

UNITED STATES SUPREME COURT

Ruben Santoyo,

Petitioner,

v.

Village of Oak Lawn, et al.,

Respondents.

Case No.:

**MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI OUT OF TIME AND
FOR ADDITIONAL TIME TO PREPARE THE PETITION**

Petitioner, Ruben Santoyo, respectfully moves this Court for leave to file his Petition for Writ of Certiorari out of time and for additional time to properly prepare the petition. Petitioner acknowledges that the petition was due on March 3, 2025, and was not timely filed. However, Petitioner submits that extraordinary circumstances prevented timely submission and that additional time is necessary to finalize the petition.

In support of this motion, Petitioner states as follows:

1. Final Judgment Date & Deadline Miscalculation:



- The United States Court of Appeals for the Seventh Circuit entered judgment on December 2, 2024.

- Under Supreme Court Rule 13, Petitioner's deadline for filing a petition for writ of certiorari was March 3, 2025.

- Due to overlapping federal litigation demands, Petitioner was unable to finalize and submit the petition within the prescribed timeframe.

2. Extraordinary Circumstances & Heavy Litigation Burden from RICO Cases:

Petitioner is actively engaged in multiple federal lawsuits, including three newly filed RICO cases that required extensive legal preparation due to their complexity and evidentiary demands:

- Santoyo et al v. First Apostolic Church of Palos Hills, Case No. 1:25-cv-01652

- Santoyo v. Fitness International, LLC et al., Case No. 1:25-cv-01657

- Santoyo et al v. JTRE Holdings LLC et al., Case No. 1:25-cv-01655

These cases are in addition to various ongoing litigation matters, including the Santoyo v. The Supreme Court of the United States case. Given the demands of preparing multiple RICO actions, which require substantial legal work to document criminal enterprises,

predicate offenses, and conspiracy elements, Petitioner was overwhelmed with legal obligations, preventing the timely submission of the certiorari petition.

3. Proof of Prior Filing Attempt:

Petitioner originally mailed the Motion for Leave to File Petition for Writ of Certiorari Out of Time on March 4, 2025; however, it was not received by the Court. A copy of this original motion is attached hereto as Exhibit A, showing the Petitioner's good-faith attempt to comply with the filing deadline. The motion was prepared and sent in timely fashion but was unfortunately not received.

4. Need for Additional Time to Prepare the Petition:

Petitioner has not yet finalized his Petition for Writ of Certiorari and requires additional time to properly research, draft, and prepare the filing. Given the complexity of the legal and constitutional issues involved, additional preparation time is necessary to ensure the petition is properly structured and presented.

Request: Petitioner is requesting an extension of 60 days from the date of this motion to submit the Petition for Writ of Certiorari. The new deadline will be May 23, 2025.

5. Good-Faith Effort & No Prejudice to Respondents:

Petitioner has acted in good faith and did not intentionally delay proceedings. The one-day delay in filing this motion is minimal, and granting additional time for preparation will not prejudice the Respondents in any way. Allowing the petition to proceed ensures that Petitioner's case is properly reviewed, particularly in light of the constitutional issues at stake.

WHEREFORE, Petitioner respectfully requests that this Court grant:

1. Leave to file the Petition for Writ of Certiorari out of time; and
2. A 60-day extension from the date of this motion to properly prepare and submit the petition, with a new deadline of May 23, 2025.

Dated: March 24, 2025

Respectfully submitted,

/s/ Ruben Santoyo

Ruben Santoyo

11701 S. Laramie Ave

Alsip, IL 60803

Email: ruben@sailphones.com

Phone: 808-800-9918

Petitioner, Pro Se

EXHIBITS

Exhibit A:

Copy of the original Motion for Leave to File Petition for Writ of Certiorari Out of Time,
which was sent via regular mail on March 4, 2025, but was not received by the Court.

UNITED STATES SUPREME COURT

Ruben Santoyo,

Petitioner,

v.

Village of Oak Lawn, et al.,

Respondents.

Case No.:

**MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI OUT OF TIME AND
FOR ADDITIONAL TIME TO PREPARE THE PETITION**

Petitioner, Ruben Santoyo, respectfully moves this Court for leave to file his Petition for Writ of Certiorari out of time and for additional time to properly prepare the petition. Petitioner acknowledges that his petition was due on March 3, 2025, and was not timely filed. However, Petitioner submits that extraordinary circumstances prevented timely submission and that additional time is necessary to finalize the petition. Petitioner respectfully requests that this Court exercise its discretion to accept the late filing and grant an extension to submit the petition.

In Support of This Motion, Petitioner States the Following:

1. Final Judgment Date & Deadline Miscalculation:

- The United States Court of Appeals for the Seventh Circuit entered judgment on December 2, 2024.
- Under Supreme Court Rule 13, Petitioner's deadline for filing a petition for writ of certiorari was March 3, 2025.
- Due to overlapping federal litigation demands, Petitioner was unable to finalize and submit the petition within the prescribed timeframe.

2. Extraordinary Circumstances & Heavy Litigation Burden from RICO Cases:

- Petitioner is actively engaged in multiple federal lawsuits, including three newly filed RICO cases that required extensive legal preparation due to their complexity and evidentiary demands:
 - Santoyo et al v. First Apostolic Church of Palos Hills, Case No. 1:25-cv-01652 (RICO Action)
 - Santoyo v. Fitness International, LLC et al., Case No. 1:25-cv-01657 (RICO Action)
 - Santoyo et al v. JTRE Holdings LLC et al., Case No. 1:25-cv-01655 (RICO Action)

- These cases are in addition to the various lawsuits originally named in *Santoyo v. The Supreme Court of the United States* and other ongoing litigation.
- Given the demands of preparing and filing multiple RICO actions, which require substantial legal work to document criminal enterprises, predicate offenses, and conspiracy elements, Petitioner was overwhelmed with legal obligations, preventing the timely submission of his certiorari petition.

3. Need for Additional Time to Prepare the Petition:

- Petitioner has not yet finalized his Petition for Writ of Certiorari and requires additional time to properly research, draft, and prepare the filing.
- Given the complexity of the legal and constitutional issues involved, additional preparation time is necessary to ensure the petition is properly structured and presented.
- Petitioner is requesting an extension of 60 days from the date of this motion to submit his Petition for Writ of Certiorari.

4. Good-Faith Effort & No Prejudice to Respondents:

- Petitioner has acted in good faith and did not intentionally delay proceedings.
- The one-day delay in filing this motion is minimal, and granting additional time for preparation will not prejudice the Respondents in any way.

- Allowing the petition to proceed ensures that Petitioner's case is properly reviewed, particularly in light of the constitutional issues at stake.

Request for Extension of Time:

- Petitioner respectfully requests this Court grant leave to file the Petition for Writ of Certiorari out of time and extend the deadline by 60 days, up to and including [New Due Date: May 3, 2025], to allow for adequate preparation and filing.

WHEREFORE, Petitioner respectfully requests that this Court grant:

1. Leave to file the Petition for Writ of Certiorari out of time, and
2. A 60-day extension from the date of this motion to properly prepare and submit the petition.

Dated: March 4, 2025

Respectfully submitted,

/s/ Ruben Santoyo

Ruben Santoyo

11701 S Laramie Ave

Alsip, IL 60803

Email: ruben@sailphones.com

Phone: 808-800-9918

Petitioner, Pro Se

CERTIFICATE OF SERVICE

I, Ruben Santoyo, hereby certify that on March 4, 2025, I caused a true and correct copy of the Motion for Leave to File Petition for Writ of Certiorari Out of Time and for Additional Time to Prepare the Petition to be served upon the following parties:

- Via U.S. Mail, First-Class Postage Prepaid:
 - Office of the Clerk
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
 - Village of Oak Lawn - Legal Department
9446 Raymond Ave
Oak Lawn, IL 60453

Pursuant to Supreme Court Rule 29, I certify that I have complied with the service requirements by mailing the required copies of this motion to the Clerk of the Supreme Court and to the legal representative of Respondents.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: March 4, 2025

Respectfully submitted,

/s/ Ruben Santoyo

Ruben Santoyo

11701 S Laramie Ave

Alsip, IL 60803

Email: ruben@sailphones.com

Phone: 808-800-9918

Petitioner, Pro Se

CERTIFICATE OF SERVICE

I, Ruben Santoyo, hereby certify that on March 24, 2025, I caused a true and correct copy of the Motion for Leave to File Petition for Writ of Certiorari Out of Time and for Additional Time to Prepare the Petition to be served upon the following parties:

- Via Certified Mail:

- Office of the Clerk, Supreme Court of the United States,

1 First Street, NE, Washington, DC 20543

- Village of Oak Lawn - Legal Department,

9446 Raymond Ave, Oak Lawn, IL 60453

Pursuant to Supreme Court Rule 29, I certify that I have complied with the service requirements by mailing the required copies of this motion to the Clerk of the Supreme Court and to the legal representative of Respondents.

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Dated: March 24, 2025

Respectfully submitted,

/s/ Ruben Santoyo

Ruben Santoyo

11701 S. Laramie Ave

Alsip, IL 60803

Email: ruben@sailphones.com

Phone: 808-800-9918

Petitioner, Pro Se

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 December 2, 2024*

Decided December 2, 2024

BeforeFRANK H. EASTERBROOK, *Circuit Judge*AMY J. ST. EVE, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-2051

RUBEN SANTOYO,
*Plaintiff-Appellant,**v.*VILLAGE OF OAK LAWN, ILLINOIS,
*et al.,**Defendants-Appellees.*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 24 C 1365

Charles P. Kocoras,
*Judge.***ORDER**

Invoking 42 U.S.C. § 1983, Ruben Santoyo seeks to hold Oak Lawn, Illinois, liable for the conduct of two police officers who, relying on a report that he was trespassing in

* Santoyo sued the “Oak Lawn Police Department” in addition to several individual officers. A police department is not a suable entity, so we have reformed the caption to reflect the municipality of which the department is a part. *See Rogers v. City of Hobart*, 996 F.3d 812, 819 n.13 (7th Cir. 2021). We have agreed to decide the case without oral argument because the appeal is frivolous. FED. R. APP. P. 34(a)(2)(A).

a store, asked for his identification and removed him from the store. The district court dismissed Santoyo's complaint for failure to state a claim; we agree and affirm.

Santoyo visited a Panera Bread store in Oak Lawn in February 2024. While there, store employees called the police to report that Santoyo was trespassing. Santoyo alleges that this report was a lie; he maintains that he was peacefully working on his laptop, an assertion that at this stage we take as true. *Smykla v. Molinaroli*, 85 F.4th 1228, 1234 (7th Cir. 2023). Following the report, two police officers came and demanded that Santoyo show them his identification. He complied, but the officers still removed him from Panera. Afterwards, Santoyo asked Oak Lawn's police department to investigate the employees for making a false report. The department never did. Santoyo then sued Oak Lawn under § 1983, contending that his constitutional rights were violated when the officers sought his identification (an alleged search) and removed him from Panera (an alleged seizure), and when the department did not investigate the false reports.

The district court screened Santoyo's complaint, *see* 28 U.S.C. § 1915(e)(2), and dismissed it for failure to state a claim. It reasoned that his search-and-seizure claims failed because the officers received a report about trespassing, as Santoyo alleged happened, and they thus had probable cause for their actions; further, none of Santoyo's allegations supported an inference that the officers should have known that the report was false. Relying on *Rossi v. City of Chicago*, 790 F.3d 729, 735 (7th Cir. 2015), which states that the Constitution does not obligate local police to investigate a case, the court also dismissed the failure-to-investigate claim. Santoyo moved for reconsideration, but the court denied that motion. In that motion, besides repeating his original arguments, Santoyo protested that the court had not recruited counsel for him. The court explained that Santoyo had never filed the necessary motion for counsel, *see* N.D. Ill. R. 83.36(a), and the court knew that Santoyo was already aware of this obligation because he had filed a motion for counsel in a different case in the district.

On appeal, Santoyo renews three arguments: *Rossi* does not block his claims, the police lacked probable cause because the report about trespassing was false, and he deserved counsel. But his arguments are cursory, unsupported by authority, and do not engage with the district court's reasoning. Although we construe pro se briefs generously, an appellate brief must still contain a discernible argument with citations to supporting authority. *See* FED. R. APP. P. 28(a)(8); *Anderson v. Hardman*, 241 F.3d 544, 545–56 (7th Cir. 2001). We could dismiss this appeal on that basis alone, but we prefer to address the merits when possible, and we can do so here.

This appeal is frivolous. The district court properly relied on *Rossi*, which states that a person “does not have a constitutional right to have the police investigate his case.” 790 F.3d at 735 (citing *DeShaney v. Winnebago County Dep’t of Soc. Servs.*, 489 U.S. 189, 196 (1989)). It also properly dismissed the claim that the police wrongly asked for his identification: “In the ordinary course a police officer is free to ask a person for identification without implicating the Fourth Amendment.” *Hiibel v. Sixth Judicial Dist. Court of Nev.*, 542 U.S. 177, 185 (2004). Next, because Santoyo alleged that Panera’s workers called the police to report a trespassing, the officers had probable cause to arrest him for that crime. The alleged falsity of a report about a crime does not negate probable cause unless the officers had reason to know that the report was false, which Santoyo has not alleged. See *Askew v. City of Chicago*, 440 F.3d 894, 895–96 (7th Cir. 2006). What we have said so far shows why Santoyo fails to state a claim against the officers; also, he has not alleged any independent basis for municipal liability against Oak Lawn. See *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978). Last, Santoyo’s failure to comply with the local rule for seeking counsel justified the refusal to recruit counsel, see *McDaniel v. Syed*, 115 F.4th 805, 814 (7th Cir. 2024), and in any case, declining to recruit counsel for frivolous claims is never an abuse of discretion, see *Watts v. Kidman*, 42 F.4th 755, 766 (7th Cir. 2022).

We conclude with a warning about sanctions. In addition to this appeal, Santoyo has filed in a separate case that we ruled was frivolous a petition for a writ of mandamus. Order on Pet. for Writ of Supervisory Control, *In re Ruben Santoyo*, No. 23-3048 (7th Cir. Oct. 31, 2023). In another appeal from that case, we denied his request to appeal in forma pauperis because the appeal did not present any potentially meritorious arguments. Order on Mot. to Proceed In Forma Pauperis, *Santoyo v. City of Chicago*, No. 24-2352 (7th Cir. Sept. 20, 2024). And again in that case, the district court ruled that he has engaged in an “extended pattern” of filing frivolous motions (despite frequent warnings) that have required “considerable judicial resources to address.” Minute Entry at Docket 151, *Santoyo v. City of Chicago*, No. 1:22-cv-03559 (N.D. Ill. Mar 6, 2024). We now warn him that any further frivolous appeals in this court may result in sanctions, including fines that, if unpaid, may result in a bar on filing papers in any court within this circuit. See *Support Sys. Int’l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995).

AFFIRMED

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

December 26, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-2051

RUBEN SANTOYO,
Plaintiff-Appellant,

v.

VILLAGE OF OAK LAWN, ILLINOIS, et al.,
Defendants-Appellees.

} Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

} No. 24 C 1365

} Charles P. Kocoras,
Judge.

ORDER

Plaintiff-Appellant filed a petition for rehearing en banc on December 9, 2024. No judge in regular active service has requested a vote on the petition for rehearing en banc, and the judges on the panel have voted to deny rehearing. The petition for rehearing is therefore **DENIED**.