a Writ of Certiorari pursuant to US. Sup. Ct. R. 10(a).

Executed on: MARCH 06, 2024

Respectfully Submitted by,

/s/ Jerico Matias Cruz
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