

IN THE UNITED STATES FEDERAL SUPREME COURT

Javier Sotelo	>
Employee	>
v.	> <u>Docket # 17-6327</u>
	>
CR FISHER & SONS	>
	>
and	>
	> (MN. APPEAL CASE # A16-1560)
CINCINNATI INSURANCE COMPANY	>
Respondents	>

MOTION TO RECONSIDER

In ACCORDANCE to but not limited to:

Court rule 39.

Court rule 44.

Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30L.Ed.2d 652 (1972)

Boag v. MacDougall, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982)

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(quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957))

Argument

The Petitioner Javier Sotelo, is currently acting "Pro Se" with the assistance of a friend to file these documents. Javier Sotelo speaks primarily "Spanish" and does not have a technical education nor a technical back ground. Javier Sotelo has worked as general labor most of his life and was dependent only upon his health to pursue a living. Without a technical background and unable to translate narrowly specific medical terms between two languages and maintain coherence is understandably difficult.

Two facts are most prevalent in this matter. First, The petitioner has suffered a permanent injury. The second being that the petitioner has not received adjustments to the compensation for this injury.

To raise this question, only 1 of 4 tests must be shown to succeed.

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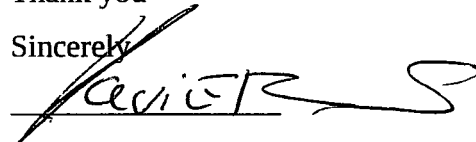
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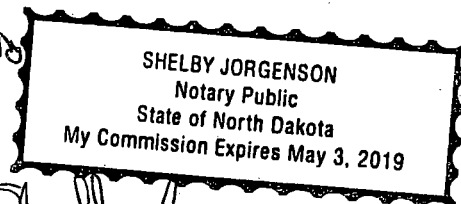
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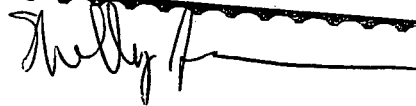
Thank you

Sincerely,


Javier Sotelo

State of ND
City of Williams





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CERTIFICATION

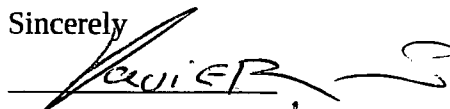
I Javier Sotelo Cantu certify that the accompanying accounts and documentation as presented is conducted in good faith and represents a true reflection of the record containing multiple counts of substantial or controlling effect before the court. ✓

I further certify that I am a lawful immigrant speaking primarily Spanish and require and declare necessitate of counsel to continue in any form that would allow a perceived justice.

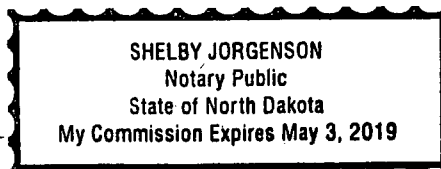
I humbly request to court to make available counsel without further delay.

Thank you

Sincerely


Javier Sotelo Cantu

State of ND
City of
Williams





Provine Sacca

Charge of Condition Document

MINNEAPOLIS ORTHOPAEDICS

825 South 8th Street, #550, Minneapolis, MN 55404, (612) 333-5000
Douglas A. Becker, MD

Return to Work Form

Name: Sotelo, Javier

Date: 6/8/2016

grounds Not Previously Presented ✓

Injured Area

☐ Neck ☐ Shoulder ☐ Elbow ☐ Wrist ☐ Hand
☐ Back ☐ Hip ☒ Knee ☐ Ankle ☐ Foot
☐ Other _____

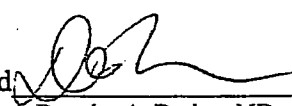
Return to Work

☐ Unable to work from _____ through _____
☐ Return to work *without* restrictions on _____
☒ Return to work *with* restrictions on 6/9/16 through _____
☒ Restrictions are: ☐ Temporary ☒ Permanent
☒ Work _____ hrs/day or ☐ unlimited
☐ Increase _____ hrs/day every _____ wks to maximum of _____ hrs/day

Restrictions

MAXIMUM COMBINED

☐ Repetitive use of _____ arm	None 1 h/D 3 h/D 6 h/D As tolerated
☐ Over-head use of _____ arm	None 1 h/D 3 h/D 6 h/D As tolerated
☐ Lifting over _____ lbs with _____ arm	None 1 h/D 3 h/D 6 h/D As tolerated
☐ Lifting over _____ lbs with both arms	None 1 h/D 3 h/D 6 h/D As tolerated
☐ Carrying over _____ lbs with both arms	None 1 h/D 3 h/D 6 h/D As tolerated
☒ Bending, twisting, <u>stooping</u>	None <u>1 h/D</u> 3 h/D 6 h/D As tolerated
☒ Standing, walking	None 1 h/D 3 h/D <u>6 h/D</u> As tolerated
☒ Squatting, kneeling, stair climbing	None <u>1 h/D</u> 3 h/D 6 h/D As tolerated
☐ Other _____	None 1 h/D 3 h/D 6 h/D As tolerated

Signed 
Douglas A. Becker, MD

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BRIEF OF DISTINCTLY STATED GROUNDS

Javier Sotelo Cantu is a lawful immigrant that has the right to be heard in court and has been in EFFECT been denied an articulate argument to the courts due to speaking primarily Spanish.

Compounding the obstacles that Javier Sotelo Cantu must already overcome, is errors introduced in to the record during discovery by representing counsels of both sides, Javier Sotelo Cantu became upset as he attempted to correct the errors, speaking to his then attorneys. The error's were never corrected, and instead ignored, therefore not only denying Javier Sotelo Cantu of the compensation due, but in addition created a condition leaving Javier Sotelo Cantu without a voice or day in court. Numerous attempts was made by Javier Sotelo Cantu to correct the problems while having representation in court. However his pleas to counsel fell on deaf ears and the errors remained and further compounded throughout the remainder of court proceedings.

Javier Sotelo Cantu then filed an appeal that he was to represent himself with little or no assistance for Javier Sotelo Cantu to then understand the English language in two distinctly separate and unrelated collage level degrees possessing terminology far above the national average of the 6th grade reading and comprehension of English speaking indigenous population. Not having experience in law conducted in English or Spanish, nor possessing any ability to understand technical terms contained in medical records related to his case, Javier Sotelo Cantu was unable to then also correct the errors nor present them the court for a proper review or decision..

Questions of fraud was raised Javier Sotelo Cantu this being the only description in English that Javier Sotelo Cantu could positively testify to from his point of view or articulate to the court. Continued

Failed descriptions and lack of understanding of the events in court or court procedure left Javier Sotelo Cantu unheard and the matter improperly determined in accordance to the records that do have the most relevance to the court and was never fully or properly explained either to Javier Sotelo Cantu or then presented to the court.

However there is indications that Javier Sotelo Cantu had been told by counsel "not to worry, everything will be fine, the records need not be corrected." Contrary to this claim the record suffers from multiple procedural, out of order chronological events, and location of the accident had been "improperly" entered in to the records. This was done while represented by licensed attorneys and by licensed attorneies.

Javier Sotelo Cantu then without counsel and proceeded to interact with the courts pro se.

It is unclear when the transition between the time Javier Sotelo Cantu was represented till the time Javier Sotelo Cantu then began acting pro se took place.

Javier Sotelo Cantu then submitted and lost his appeal to the Minnesota Supreme Court while acting pro se.

Shortly after losing his appeal in the Minnesota Supreme Court. He met and was befriended by "Rex Frederickson". Rex Frederickson after pleas for help and having seen the varied conditions that Javier Sotelo Cantu was subject to legal or dealing with the pain of his leg and without any hope of help or relief agreed to type the paperwork for now an even more impossible court adventure. Only after extensive questioning and translations both in English and Spanish using at times google translate for a slightly deeper understanding of the conditions and needed requirements for Javier Sotelo Cantu to receive relief. Rex Frederickson reviewed the records supplied by Javier Sotelo Cantu and discovered multiple secretarial mistakes that would confuse the record. In addition records requests for the wrong name or address was included within the records. These requests seem to be time sensitive and when received either no records or improper records was then delivered and decided upon.

Concurrently happening during these events, Javier Sotelo Cantu condition had been upgraded to "permanent injury". Even though this is reflected in the record, due to the multiple errors introduced by what ever means, the determination that this was a permanent injury was not submitted to the court by

the counsels involved. This denies Javier Sotelo Cantu relief that would otherwise would have been granted under state and federal laws, thus denying Javier Sotelo Cantu access to the court on multiple counts and further shows the records in error at the time and prior to the determination of the court.

Due to the nature of "Pro Se" actions in court and the effective duties of the court, there is good cause to examine this case to determine exactly what happened and be capable of navigating a solution to achieve any form of justice. Such a review beyond the scope of the injury claim is a complex matter that requires extensive legal experience and knowledge to suggest or advise Javier Sotelo Cantu as to what to do and what evidence would be relative to the court. These requirements is beyond the ability of the help now offered or available to Javier Sotelo Cantu.

[Note: Rex Frederickson having assisted Javier Sotelo Cantu is barred from giving legal advice, that under these exigent circumstances in such a prestigious court such advice is desperately and gravely urgent to be received by Javier Sotelo Cantu]

Rex Frederickson having matched the claims that Javier Sotelo Cantu had insisted was the truth and that the effect had become a terrible injustice regardless of the cause had been revealed.

The Prima Facia evidence was then collected, the briefs then typed, and some communications with the court clerk was performed by Rex Frederickson for clarification.

During the review of records Rex Frederickson was able to synchronize some of the chronological events to show the records containing such broad reaching errors that even the conclusion as to the determination of the court could not be narrowed down to any single date for what accident at what location was never clarified or corrected and indeed had occurred.

The list of improprieties crosses the threshold that would limit the scope of the case to only the topic of injury and compensation. The errors in records Then bring up questions of the processes of the court, chronological events out of sequence, non-responsive requests and the erosion of procedure, the effect of errors presented to the court by then Javier Sotelo Cantu own counsel, then brings in to question weather or not Javier Sotelo Cantu was even a day in court. It is believed the multiple improprieties on its face would lead anyone to this conclusion.

There remains questions as to the following of procedure and intent as concerning the counsels involved not correcting the errors in the records. Further questions can be raised as to the response of the court to a "Pro Se" litigant. These on its face may be an indicator of fraud or at the least malpractice in the legal field by one or more actors. Without a "bar member" attorney that is capable of speaking and reading as well as translating complex medical terms to Javier Sotelo Cantu, the improprieties enacted against Javier Sotelo Cantu will have no chance to resolve these supported grievances without this courts intervention.

Beyond the compensation due for the injuries sustained by Javier Sotelo Cantu. Remains the duties of the court to pro se litigants and if this was extended to Javier Sotelo Cantu during the course of his actions while acting pro se. See Bonner v. Circuit Court of St. Louis, 526 F.2d 1331, 1334 (8th Cir. 1975)

Putting aside questions that may indicate fraud, Javier Sotelo Cantu has still met 3 of the conditions that would allow him to proceed with his appeal in this court.

in accordance to Minnesota Statutes Labor, Industry (Ch. 175-189) § 176.461. Setting aside award

(a) Except when a writ of certiorari has been issued by the Supreme Court and the matter is still pending in that court or if as a matter of law the determination of the Supreme Court cannot be subsequently modified, the Workers' Compensation Court of Appeals, for cause, at any time after an award, upon application of either party and not less than five working days after written notice to all interested parties, may set the award aside and grant a new hearing and refer the matter for a determination on its merits to the chief administrative law judge for assignment to a compensation judge, who shall make findings of fact, conclusions of law, and an order of award or disallowance of compensation or other order based on the pleadings and the evidence produced and as required by the provisions of this chapter or rules adopted under it.

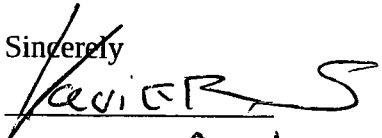
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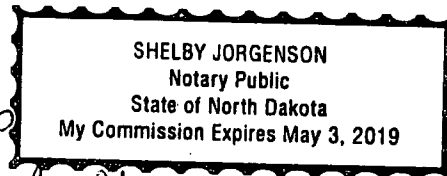
It is clear that 3 of the 4 prongs that would qualify Javier Sotelo Cantu for the appeal to be filed to this court is met, the records and questioning of propriety's of this case. is best performed by a licensed professional that has a through understanding of these topics, "Injury", "Medical", and "Procedural law" with the ability to speak both Spanish and English, to advise Javier Sotelo Cantu and detect what is truly relevant and important to review to the court. Advising Javier Sotelo Cantu of what actions if any "should" or "should not" take place. Explaining to Javier Sotelo Cantu the procedural requirement, and the events and matters where advice would be considered supplied by a source of understanding and experience the law and the courts would except.

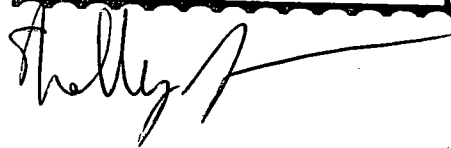
Submitted in good faith.

Sincerely


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State of ND
City of Williston





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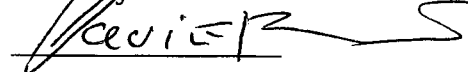
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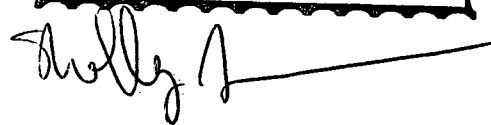
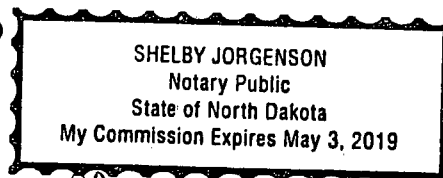
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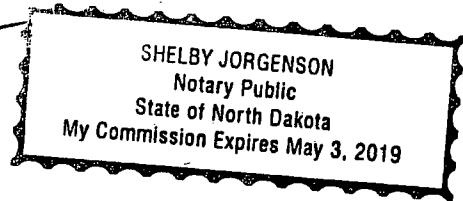
Sincerely

JAVIER S

Javier Sotelo

Shelly

*State of ND
City of Williams*



SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

January 23, 2018

Javier Sotelo-Cantu
P.O. Box 7043
Williston, ND 58803

RE: Cantu v. C.R. Fischer & Sons, Inc. et al.
No: 17-6327

Dear Mr. Sotelo-Cantu:

The petition for rehearing in the above-entitled case was postmarked January 17, 2018 and received January 23, 2018 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

*Completed
Thank
you*

You must also certify that the petition for rehearing is presented in good faith and not for delay.

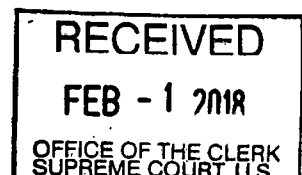
Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

This office will hold on to your voluminous appendix while you are correcting your petition for rehearing.

Sincerely,
Scott S. Harris, Clerk
By: *[Signature]*

Michael Duggan
(202) 479-3025

Enclosures



CASE #
17 6327

TO SUPREME COURT
OF USA

1/20/2018

FROM JAVIER SOTELO C
THIS IS MY NEW
PHONE NUMBER

701 570-36-11 IN CASE

ANY QUESTION

THANK YOU

JAVIER S

