

OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D.C. 20543-0001

ISMAEL RUIZ,

Appellant/Defendant,

Docket No. 2018-CR-0000156-L

Vs.

Docket No. S-25-0105

Docket No. S-23-0086

THE STATE OF WYOMING,

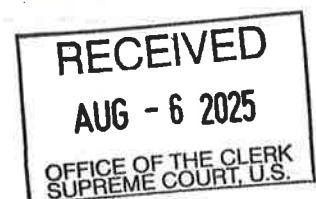
Appellee/Plaintiff.

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[EMERGENCY APPLICATION] FOR AN EXTENSION TO FILE A PETITION FOR A WRIT OF CERTIORARI SEEKING REVIEW OF THE MAY 20<sup>th</sup>, 2025 ORDER DISMISSING APPEAL IN THE SUPREME COURT, STATE OF WYOMING. ORDER BY THE WYOMING SUPREME COURT (S-25-0105). Due process requires an opportunity to be heard at a meaningful time and manner, must be afforded before the deprivation. *Wilkinson v. Austin*, 545 U.S. 209, 222-23,    S.Ct.   ,    L.Ed.2d    (2005) (prisoners retain the due process right of freedom from restraint which imposes atypical and significant hardship on the inmate in relation to ordinary incidents of prison life, but have no liberty interest in remaining at a specific facility imposes an atypical and significant hardship).

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COMES NOW, Ismael Ruiz #32741 k2-120T On timely request as a party who is entitled to be heard on the propriety of this federal high court taking judicial notice and appropriately effectuating Judicial notice at any stage of proceeding, as questioning is required on the pertinent rules of law which are to be adhered to in the Supreme Court Of The United States, so as to justly issue grant of emergency application for extension by special and exceptional qualifications within the fundamental purpose of this application which as entitled.



This is for an emergency application for extension of time to file "Petition for Writ of Certiorari" related to the above case(s) which was allowed to proceed in forma pauperis with appointed counsel from office of the State Public Defender and was dismissed in the Wyoming Supreme Court after being assigned case numbers and docketed. It is fully realized 100% that I must show a reasonable probability of success on the merits. *Lovelace v. Lee*, 471 F.3d. 174 (4<sup>th</sup> Cir. 2006) (for procedural due process claim, prisoner must show (1) deprivation of protected liberty interest, (2) atypical and significant hardship, and (3) Constitutionally insufficient procedural safeguards). In the purview of this consideration by The Supreme Court of The United States must in accordance of fundamental Law; (a) Scope. This rule governs judicial notice of adjudicative facts which are in this matter, "genuine issues of material facts provided to the lower courts for relief which can be granted in accordance of Fundamental Fairness Doctrine-The rule that applies the principles of due process to a judicial proceeding. *Poole v. Lambert*, 819 F.2d 1025, 1029 (11<sup>th</sup> Cir.1987) (to protect an inmate's due process and access to courts right's, judges may invent or adapt methods for the prisoner-plaintiff's participation in court proceedings, so long as his or her allegations and evidence [are] fairly considered").

To the extent that I am intending to file a petition for writ of certiorari related to the above-mentioned case (S-25-0105), the notice of appeal on entitled petition had been timely filed in this case from the district court of the third Judicial district within and for Sweet water County to be before the United States Supreme Court. Belinda Bridewell, Chief Deputy Clerk of court filed the affidavit of indigence or proposed order had accompanied the notice of appeal submitted to the Sweet water County, Clerk of District Court, Donna Lee Bobak. *U.S. v. Durham*, 464 F.3d 976 (9<sup>th</sup> Cir. 2006) (a district court's construction or interpretation of the Federal Rules of Evidence, including whether certain evidence falls within the scope of a given rule, is reviewed de novo). Note "De Novo means "anew"—without deference to the prior interpretation of the lower court. The U.S. Constitution is a contract that allows the Federal Government to govern people of the United States the same as the Wyoming Constitution is a contract that allows the Wyoming Government to govern people of Wyoming. This court has the power to review this wrongful denial of natural justice by the highest court in the state of Wyoming. The unjust affirmative incompetence and disputatious malfeasance is findable from judicial

records and clearly proves I am being maliciously denied access to the courts this giving rise to a direct set of clear and convincing violations of my due process rights as a prisoner. U.S. v. Davis, 490 F3d. 541 (6<sup>th</sup> Cir. 2007) (it is within the court's discretion to exclude evidence of marginal relevance and significant prejudice). The >emergency court alert was filed during the same time< as the previous filing which was affirmatively interfered with being within a historically accurate prediction of a dramatic refusal to address "meritorious civil issues" of legal injuries. This matter came before the Court upon its own motion after a claimed review by the lower and highest Wyoming state court of recently docketed appeals and constitutionally serves as an appealable case. "Finality in a defendant's expectation of the sentence attaches when either: the time taken for an appeal has expired, or a decision from an appeal has been made" United States v. Difrancesco 449 US 117, 136 (1980). ; also Griffith v. Kentucky, 479 U.S. 314, 321n 6 (1987). Ignorantia non excusat or ignorantia legis neminem excusat ("Latin for ignorance of the law excuses not" and "ignorance of the law excuses no one" respectively), is a legal principle holding that a person who is unaware of a law may not escape liability for violating the law merely because one was not aware of it is content. "Any judge who does not comply with his oath to the Constitution of The United States wars against that Constitution and engages in acts in violation of the Supreme Law Of the Land.

- Based on my notice of appeal and the record should show that I took this appeal to challenge the District Court's Order.
- That order was entered February 12, 2025 meaning appellant's notice of appeal should have been filed on or before March 18, 2025. W.R.A.P. 2.01. (A) (NOTICE OF APPEAL was filed with the clerk of the trial court within 30 days from the entry of the appealable order[.]"
- The Notice of appeal was filed (59 days) late by the judicial court where I was sentenced. The timely filing of my notice appeal is jurisdictional.
- There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights". Wr.Cr.P 35 (a) permits the consideration and granting of a sentence reduction or modification within one year of

affirmance of the judgment or dismissal of an appeal to the Wyoming Supreme Court.

- 1) There is a special jurisdictional qualification Due to the abuse of judicial discretion in routine practice, clearly apparent of record bringing Judicial questions on the “rational connection on points of issues”. Fraternal order of Police v. U.S., 152 F.3D 998 (D.C. Cir. 1998) (an analysis of equal protection is substantially the same under the Fifth and Fourteenth Amendments). The governing documentation has been received on the 24th of June, 2025 and responded to this court and all party(s) effectuating due process right to file “Petition for Writ of Certiorari” in the Supreme Court of The United States 06-19-2025. The judge in this matter has filed an order for “exhibit disposal demonstrating judicial misconduct and the court granted motion appointing counsel moving me in Forma Pauperis into the Wyoming Supreme Court.
- 2) The order dismissing the appeal was sent to the Supreme Court of the United States as proof of the judicial malice violating due process rights in the timely filing of the notice of appeal. In pleading an official document or official act, any unlawful act done willfully and purposely to the injury of another is, as against that person, malicious. The federal courts have received submissions from me in which I have enclosed orders from the District court of Third Judicial District. Judicial malice issues are outstanding and compounding by the Wyoming Department of Corrections creating liberty interests atop of the clearly specified and directly articulated reasons to the Clerk the court U.S.S.C. on the atypical and significant hardship incurring a substantial burden which is presented in complete and total violation of the American constitution. I have provided kinds of facts that may be judicially noticed. In sufficient response to this matter having come before the court upon motion of the defendant for a reduction in sentence pursuant to Rule (35) of the Wyoming Rules of Criminal Procedure, and the court having reviewed the court file, and having considered the request and the reasons stated therefor, and fully advised in the premises found the [Notice of Appeal] > on Dismissal of Sentence Reduction< to not be within the Rules of the court when It had been filed in

less the (3 days) from receiving the attached notification from the Sweet water county Clerk of District court Donna Lee Bobak.

- 3) Malice includes spite, ill-will, hatred and all forms of affirmative desire to injure, but in legal contemplation it includes much more than these. As this court is aware the record in my case was filed with the Wyoming Supreme Court on May 8, 2025. The record on appeal had been prepared and the Judge is engaged in acts of treason.” Litigation cannot be conducted without inconvenience, loss of time and expense to all parties therewith. *Edmonson v. Leesville Concrete Co. Inc.*, 860 F.2d 1308 (5<sup>th</sup> Cir. 1998) (the principle of equal protection applies to governmental action in civil as well as criminal actions). “A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to judicial immunity from civil action from his acts.” [*Davis v. Burris*, 51 Ariz. 220 75 P.2d 689 (1938)]”. The courts are not bound by an officer’s interpretation of the law under which he presumes to act”.
- 4) The record consisted of the transcripts of all in-court proceedings, as well as any motion, orders, and other documents that may have been filed in the trial court. The rules of evidence, in this case is substantially the same as those which govern civil law suits. May this court recognize the substantive and procedural issues involved in this Notice of Appeal that was affirmatively interfered with and emergency application for extension of time to file is in requirement for this to be filed. The court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; as it is generally known equal protection of the laws extends to the incarcerated and when motivated by malicious intent, prison officials are not immune from liabilities for deprivations of prisoner’s constitutional rights. Should a prison regulation or practice infringe upon an identified fundamental constitutional right, Federal courts may order remedies to protect prisoner. Or (2) can accurately and readily be determined from sources whose accuracy cannot be questioned.



- 5) Judicial malice endured in the course of this appeal process devoid of due process. "Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction." Emergency application filed due to clear abuse of judicial discretion, Justices of the Wyoming Supreme Court have unjustly demonstrated an absolute disregard for the Constitutional rights of pro se prisoner's filings.
- 6) In this way Special Federal-Question Jurisdiction] is qualified for a special master review to engage oversight powers on the constitutional malice from proven malignant complicity. "Since the Constitution is intended for the observance of the judiciary as well as other departments of government, and the judges sworn to support its provisions, the courts are not at liberty to overlook or disregard its commands counteracting evasions thereof. It is their duty in authorized proceedings to give full effect to the existing Constitution and to obey all constitutional provisions irrespective of their opinion as to wisdom or desirability of such provisions and irrespective of the consequences, thus it is said that the courts should be in our alert to enforce the provisions of the United States Constitution and guard against infringement by legislative fiat or otherwise in accordance with the basic principles, the rule is fixed that the duty in the proper case to declare a law unconstitutional cannot be declined and must be performed in accordance with delivered judgment of the tribunal before which the validity of the enactment it is directly drawn into question.
- 7) I understand that I must introduce every fact necessary to sustain each point in this application for the extension to file Petition for Writ of Certiorari in the highest court. Wyoming Rules of Appellate procedure had been followed and the motions had not been responded to for (59 days) from the postmarked date of the mailing from the Wyoming Medium Correctional Institution of W.D.O.C. Notification was provided from Office of The Wyoming State, Public Defender; Appellate Division, Rogers building, 316 West 22<sup>nd</sup> Street, Cheyenne, Wyoming 82002. The due date for my brief was scheduled for June 23, 2025. The proof of this filing information is in the court record United States Supreme Court Clerk of the court Pipa Fisher. Accurate information had been provided on illegal transfer issues affecting

this case and sent to The U.S.S.C. Rule 45 unprecedented Judicial immunity issues pending filing in the international court of Justice. Illegal Transfer incurring Due Process violations suffices to the affirmative documentation which was submitted to the highest court of state was issued from Supreme Court of Wyoming Office of The Clerk, Supreme Court Building, 2301 Capitol Avenue, Cheyenne, Wy. 82002. Recently filed Notification previously had been sent for Justice Gorsuch to S.C.O.T.U.S., In the Supreme Court Of The United States, 5614, Department of Justice, 950 Pennsylvania Avenue N.W., Washington, D.C. 20530-0001. Received by [OSPD APPELLATE] on June 25<sup>th</sup>, 2025. "It is the only supreme power in our system of government, and every man who, accepting office participates in its functions. Is only the more bound to submit to that supremacy and to observe the limitations which it imposes on the exercise of the authority which it gives". "Since the Constitution is intended for the observance of the judiciary as well as other departments of the government, and the judges are sworn to support the provisions, the courts are not at liberty to overlook or disregard its commands counteract evasions thereof, it is their duty affirmative duty in authorized proceedings to give full effect to the existing Constitution and to obey all constitutional provisions.

WHEREFOR, in light of the issues of legal fact presented to this court good cause grounds to grant the emergency application for extension, it is a matter of right and judicial discretion. This set of issues has been acknowledged by Executive Director Wendy J. Soto for the Commission on Judicial Conduct and Ethics, P.O. Box 2645 Cheyenne, Wyoming 82003.

I thank the Supreme Court of The United States, Justice Gorsuch for your invaluable attention and great deal of discernment applied to this emergency application for an extension to file Petition for this affirmative political corruption proven by the frequency of Judicial misconduct contradicting sound doctrine. This is part of the reason the erosion of the public's faith in the courts in the United States has begun and is occurring so quickly. Couple this degradation of faith with the actual conflicts within the various courts' rulings and one can clearly see there is a massive problem that desperately needs to be rectified, especially in Wyoming where there is so many conflicting rulings that

one only need to search a little further than their initial find to see rulings that are polar opposites, allowing the Wyoming courts to choose whichever ruling is best for exonerating those that are politically connected.

The continuity required in the United States Constitution is not there; and now myself, "Mr. Ruiz looks to this court to help clean the problem" by holding the Wyoming Supreme Court accountable by mandating they comply with their own court's rules, the Wyoming Laws and both the United States and the Wyoming Constitutions. I declare under penalty of perjury that the above information contained within the foregoing filing is true and correct to the best of my knowledge. I therefor place my hand as seal upon this document on the date below.

Dated: 07-19-2025

X 



FILED

May 20, 2025  
11:40:58 AM

CASE NUMBER: S-25-0105

***IN THE SUPREME COURT, STATE OF WYOMING***

***April Term, A.D. 2025***

**ISMAEL RUIZ,**

**Appellant  
(Defendant),**

**v.**

**S-25-0105**

**THE STATE OF WYOMING,**

**Appellee  
(Plaintiff).**

**ORDER DISMISSING APPEAL**

**This matter** came before the Court upon its own motion after a review of recently docketed appeals. Based on his notice of appeal, and the record, it appears Appellant took this appeal to challenge the district court's Order Dismissing Sentence Reduction. That order was entered February 12, 2025, meaning Appellant's notice of appeal should have been filed on or before March 18, 2025. W.R.A.P. 2.01(a) (notice of appeal must be filed "with the clerk of the trial court within 30 days from entry of the appealable order[.]"). Appellant's notice of appeal was filed April 28, 2025, making the notice of appeal untimely. "The timely filing of a notice of appeal is jurisdictional, in the absence of which, we must dismiss." *Cosco v. Uphoff*, 2003 WY 30, ¶ 4, 66 P.3d 702, 703 (Wyo. 2003); *Poignee v. State*, 2016 WY 42, ¶ 9, 369 P.3d 516, 518 (Wyo. 2016); W.R.A.P. 1.03. Further, Appellant filed his motion for sentence reduction well beyond the one-year deadline, depriving the district court of subject matter jurisdiction. *See Ruiz v. State*, 2023 WY 128, ¶¶ 9-10, 540 P.3d 241, 243 (Wyo. 2023). Because this Court may exercise no more extensive jurisdiction than that enjoyed by the district court, Appellant's appeal should be dismissed. *Id.* at ¶ 10 ("When the district court lacks jurisdiction over a defendant's motion to reduce his sentence, this Court is also 'without jurisdiction to consider the appeal.'" (citation omitted)). It is, therefore,

**ORDERED** that the captioned appeal be, and the same hereby is, dismissed.

**DATED** this 20<sup>th</sup> day of May, 2025.

**BY THE COURT:**

/s/

**KATE M. FOX**  
**Chief Justice**