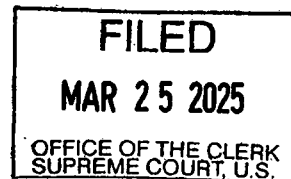


No. 25 - 6836



**IN THE SUPREME COURT OF THE UNITED STATES**

**RODOLFO VELA, SR.; RODOLFO VELA, JR.,**

**Petitioners,**

**v.**

**Respondents**

**MIKE COMPTON ET, AL, SHERIFF COOKE COUNTY, TEXAS**

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**PETITION FOR A WRIT OF MANDAMUS**

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**Date: December 10, 2025**

## QUESTIONS PRESENTED

1. Did the lower courts abuse their discretion by dismissing Petitioners' § 1983 claims as time-barred without applying equitable tolling for fraudulent concealment discovered February 15, 2022?
2. Does the discovery rule or estoppel toll the two-year Texas § 1983 statute when state actors suppressed evidence for 22 years (Blackfish report, App. K), compounded by ongoing ADA violations denying access to courts (42 U.S.C. § 12132)?
3. Did the courts err by relying on a 2003 unrelated state case to determine accrual, ignoring pro se disability barriers that prevented timely filings?
4. Should mandamus issue to vacate dismissal and permit amendment given pro se status, ADA disability barriers (e.g., no ASL accommodations), and new evidence?

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## **OPINIONS BELOW**

U.S.C of Appeal for the Fifth Circuit opinion (No. 24-40302, Nov 26, 2024) –  
Appendix A

U.S.D.C. Eastern District of Texas Sherman Division Memorandum Adopting the  
Report And Recommendation of United State Magistrate Judge( DKt 91 date  
3/24/24 dismissal Claims Appendix B.

## **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1651 ( a ) and Supreme Court Rule 20.1, which authorizes such writs to issue writs of mandamus in aid of its appellate jurisdiction. Petitioners have no other adequate remedy, a clear right to relief, and the lower courts abused their discretion. *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004).

Although filed on December 9, 2025, good cause exists under Supreme Court Rule 29.2 due to pro se status, ADA barriers (Appendix N), and prior Clerk rejections (Appendix M).

## STATEMENT OF THE CASE

On July 5, 2001, Arturo “Tippy” Vela died under suspicious circumstances in Cooke County, Texas. Respondents actively concealed the truth for 22 years: Deputy Tom Stephens photographed the scene and Tippy’s body but hid the photos at the Dallas Medical Examiner; Justice of the Peace John Roane received a private autopsy ruling homicide yet suppressed it; and faxed only a cover sheet; no suspect was ever arrested. Deaf and mute Petitioner Rodolfo Vela, Jr. was questioned that night without any ADA accommodation (e.g., ASL interpreter), violating 42 U.S.C. § 12132 from the very first day.

Petitioners remained unaware of the fraud until Deputy Joseph R. Shires subpoenaed records in 2020; after the sheriff’s election loss, Shires transferred the file to Investigator Aaron Carney (October 15, 2022). Petitioners hired Blackfish Intelligence (License #A07282601) on September 2, 2021. The Blackfish report, delivered February 15, 2022, finally exposed the hidden photos, suppressed autopsy notes, and a March 19, 2003 DOJ consultation implicating District Attorney Janelle Haverkamp in the cover-up (Appendix K; Appendix F).

Petitioners filed this § 1983 action on February 9, 2023 — within one year of discovery — in N.D. Tex. (No. 3:23-cv-00289-E), transferred to E.D. Tex. (No. 4:23-cv-00145-ALM-CAN). The district court dismissed as time-barred (Dkt. 91 filed 3/29/24, Appendix B), expressly disbelieving Petitioners’ “narrative” of unawareness until 2022 despite the evidence. The Fifth Circuit affirmed (No. 24-40302, Nov 26, 2024; Appendix A). Prior certiorari attempts were rejected (Appendix M).

## **REASONS FOR GRANTING THE WRIT**

### **1. Fraudulent Concealment Tolls the Statute of Limitations**

Texas law estops limitations when defendants conceal the cause of action. BP Am. Prod. Co.; Wagner & Brown. Respondents hid photos and the homicide autopsy for 22 years (Appendix K). Deputy Stephens photographed the scene and Tippy's body but hid the photos at the Dallas Medical Examiner; Justice Roane received the Zamora autopsy (ruling "homicide") but suppressed it. Tolling applies until discovery (*Rodriguez v. United States*, 66 F.3d 95, 97 (5th Cir. 1995); *Philip v. Tex. Mut. Ins. Co.*, 2023 U.S. Dist. LEXIS 110148 (S.D. Tex. 2023)). Filing on February 9, 2023 was timely. Appendix F (Dkt. 102) presented this evidence in objections, yet the court (Dkt. 101) found no "manifest error" under Fed. R. Civ. P. 59(e), ignoring the concealment.

### **2. Error in Relying on 2003 State Case**

Courts imputed knowledge from an unrelated wrongful death suit (different parties/claims), violating due process. This ignores Petitioners' diligent but fruitless pre-2022 efforts, detailed in Dkt. 102 (Appendix F).

### **3. Pro Se Leniency and ADA Disability Barriers**

Petitioners are pro se. Rodolfo Vela, Jr. is deaf and mute — no ASL access to courts or legal aid, nor during 2001 events or 2023–2025 proceedings (Appendix N). Officials' failure to provide accommodations violated ADA Title II from the outset (42 U.S.C. § 12132), creating an ongoing barrier that tolled the SOL (*Tennessee v. Lane*, 541 U.S. at 523–24: courts must ensure access for disabled litigants). *Haines v. Kerner*, 404 U.S. 519 (1972), requires liberal construction for pro se pleadings; here, courts ignored this in denying a hearing (Dkt. 101 at 3; despite request in Dkt. 93) and amendment, despite ADA duties. This abuse denied "meaningful access."

### **4. Denial of Leave to Amend**

Fed. R. Civ. P. 15(a) mandates amendment be "freely given." New evidence (Appendix K) and ADA barriers justify it; refusal is abuse (*Foman v. Davis*, 371 U.S. 178, 182 (1962)). Appendix F (Dkt. 102) sought amendment, but Dkt. 101

dismissed under Rule 59(e)/60(b) without addressing “newly discovered evidence” (Blackfish report) or disability.

### **5. No Adequate Remedy**

Certiorari cannot compel the pre-judgment relief Petitioners seek. Irreparable harm from the lower courts’ refusal to apply tolling, recognize ADA violations, and permit amendment continues daily.

### **CONCLUSION**

The writ should issue to:

1. Vacate the dismissal of claims against Shires and Carney.
2. Direct application of fraudulent concealment tolling and ADA accommodations.
3. Permit amendment of the complaint.

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