

NO. 24-7207

IN The
Supreme Court of The United States

IN RE: Willie C. Simpson - Petitioner

ON Petition For rehearing OF The U.S. Supreme
Court June 6, 2025 order

Petitioner, petition pursuant to 28 USC, Sup. Ct. rule 44.2,
For Rehearing OF The U.S. Supreme Court June 6, 2025 Order
Denying writ OF HABEAS corpus IN The interest OF Justice

Willie C. Simpson 331230
Name

Wisconsin Secure Program Facility Po. Box 1000
Address

Boscobel WI 53805
City, state zip code

?
Phone

28 USC A. Sup. Ct. rule 44.2. petition for rehearing page 2
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[grounds for rehearing]

1. The U.S. 7th. Cir. Court of Appeals suspended Article I sec. 9 cl. 2 privilege to HABEAS corpus release from Doc. custody for convictions in state cases 1996 CF 965778, 99 CF 4849, 11 CF 123, 11 CF 220, AND 12 CF 066, inconsistent with the U.S. Supreme Court controlling decision interpreting Article I sec. 9 cl. 2 in Smith v. Bennett 365 U.S. 708, 712-713 (1961). Depriving petitioner liberty interest created by Article I sec. 9 cl. 2 overlooked by the U.S. Supreme Court 6/6/2025 order.

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[List of parties]

1. petitioner Willie C. Simpson is a citizen of the United States, prisoner of the State of Wisconsin Department of Corrections located at Wisconsin Secure Program Facility, P.O. Box 1000 Boscobel WI. 53805.

2. Respondent, Paula Stroudt act as warden interm, citizen of the United States, located at Wisconsin Secure Program Facility P.O. Box 1000, Boscobel, WI. 53805

3. Respondent, Tony Evers is Governor of Wisconsin, citizen of the United States, located at office of the Governor, P.O. Box 7863 Madison WI. 53707

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[Related cases continued]

The U.S. 7th Cir. Court of Appeals suspended U.S. Const. Article I sec 9 cl. 2 suspension clause privilege to HABEAS corpus release to challenge the DoC. custody because plaintiff do not have the money or means to pay the cost of the 1,500 dollar filing bar fee, which the U.S. Supreme Court June 6, 2025 order unfairly overlooks considering intervening controlling effect of its own decision in Smith v. Bennett 365 U.S. at 712-713 interpreting Article I sec. 9 cl. 2 announcing a substantive HABEAS corpus privilege liberty rule prohibiting suspension of privilege of HABEAS corpus for indigent prisoners whom cannot pay cost of filing fee.

The U.S. Supreme Court has determined that interest in Priority of litigation of rules unfair must yield where interest of justice would make strict application of rules unfair in the case GONDECK V. PAN AM WORLD AIRWAYS INC. 322 U.S. 25, 26 (1965), intervening circumstances of substantial effect justify application of the established doctrine that the interest or Priority of litigation must yield where the interest of justice would make unfair the strict application of our rules, according to the U.S. Supreme Court in GONDECK V. PAN AM WORLD AIRWAYS INC 382 U.S. 26.

[Related cases]

The grounds for rehearing raised in this petition are in relation to the decision of the U.S. Supreme Court interpretation of Article I sec. 9 cl. 2 suspension clause constitutional rule that the privilege of writ of HABEAS CORPUS may not be suspended based upon a prisoner inability to pay fees or cost of filing announced in:

Smith v. Bennett 365 U.S. 708, 709 (1961):

We hold that to interpose any financial consideration between an indigent prisoner of the state and his exercise of state right to sue for his liberty is to deny that prisoner equal protection:

Smith v. Bennett 365 U.S. At 712:

While HABEAS CORPUS may of course be found to be civil action for procedural purposes, it does not follow that its availability in testing the states right to detain an indigent prisoner may be subject to the payment of a filing fee. ... HABEAS CORPUS considered by the founders as the highest safeguard of liberty, it is written into the constitution of the United States that its privileges shall not be suspended unless when in cases of rebellion or invasion the public safety may require it Article I sec. 9:

Smith v. Bennett 365 U.S. At 113:

We repeat what has been so truly said of the federal writ there is no higher duty than to maintain it unimpaired and unsuspended save only in the cases specified in our constitution, when an equivalent right is guaranteed by a state, financial hurdles must not be permitted to condition its exercise:

[TABLE OF AUTHORITIES]

[CASES]

[PAGE]

CAHILL v. NEW YORK N. H. & H. R. CO.
351 U.S. 183 (1956)

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GUNDECK v. PAN AM WORLD AIRWAYS INC.
382 U.S. 25 (1965)

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SMITH v. BENNETT
365 U.S. 708 (1961)

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LAWRENCE ON BEHALF OF LAWRENCE v. CHATER
516 U.S. 163 (1996)

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WELTONS v. HALL
558 U.S. 220 (2010)

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[FEDERAL STATUTES AND RULES]

TITLE 28 USC. 2106
28 USC A. SUP. CT. RULE 44.2.

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[Opinions Below]

[For cases From Federal courts]

The opinion of The United States 7th Cir. Court of Appeals appears at Appendix A to this petition and is unpublished. The U.S. Supreme Court June 6, 2025 order does not appear at Appendix I.

[For cases From Federal courts]

The opinion of The Highest State Court to review the merits appears at Appendix C to this petition and is unpublished.

The opinion of The Wisconsin Appeals Court to review the merits appears at Appendix B to this petition and is unpublished.

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[Opinions Below Continued]

[JURISDICTION]

[For cases From Federal Courts]

The Date on which The United States Court of Appeals Decided my case was 9/18/2023 No petition for rehearing was filed

The Date on which The Supreme Court of The United States Decided my case was June 6, 2025 Appears at Appendix F

[For cases From Federal Courts]

The Date on which The Highest State Court Decided my case was Sept. 11, 2024, A copy of That Decision Appears At Appendix C
No petition for rehearing was filed

The U.S. Supreme Court Has Jurisdiction To rehear its June 6, 2025 Order under 28 USC A. Sup. Ct. rule 44.2 AND TITLE 28 USC. 2106 DETERMINATION JURISDICTION INTERPRETED BY THE U.S. SUPREME COURT IN LAWRENCE ON BEHALF OF LAWRENCE v. CHATER 516 U.S. 163 (1996) AND WELLONS v. HALL 558 U.S. 220 (2000).

[CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED]

The CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THIS PETITION FOR REHEARING ARE ARTICLE I SEC. 9 CL. 2 SUSPENSION CLAUSE THE U.S. SUPREME COURT HAS INTERPRETED ARTICLE I SEC. 9 CL. 2 SUSPENSION CLAUSE PRIVILEGE TO HABEAS CORPUS, CREATES A HABEAS CORPUS LIBERTY RULE PROHIBITING THE SUSPENSION OF HABEAS CORPUS FOR INDIGENT PRISONERS BASED UPON A PRISONER INABILITY TO PAY COST OF FILING IN:

Smith v. Bennett 365 U.S. AT 709:

WE HOLD THAT TO INTERPOSE ANY FINANCIAL CONSIDERATION BETWEEN AN INDIGENT PRISONER OF THE STATE AND HIS EXERCISE OF STATE RIGHT TO SUE FOR HIS LIBERTY IS TO DENY THAT PRISONER EQUAL PROTECTION:

Smith v. Bennett 365 U.S. AT 712:

WHILE HABEAS CORPUS MAY OF COURSE BE FOUND TO BE CIVIL ACTION FOR PROCEDURAL PURPOSES, IT DOES NOT FOLLOW THAT ITS AVAILABILITY IN TESTING THE STATUS RIGHT TO DETAIN AN INDIGENT PRISONER MAY BE SUBJECT TO PAYMENT OF A FILING FEE ...

HABEAS CORPUS CONSIDERED BY THE FOUNDERS AS THE HIGHEST SAFEGUARD OF LIBERTY, IT WAS WRITTEN INTO THE CONSTITUTION OF THE UNITED STATES THAT ITS PRIVILEGES SHALL NOT BE SUSPENDED, UNLESS WHEN IN CASES OF REBELLION OR INVASION THE PUBLIC SAFETY MAY REQUIRE IT, ARTICLE I SEC. 9:

Smith v. Bennett 365 U.S. AT 713:

WE REPEAT WHAT HAS BEEN SO TRULY SAID OF THE FEDERAL WRIT, THERE IS NO HIGHER DUTY THAN TO MAINTAIN IT UNIMPAIRED AND UNSUSPENDED SAVE ONLY IN THE CASES SPECIFIED IN OUR CONSTITUTION, WHEN AN EQUIVALENT RIGHT IS GUARANTEED BY A STATE, FINANCIAL HURDLES MUST NOT BE PERMITTED TO CONDITION ITS EXERCISE:

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[constitutional AND statutory provisions involved continued]

The U.S. 7th. Cir. Court of Appeals suspended U.S. Const. Article I
Sec. 9 cl. 2 suspension clause privilege to HABEAS corpus release to
challenge the Doc. custody because plaintiff do not have the money
or means to pay the cost of a 1,500 dollar filing bar fee, which
the U.S. Supreme Court inconsistent June 6, 2025 order unfairly
overlooks intervening circumstance of substantiated and controlling
effect of its own decision in Smith v. Bennett 365 U.S. at 712-713,
interpreting Article I sec. 9 cl. 2 announcing a substantive HABEAS
corpus liberty rule prohibiting suspension of privilege of HABEAS
corpus for indigent prisoners whom cannot pay cost of filing fee:
Title 28 USC 2106 Determination jurisdiction authorize the U.S.
Supreme Court to vacate, set aside or reverse any judgment, or
require such further proceedings to be had as may be just
under the circumstances as interpreted by the U.S. Supreme Court
in Lawrence on Behalf of Lawrence v. Chater 516 U.S. 163, 167
(1996), and Wellons v. Han 558 U.S. 220, 225 (2010)

[Statement of The Case]

1. ON September 18, 2023 The U.S. 7th. Cir. Court of Appeals ISSUED AN ORDER SUSPENDING HABEAS CORPUS privilege Article I sec. 9 cl. 2 For me TO OBTAIN release From The State Department of Corrections For CONVICTIONS IN The State Cases 1996CF965778, 99CF4849, 11CF123, 11CF220 AND 12CF066 until I pay A 1,500 DOLLAR FILING BAR FEE. IN The Case SIMPSON v. BUGHTON NO. 23-2638 (7th. Cir. Sept. 18, 2023) LOOK AT APPENDIX A

2. ON OR ABOUT 11/15/1996 I WAS ARRESTED IN MILWAUKEE COUNTY WI. For CRIMINAL CHARGES OF SEXUAL ASSAULT OF A CHILD prescribed By Wis. Stat. 948.02(2) CLASS BC. FELONY AND CONVICTED AND SENTENCED TO A TOTAL 15 year sentence stayed 5 year PROBATION, LOOK AT APPENDIX D

3. ON OR ABOUT 9/21/1999 I WAS ARRESTED IN MILWAUKEE COUNTY WI. For CRIMINAL CHARGES OF First Degree SEXUAL ASSAULT OF A CHILD proscribed By Wis. Statute 948.02(1) CLASS B FELONY By Milwaukee County Police Department Case 99CF4849 AND CONVICTED AND SENTENCED TO A TOTAL 50 year sentence which I MAINTAINED INNOCENTS AND STILL DO. LOOK AT APPENDIX E

4. I WAS COMMITTED TO The custody of The DOC. STATE OF WISCONSIN TO serve The sentences imposed IN The CASES 1996CF965778, AND 99CF4849 ON 2/8/2000 AND I HAVE REMAINED IN PRISON SINCE 2/8/2000 TO present Date 6/2025 without release privilege TO HABEAS CORPUS

5. ON 7/10/2011 I WAS CHARGED with Battery By prisoner IN Grant County WI. while serving my own prison term IN The CASE 11CF123 CONVICTED AND SENTENCED TO A TOTAL 6 year bifurcated sentence term, LOOK AT APPENDIX F

[Statement of The Case continued]

6. ON 7/15/2011 I WAS CHARGED WITH ASSAULT BY PRISONER IN GRANT COUNTY WI. WHILE SERVING MY PRISON TERM IN THE CASE NEF220 CONVICTED AND SENTENCED TO A TOTAL 9 YEAR CONCURRENT CONSECUTIVE SENTENCE. LOOK AT APPENDIX G

7. ON 10/11/2011 I WAS CHARGED WITH BATTERY BY PRISONER IN DODGE COUNTY WI. WHILE SERVING MY PRISON TERM IN THE CASE 12CP066 CONVICTED AND SENTENCED TO A TOTAL 8 YEAR BIFURCATED SENTENCE. LOOK AT APPENDIX H

8. IN MARCH 2024 I FILED A STATE PETITION FOR WRIT OF HABEAS CORPUS UNDER WIS. STATUTE 809.51(4) AND SEC. 782.20 AND SEC. 782.22 IN CASE SIMPSON V. BOUGHTON NO. 2024AP625-W TO THE WISCONSIN COURT OF APPEALS CHALLENGING THE DOC. CUSTODY OF ME FOR CONVICTION IN CASES 1996CF965718, 99CF4849, NEF123, 11CF220 AND 12CP066 SEEKING RELEASE. HOWEVER IN APRIL 24, 2024 THE WISCONSIN COURT OF APPEALS SUMMARILY DENIED MY PETITION FOR WRIT OF HABEAS CORPUS LOOK AT APPENDIX B

9. IN MAY 2024 I FILED A PETITION FOR REVIEW OF THE WISCONSIN COURT OF APPEALS DECISION DENYING MY PETITION FOR WRIT OF HABEAS CORPUS AND ON SEPTEMBER 16, 2024 THE WISCONSIN SUPREME COURT DENIED REVIEW IN THE CASE SIMPSON V. BOUGHTON NO. 2024AP625-W LOOK AT APPENDIX C

10. I PETITIONED THE U.S. SUPREME COURT FOR WRIT OF HABEAS CORPUS RELEASE HOWEVER, ON JUNE 6, 2025 THE U.S. SUPREME COURT DENIED MY PETITION, OVERLOOKING ITS OWN CONTROLLING DECISION IN SMITH V. BENNETT 365 U.S. AT 712-713, INTERPRETING ARTICLE I SEC. 9 CL. 2, ANNOUNCING A SUBSTANTIVE HABEAS CORPUS PRIVILEGE LIBERTY RULE, PROHIBITING SUSPENSION OF PRIVILEGE OF HABEAS CORPUS FOR INDIGENT PRISONERS WHOM CANNOT PAY COST OF FILING FEE, WHICH ESTABLISH THE INTERVENING CIRCUMSTANCES CONTROLLING THE OUTCOME OF THE CASE LOOK AT APPENDIX F

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[REASON FOR GRANTING THE PETITION FOR REHEARING]

The U.S. 7th Cir. Court of Appeals suspended Article I sec. 9 cl. 2 privilege to HABEAS CORPUS release from DOC custody for convictions in state cases 1996CF965778, 99CF4849, 11CF123, 11CF220 AND 12CF066 overlooked by the U.S. Supreme Court 6/6/2025 order

INTERVENING CIRCUMSTANCES OF SUBSTANTIAL AND CONTROLLING EFFECT overlooked by the U.S. Supreme Court June 6, 2025 Decision establish, the U.S. Supreme Court own Decision in Smith v. Bennett 365 U.S. 708, 712-713 (1961) interpreting Article I sec. 9 cl. 2 suspension clause announcing a substantive HABEAS CORPUS privilege Liberty rule that HABEAS CORPUS privilege shall not be suspended unless when in cases of rebellion or invasion the public safety may require, this includes suspension for an indigent prisoner based upon his inability to pay the cost of filing fee, established grounds justifying 28 USC A. Sup. Ct. rule 44.2 rehearing, because the U.S. Supreme Court refuses to correct its own obvious judicial error suspending HABEAS CORPUS privilege Article I sec. 9 cl. 2 in its 6/6/2025 order denying HABEAS CORPUS, in light of the Supreme Court controlling Decision in:

Smith v. Bennett 365 U.S. At 712:

HABEAS CORPUS considered by the Framers as the highest safeguard of Liberty, it was written into the Constitution of the United States that its privileges shall not be suspended unless when in cases of rebellion or invasion the public safety may require it Article I sec. 9:

[REASON For granting The petition For rehearing continued]

Article 1 sec. 9 cl. 2 substantive HABEAS corpus privilege Liberty rule prohibits The suspension OF HABEAS corpus For indigent prisoners, According To The Decision OF The U.S. Supreme Court in:

Smith v. Bennett 365 U.S. At 712:

While HABEAS corpus may OF course Be Bound To Be A civil action For procedural purposes, it does not follow That its availability in Testing The states right To detain An indigent prisoner may Be subject To The payment OF A filing Fee:

The U.S. Supreme Court has said it is The duty OF The Court To maintain HABEAS corpus unimpaired AND unsuspended save only in cases specified in Article 1 sec. 9 cl. 2 in:

Smith v. Bennett 365 U.S. At 713:

We repeat what has been so truly said OF The Federal writ: "There is no higher duty" Than To maintain it unimpaired AND unsuspended, save only in The cases specified in our constitution, when An equivalent right is guaranteed By A state, financial hurdles must not Be permitted To condition its exercise:

The legal standard establishing AND justifying 28 USC A. Sup. Ct. rule 44.2. rehearing grounds, is intervening circumstances OF substantial or controlling effect, overlooked By The Court which make finality in The litigation unfair recognized By The U.S. Supreme Court in:

GONDEK v. PAN AM WORLD AIRWAYS INC. 382 U.S. 25, 26 (1965):

We are now apprised However OF intervening circumstances OF substantial effect, justifying application OF established doctrine That The interest OF finality OF litigation must yield where The interest OF justice would make unfair The strict application OF our rules:

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[REASON FOR GRANTING THE petition FOR rehearing CONTINUED]

Also see Cahill v. New York N. H. & H. R. Co. 351 U.S. 183, 184 (1956),
interest in finality of litigation must yield where interest of justice
would make strict application of rules unfair, according to U.S.
supreme court in Gundack v. Pan Am World Airways Inc. 382
U.S. At 26 Also Cahill v. New York N. H. & H. R. Co. 351 U.S. At 184,
The U.S. supreme court unfairly overlooks its own controlling
decision in Smith v. Bennett 365 U.S. At 712-713 interpretation of
Article I sec. 9 cl. 2 suspension clause controlling effect in its June 6,
2025 inconsistent order. The U.S. supreme court has acknowledged
that for who wouldn't hold a rightly diminished view of our
courts if we allowed individuals to linger longer in prison than
the law permits only because we refuse to correct an obvious
judicial error in the case Hicks v. U.S. 582 U.S. 924, 137 S. Ct. 2000,
2001 (2017), Title 28 USC 2106 GVR. is appropriate when interven-
ing developments reveal a reasonable probability that the
decision below rest upon a premise that the lower court would
reject if given the opportunity for further consideration and
where it appears that such a redetermination may determine
the ultimate outcome of the matter as interpreted by the U.S.
supreme court in Lawrence on Behalf of Lawrence v. Chater
516 U.S. At 167 and Wellons v. Hall 558 U.S. At 225

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[Relief Requested]

Grant The motion For Leave To File The petition For rehearing, grant petition For rehearing, vacate The order Denying writ of HABEAS corpus AND order petitioner immediate release From custody of The Wisconsin Department of Corrections pursuant to Title 28 USC 2106 legal standard

[conclusion]

Intervening circumstances of substantial and controlling effect overlooked By The U.S. Supreme Court inconsistent June 6, 2025 decision establish The U.S. Supreme Court own controlling decision in Smith v. Bennett 365 U.S. 708, 712-713 (1961) interpreting Article I sec. 9 cl. 2 suspension clause announcing a substantive HABEAS corpus privilege liberty rule that HABEAS corpus privilege shall not be suspended unless when in cases of rebellion or invasion the public safety may require, this includes suspension for indigent prisoner based upon his inability to pay the cost of filing fee, establish grounds justifying 28 USC A. Sup. Ct. rule 44.2 rehearing because The U.S. Supreme Court refuses refuses to correct its own obvious judicial error suspending HABEAS corpus privilege article I sec. 9 cl. 2 in its inconsistent 6/6/2025 order Denying HABEAS corpus corpus in light of The Supreme Court own controlling decision in Smith v. Bennett 365 U.S. at 712-713, Title 28 USC 2106 EVR. legal standard authorize The U.S. Supreme Court to modify, set aside, vacate or reverse any judgment and require such further proceedings under the circumstances, and a EVR. is appropriate when intervening developments reveal a reasonable probability that the decision below rest upon a premise that the lower court would reject if given the opportunity for further consideration, and where it appears that such a redetermination may determine the ultimate outcome of the matter, as interpreted By The U.S. Supreme Court in Lawrence on Behalf of Lawrence v. Chater 516 U.S. at 167, and Wellons v. Hall 558 U.S. at 225

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[Declaration under 28 USC 1746]

I Willie C. Simpson Declare under penalty of perjury of 28 USC.
1746 That The foregoing allegations made in this petition are true
and correct and that this petition is prepared under 28 USC A. sup.
ct. rules 21.1, 22.3, 33.2(B) and 44.2. it is 20 pages total with
certification

Signed This 18 Day of June 2025
Willie C. Simpson 331230 pro se
Wisconsin Secure Program Facility
PO Box 1000
Boscobel WI 53805

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[certification That This petition is restricted to
The grounds specified in 28 usca. sup. ct. rule
44.2]

I Willie C. Simpson do swear, declare, certify under penalty of
perjury of 28 usc 1746 That This petition is restricted to the grounds
specified in 28 usca. sup. ct. rule 44.2. intervening circumstances
of substantial or controlling effect.

Certified under penalty of perjury of
28 usc 1746 This 18 Day of JUNE 2025
Willie C. Simpson 331230 pro se
Wisconsin Secure Program Facility
PO Box 1000
Boscobel WI. 53805

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[Certification That This petition is presented]
in good Faith and not for Delay

I Willie C. Simpson do swear, declare, certify under penalty of
perjury of 28 USC 1746 That This petition is presented in good Faith
and not for Delay

Certified under penalty of perjury of
28 USC 1746 This 18 Day of June 2025
Willie C. Simpson 331230 pro se
Wisconsin Secure Program Facility
PO Box 1000
Boscobel, WI. 53805

NO. 24-7207

IN The
Supreme Court of The United States

IN RE: Willie C. Simpson - Petitioner

Proof of service / Affidavit of mailing

I Willie C. Simpson DO swear / declare under penalty of perjury of 28 USC 1746 that on this date 6/18/2026 I mailed in the case 24-7207 inside a prepaid postage envelope picked up from my cell 107 Alpha unit by guards for delivery in the prison mailbox and delivery to the clerk of court, United States Supreme Court 1 First Street North East, Washington DC 20543 and to Respondent, Attorney, Joshua Kaul, Wisconsin Department of Justice, P.O. Box 7857, Madison, WI 53707, pursuant to 28 USC, Sup. Ct. rule 29.1.3 - The following documents:

1. Motion for Leave to file petition for rehearing.
2. petition for rehearing
3. Appendix - A-I
4. Letter to Clerk of Court
5. Motion for Leave to proceed in forma pauperis and Affidavit

Declared under penalty of perjury of 28 USC 1746 this 18 day of June 2025

Willie C. Simpson pro se 331230
Wisconsin secure program Facility
P.O. Box 1000
Boscobel WI 53805

**Additional material
from this filing is
available in the
Clerk's Office.**