APP NO.

IN THE SUPREME COURT OF THE UNITED STATES

RYAN THORNTON,

Petitioner,

V.

STATE OF WISCONSIN,

Respondent.

On Petition For Writ Of Certiorari to the
Wisconsin Supreme Court.

PETITIONER'S APPLICATION TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI

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Pro Se Petitioner

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To the **Honorable Amy Coney Barrett:**

Questions Presented

1. Can a state refuse to review a sufficiently alleged Ineffective Assistance of Appellate Counsel claim on the basis that the sentence has been completed, when that counsel caused IAAC to not be discovered until after the sentence had been completed?

2. Can a Trial Judge make a pre-trial ruling prohibiting a defendant's choice to proceed with a valid defense?

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Request for Extension to file Petition for Writ of Certiorari

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner RYAN THORNTON respectfully requests that the time to file his Petition for Writ of Certiorari in this matter (2026AP1079-W) be extended for 60 days up to and including February 7, 2027. Absent an extension of time, the Petition for Writ of Certiorari would be due on December 9, 2026.

The Petitioner is filing this Application more than ten days before that date per Rule 13.5.

The Wisconsin Supreme Court denied RYAN THORNTON's (Motion To Appoint Counsel and) 8/13/2025 Petition For Review (App84-119) of the 7/14/2026 WI Court of Appeals Judgment (App13-19) and Other Orders (App20-22) on September 10, 2026 (App135). This Court would have jurisdiction over the judgments under 28 U.S.C. § 1257(a).

RYAN THORNTON is seeking an extension of time in reference to the order dated September 10, 2026 by the Wisconsin Supreme Court in case No. 2026AP1079-W (App135).

Statement of Facts regarding the Fraudulent Appellate Representation

Petitioner unequivocally chose to appeal his conviction and had to file Notice Of Appeal himself (App141) on 12/4/2019 creating 2019AP2326 when Attorney Justin L. Singleton began deceitfully manipulating (App89-112) his right to an appeal. On 12/11/2019, Singleton made a determination that this conviction should be reversed due to what happened at the 9/6/2019 Pre-Trial Hearing [Defendant was prohibited from advancing a theory of "self-defense" (App113-116)]. On 12/20/2019, Attorney Singleton has Appeal 2019AP2326 vacated claiming he needed to do this because he needed more time to file this appeal. Unknown to Petitioner, Notice of Appeal needed to be re-filed on 5/17/2020(App96), where Singleton unequivocally communicates (App89-112) that he is filing this appeal while holding Petitioner's Appeal Retainer through

1/9/2023(App112):

1) (App94) On 3/20/2020 THORNTON sends an email to Attorney Singleton titled "**19CF397 Appeal**": "Just one question for now- when do you think we'll get started on this?" Singleton responds to the email, but doesn't answer this question.

2) (App95) On 4/13/2020 at 1:11P THORNTON sends a text message to Attorney Singleton: "It's Ryan Thornton. I'm just **trying to get an idea of when to expect an outcome with appeal** or possibly postconviction..."

On **4/13/2020** at 1:12P Attorney Singleton responds: "**I'm going to try to get your case filed by the end of the week. That is aspirational. But I'm going to try.**"

3) (App95) On 5/5/2020 at 12:03P THORNTON sends a text message to Attorney Singleton: "**See if you can get started on my appeal**. No rush, but I's be happy if we got it filed this month or so." Singleton does not respond.

4) (App95) On 5/14/2020 at 9:01A THORNTON sends a text message to Attorney Singleton: "**Realistically, when are you thinking we can file my appeal?**..."

On **5/14/2020** at 9:02A Attorney Singleton responds: "**Maybe by the end of the month.**"

5) (App95) On 6/4/2020 at 2:01P THORNTON sends a text message to Attorney Singleton: "Sorry to keep bothering, but **when do you think we can start this appeal?** I try not to think about it bc there's nothing I can do, but it is the most important thing I have going on with my life."

On **6/4/2020** at 2:07P Attorney Singleton responds: "**I'm working on it. I have the whole day set aside for it tomorrow. I'll talk to you next week about it.**"

6) (App96) On 6/15/2020 at 10:48A THORNTON sends a text message to Attorney Singleton: "Hey Justin, **were you able to do anything with my appellate brief**? Hopefully we can get that filed at some point" Singleton does not respond.

7) (App96) On 6/23/2020 at 11:11A THORNTON sends a text message to Attorney Singleton: "**Do you think we can talk about my appeal maybe next week or the following week?** I'd want to give you some time to at least rough draft something focusing on the judge not allowing me to use self defense as a defense."

On **6/23/2020** at 11:11A Attorney Singleton responds: "**Yes. Next week.**"

8) (App96) On 6/23/2020 at 11:30A THORNTON sends a text message to Attorney Singleton: "...It'll be your first appellate brief filed, right? If so, I def. understand the procrastination ..."

On **6/23/2020** at 11:52A Attorney Singleton responds: "**You are not my first appeal ever. No. I have probably done 6 or 7.**"

9) (App97) On 7/9/2020 at 10:10A THORNTON sends a text message to Attorney Singleton: "**Do you think you can find some time to work on my appeal this month?**" Singleton does not respond.

10) (App97) On 7/16/2020 at 10:41A THORNTON sends a text message to Attorney Singleton: "**We've been planning on doing the appeal since 1/30**. I just keep losing confidence in ever beating this as time goes on. I don't mind waiting, but hopefully we can file within the next few months"

On 7/16/2020 at 10:42A Attorney Singleton responds: **"Sorry Ryan. I was in an accident** and was released from the hospital yesterday. I'm recovering but will be back to work in a couple days...Nothing permanent. Just walking with a cane and not very mobile."

11) (App97) On 7/28/2020 at 10:28A THORNTON sends a text message to Attorney Singleton: **"Are you going to be able to file my appeal during the next few months, at the latest?"** Singleton does not respond.

12) (App98) On 7/31/2020 at 3:49P THORNTON sends a text message to Attorney Singleton: "...**Just if you can't file by like the end of this year, you have to let me know** so I can (unfortunately) figure something else out."

On **7/31/2020** at 3:52P Attorney Singleton responds: **"It will happen soon man."**

Attorney Singleton **fraudulently represented** (App89-112) the Petitioner from 12/11/2019 to 1/9/2023 for the sole purpose of filing a Direct Appeal to 19CF397 causing Petitioner's constitutional right to a Direct Appeal to be violated and caused Federal and State Habeas Corpus and State Post-Conviction relief to be unavailable, **leaving the only remedies available to be** 28 U.S.C. § 1257(a) U.S.S.C. Certiorari and possibly **42 U.S.C. § 1985&1983 Injunctive Relief**. This Legal Misconduct added substantial complexity and has caused Petitioner to not be able to obtain counsel to pursue an effective remedy. In addition to substantial circumstantial evidence, Petitioner has unequivocal evidence of the **Conspiracy to Violate his Appellate Review** via an email Attorney Singleton provided Petitioner on 3/31/2023 where **Singleton sent Assistant District Attorney** Thomas Coaty an **email** (App103) containing fraudulent

statements on 4/21/2021 also asking Coaty to **"confirm the State's position that it does not object to this extension"** to **"filing his Notice of Appeal"**. Coaty responded, "**Sure. I'll agree.**" Both Singleton and Coaty are experienced attorneys and **undoubtedly knew that a NOA extension must be filed to the Court of Appeals** and NOA was **due** 5/17/2020, almost **1 year prior,** making this direct evidence of the **meeting of the minds** for the **Conspiracy**. On 1/12/2021 (App102) Petitioner texts Singleton, "**I need an approximate that you'll be filing my appeal**". On 1/14/2021 Petitioner texts Singleton, "Is there any sort of deadline that applies to filing my appeal?" and "I need to get my appeal filed so I can move on with my life. I'm not willing to wait". On 1/14/2021 (App102) Singleton texts "**I have spoken to the DA who does not object to an extension to file your appeal. Let me please get back to you next week to move forward**" deceptively causing Petitioner to continue trusting Singleton to be complaint with filing his appeal through 1/9/2023 where Singleton has Petitioner review Singleton's rough draft of that appeal on 4/23/2021, but Singleton tells Petitioner that he won't file this appeal until Petitioner completes probation (App106). On 1/9/2023, Singleton refunds $6000 (App112) of the $8000 Appeal Retainer saying he has cancer and can no longer file this Appeal.

Pursuant to this Court's Rules 22 and 23, 28 U.S.C. § 2072- 18 U.S.C. App, Federal Rules of Criminal Procedure Rule 44.(a) RIGHT TO APPOINTED COUNSEL, FAY v. NOIA, Rodriquez v. United States, Coleman v. Thompson, and Roe v. Flores-Ortega, Petitioner RYAN THORNTON **prays** that the State or Federal courts **Appoint (or compel the appointment of) Counsel** To Pursue Reinstatement of The Right To Appeal 2019CF397, **unconstitutionally** Forfeited

By Counsel.

FAY v. NOIA 372 U.S. 391 (1963):"**a forfeiture of remedies does not legitimize the unconstitutional conduct by which his conviction was procured**...If the **States withhold effective remedy**, the **federal courts** have the **power** and the **duty** to **provide it**."

Statement of the Case

Ever since Attorney Justin L. Singleton decided to quit on 1/9/2023 (hired via written contract on 12/11/2019 to file THORNTON's Appeal of 2019CF397) and returned $6000 (App112) of THORNTON's $8000 retainer, the WI Court of Appeals (and WI Supreme court) has been rejecting Jurisdiction of reviewing THORNTON's Appeal of 2019CF397. Since then THORNTON has filed 6 Appeals to 2019CF397:

1. 2023AP769
    a. The State of WI keeps rejecting to formally review THORNTON's Issues #1-7, in 5/12/2023 Petition For Review and 7/22/2023 Brief of Appellant
    b. RYAN THORNTON's U.S.S.C. [Petition For Writ Of Certiorari] (No. 23-898) was denied on 3/25/2024
        i. THORNTON believes it to be sufficient and concisely describe the Issue [Being prohibited from advancing a theory of self-defense] (App113-116) Issue #1 of 7 Issues presented in 2023AP769 & 2023AP1596 & 2023AP2368 with legal merit that should command a reversal.
        ii. THORNTON having to make 43 Certiorari booklets (for the 3rd time) mostly about Attorney Justin Singleton (Issue#7) would steal

attention (and Certiorari word count) from being able to sufficiently explain his primary Issues in 2019CF397 (#1-#6). This Issue that Attorney Justin Singleton created is very tedious for THORNTON to explain, and almost impossible to explain in U.S.S.C. booklet format.

2. 2023AP1596
    a. Same Issues (#1-7) as in 2023AP769, just deriving from THORNTON appealing orders requesting urgent time-sensitive information needed for his appeal:
        i. Requesting an Evidentiary Hearing to determine if Singleton was Ineffective Post-Conviction and/or Appellate counsel to develop the argument for Issue#7 in his 2023AP769 Appeal that was pending review and to question Singleton regarding a document (of the Alleged Victim's implausible $20K+ PTSD Restitution payment claim) given to THORNTON by DOC in jail that Singleton never returned the only copy of. Upon Open Records Request, neither the Circuit Court nor DOC would provide replacement of this document.
        ii. Requesting Juror Demographic Information required to develop the argument for Issue#4 in his 2023AP769 Appeal that was pending review
    b. Denied by the WI Supreme Court.
3. 2023AP2368
    a. Same Issues (#1-7) as in 2023AP769, just deriving from the 2023AP769

12/12/2023 WI Supreme Court's (unconstitutional) Order (App2) that "claims of ineffective assistance of appellate counsel must be brought via a petition for writ of habeas corpus in the court of appeals pursuant to State v. Knight, 168 Wis.2d 509, 484 N.W.2d 540 (1992)" goading Petitioner to file Habeas Corpus filings where no review of IAAC is available due to his sentence being completed on 11/22/2022.

b. THORNTON's 2023AP2368 U.S.S.C. [Petition For Writ Of Certiorari] (24-760) was also denied.

4. 2026AP1079

a. Another Knight Habeas Petition:

i. Raising the issue that his current conviction 2025CF2387 (and probation sentence) is a direct result of going insane from attempting to appeal 2019CF397 after the Wisconsin Office Of Lawyer Regulation used Attorney Justin L. Singleton's far-fetched fraud as a reason to not investigate grievance 25MA287.

ii. Redundantly clarifying his "Severe Restraints of Liberty" to the court's rejection in 2023AP2368 (which were already mentioned in 4/4/2024 2023AP2368's Motion For Reconsideration (App3-9), creating a sufficient basis for lack of mootness due to significant collateral consequences)...Why the 2023AP2368 MFR was denied in the 4/9/2024 Order (App10) is ambiguous

iii. Raising his Ineffective Assistance of Appellate Counsel Claim and

underlying appellate issues.

b. This Habeas Petition was denied by the Court of Appeals' 7/14/2026 Order (App13-19) and Motion For Reconsideration (App27-82) was filed but the Court of Appeals refused (App20-22) to respond to it, and Petition For Review (App84-119) was filed to the WI Supreme Court.

Although the State Attorney General agreed that "**Thornton has sufficiently alleged that Attorney Singleton was ineffective by incorrectly advising him not to appeal until after his probation had been served and/or by abandoning him on appeal against his wishes**" (App130), the Court of Appeals refused to review the Ineffective counsel claim by claiming that Petitioner doesn't have a "severe restriction of liberty"

5. 2026AP1692

   a. Writ of Error Coram Nobis filed to the court of appeals raising his Ineffective Assistance of Appellate Counsel Claim and underlying appellate issues

   b. Denied by the Court of Appeals

6. 2026AP1776

   a. 974.06 Post-Conviction Motion and Writ of Error Coram Nobis filed to the circuit court raising his Ineffective Assistance of Appellate&Post-Conviction Counsel Claim and underlying appellate issues.

   b. This was commenced by Attorney David Lang, who attempted to raise only a separate issue than the 2 THORNTON demanded he raise (IAAC and

Prohibited from Self-Defense defense) attempting to bar these 2 issues having strong legal merit.

c. 974.06(1) states that 974.06 is for "a prisoner in custody under sentence of a court" which Attorney Singleton caused Petitioner to not be eligible for.

d. Additionally the state is attempting to use Singleton's misconduct that caused Petitioner to be un-willfully and un-constitutionally un-represented to procedurally bar Petitioner from raising his underlying appellate issues "Any claim brought in a reinstated appeal might be procedurally barred. The State would argue those issues at the appropriate time." (App130)

→2023AP769, 2023AP1596, 2023AP2368, 2026AP1079, and 2026AP1692 **refused to review ALL Appellate Issues Presented**...not a Single Appellate Issue was reviewed for its merits, due to Attorney Singleton's misrepresentation/misconduct. 2026AP1776 is inappropriately proceeding under over-complicated restrictions and bars as a 974.06 and Coram Nobis Appeal rather than a Direct appeal that (absent Singleton's misrepresentation) would have already been won.

Reasons For Granting This Application

Good Cause exists for this court to extend the time to file Petition For Writ of Certiorari for the following reasons:

1) **This case has strong chance of Certiorari approval because if the government can use Appellate Attorney fraud to not review the violation of Constitutional protections, then there are no actual Constitutional protections that are guaranteed to be enforced.**

The Appointment of an attorney familiar with the U.S. Certiorari selection process would

provide the necessary guidance as to how to present the specific issues of national importance in this case for prevention of Constitutional violations in our country.

2) **Petitioner's underlying legal issues have strong legal merit**:

a) The 2019CF397 Conviction is Invalid because the Court prohibited the defendant from advancing his chosen defense (App113-116)

b) The 2019CF397 Conviction is Invalid because Defendant was wrongfully manipulated and prejudiced by the Biased Judge's Evidentiary Procedure causing Substantial Relevant Evidence to not to make it to the Jury (App116)

3) **Appling Roe v. Flores–Ortega, Attorney Singleton was Ineffective counsel so the state must Restore Petitioner's direct appellate rights** (App116-118)

"Defendants who can establish that they were deprived of their statutory right to direct appellate review of their criminal convictions because of ineffective assistance of counsel are entitled to have their **direct appeal rights reinstated**, regardless of the presence or absence of other factors" See Roe v. Flores-Ortega, 528 U.S. 470, 476-77 (2000) State v. Quackenbush, 2005 WI App 2 Id. at 15. "[W]hen counsel fails to file a requested appeal, a **defendant is entitled to [a new] appeal**" "because a defendant who instructs counsel to initiate an appeal reasonably relies upon counsel to file the necessary notice" Roe v. Flores-Ortega, 528 U.S. 470 (2000) Id. at 477.

"the United States Supreme Court held, in a federal case in which counsel failed to file a notice of appeal as requested by the defendant and thereby deprived the defendant of an appeal as of right, that the defendant "**should be resentenced so**

that he may perfect an appeal in the manner prescribed by the applicable rules." Rodriquez v. United States, 395 U.S. 327, 332 (89 SCt 1715, 23 LE2d 340) (1969). See also Douglas v. California, 372 U.S. 353, 356-358 (83 SCt 814, 9 LE2d 811) (1963)" Cook v. Georgia S21A1270 (2022)

WIConstitutionArticleI./Section21: "As a matter of Wisconsin constitutional law, the right to an appeal is absolute"

WIConstitutionArticleI./Section7 Rights of accused-Counsel: "Due process guarantees a criminal defendant the effective assistance of counsel on a first appeal as of right." Evitts v. Lucey, 469 U.S. 387 (1985) "Criminal defendants have the right to a "meaningful" direct appeal from their convictions." Pope v. Kemper, 689 F. Supp. 3d 657 (2023)

Garza v. Idaho, 586 U.S. 232 (2019) holds that the rule compelled by the U.S. Supreme Court:

"When counsel's deficient performance forfeits an appeal that a defendant otherwise would have taken, the defendant gets a new opportunity to appeal." Id. at 245 "That rule does no more than restore the status quo that existed before counsel's deficient performance forfeited the appeal, and it allows an appellate court to consider the appeal as that court otherwise would have done- on direct review, and assisted by counsel's briefing" Id. at 245-246

4) FAY v. NOIA 372 U.S. 391 (1963): "If the **States withhold effective remedy**, the **federal courts** have the **power** and the **duty** to **provide it**." "**a forfeiture of remedies does not legitimize the unconstitutional conduct by which his conviction was procured**."

The state of WI has been withholding an effective remedy since Petitioner was inappropriately abandoned by counsel 1/9/2023. Applying State v. Sutton 2012 WI 23, THORNTON's right to a direct appeal must be reinstated because: The 12/12/2023 WI Supreme Court Order (App2) "did not have a proper view of the law" Id. at 46 by Instructing THORNTON he must file Habeas Corpus in order to obtain relief from IAC on appeal (after his repeated requests to reinstate his right to a direct appeal) because this Order "had the unintended effect of denying the defendant any opportunity to be heard" Id. at 49 since he had served his sentence by 11/22/2022.

5) Coleman v. Thompson, 501 U.S. 722 (1991) at 754: "if the procedural default is the result of [constitutional] ineffective assistance of counsel, the Sixth Amendment itself **requires that responsibility for the default be imputed to the State**." Where a criminal defendant has been deprived of his Sixth Amendment right to effective assistance of counsel, the Court continued, "**the State**, which is responsible for the denial as a constitutional matter, **must bear the cost of any resulting default** and the harm to state interests that federal habeas review entails." Because 28 U.S.C. § 1257(a) U.S.S.C. Certiorari and 42 U.S.C. § 1985&1983 are Petitioner's only review available due to Attorney Justin Singleton causing Petitioner to serve his sentence before he knew that Attorney Justin Singleton had not been compliant while falsely claiming to be filing his appeal, there must be a non-discretionary form of relief made available and the state must bear the cost of it. The state who benefited from IAAC (with the WI Courts encouraging it and the WI OLR not regulating it) by securing the invalid conviction should not be able to also use its substantial legal resources causing unfair default of merit-full appeal issues and

petitioner's insanity from trying to litigate this appeal on his own without counsel available.

6) Petitioner hasn't worked since the 9/11/2019 2019CF397 Jury trial, is Indigent, and cannot afford to pay the costs of this representation. Any substantial money and property in his name is owed to his disabled mother, for her retirement. Furthermore, Petitioner is mentally disabled due to the immense frustration and harm from spending 10,000s of hours attempting to litigate this issue...the state of WI used this appellate attorney fraud to cause Petitioner to develop Paranoia and Insanity. The state allowing this direct appellate right to be violated (without wisbar.org nor the WI Office Of Lawyer Regulation investigating this attorney in 25MA287, without the wisbar.org nor the WI OLR assisting Petitioner with the availability of an Expert Witness in Atty. Singleton's lawsuit 2024CV547, causing it to be "dismissed with prejudice") should be illegal.

7) Responding to (App23-82), the 8/11/2026 WI Supreme Court Order (App83) refused to Appoint counsel without a legitimate explanation (there were filings pending in that court)

8) Responding to (App23-82), the WI Court of Appeals refused to Appoint counsel without a legitimate explanation (App120,133), while not providing "a notice of the deficiencies" that Petitioner requested (App121-132), making it impossible to understand why the court is denying this Petition to Appoint Counsel.

9) The Circuit Court never responded to the Motion For Court to Appoint Counsel filed 8/15/2026

10) Petitioner requires counsel because in 2023-2025 the WI Court of Appeals

Orders (and the 12/12/2023 WI Supreme Court Order) were deceptive and unfair, choosing to misstate the facts of this case to give the false impression that it was all Petitioner's fault, but if you review 2026AP1079 Petition For Review (App89-112), it was clearly due to Attorney Singleton's misconduct. A zealous attorney would have prevented this unfair treatment by the state following Singleton's misconduct.

11) Petitioner requires counsel because grave harm will result in the remaining state of WI 2026AP1692 and 2026AP1776 proceedings without an attorney. In 2026 the WI Court of Appeals Orders (App13-22,120,133) are deceptive and unfair, choosing to misstate the facts of this case to give the false impression that it was all Petitioner's fault. They are even more deceptive and unfair in Orders (App20-22) intentionally misconstruing Petitioner's "Reply Brief" (clearly responding to the State's "Response to Amended Petition" (App124-132)) as a "Motion For Reconsideration" so Petitioner could not respond to their 7/14/2026 order (App13-19), in addition to Striking the "Reply Brief."

12) Petitioner requires counsel because grave harm will result in Federal proceedings without an attorney. Both 2254 Habeas Corpus and 42 U.S.C. § 1985&1983 Civil Suit for Injunctive Relief are severely complicated filings requiring substantial legal experience to litigate without default from missing just a single legal argument or not considering the numerous case law bars to relief of a claim (such as defendant immunity or Heck v. Humphrey limitations). Choosing the appropriate Defendants and causes of action in his 42 U.S.C. § 1985&1983

suit would be substantially complicated. Petitioner's **WI Civil suit against Attorney Singleton** (2024CV541 / 2025AP978) and **his father's wrongful death civil suit against Ascension Hospital** (2022CV1244 / 2023AP601 & 2024CV457 / 2024AP2182) **were dismissed just because he couldn't obtain the attorney representation required by WI Case Law to pursue these cases, after requesting appointment from wisbar.org and the WI OLR. Legal Malpractice (on Criminal Cases) Attorneys & Expert Witnesses are unavailable in WI, yet the state requires them for a civil case to proceed. It is just another legal-loop-hole WI uses to prevent review of IAC**; It is likely that a 42 U.S.C. § 1985&1983 civil suit would also be dismissed for not being able to obtain attorney representation because of the substantially-technical legal barriers barring relief. Also- both 2254 Habeas Corpus and 42 U.S.C. § 1985&1983 have **statute of limitations that require immediate filing** or relief will be barred.

13) Petitioner will likely be incarcerated starting 11/3/2026 from 3- 9/2025-10/2025 WI cases where he went insane from litigating and appealing the WI Office of Lawyer Regulation's corrupt grievance process (App66-82) accepting all of Attorney Singleton's far-fetched lies as facts and given the state of WI courts cheat on everything, it is likely they will make it so (without counsel) he misses filing deadlines in 2025AP978 (Singleton's WI lawsuit appeal), 2026AP1079 US Certiorari, 2026AP1692, 2026AP1776, and/or statute of limitations/deadlines in his upcoming 2254 Federal Habeas Corpus and 1985/1985 Federal lawsuit.

14) The insanity that this Attorney misconduct has caused Petitioner to endure

from 2019-2026 to pursue his constitutional right to an Appeal should be prohibited and immediate relief from it should be granted. Petitioner has spent most of his days since 2023 just seeking review of his Appellate Issues and relief from this corrupt Legal insanity caused by Attorney Singleton's fraudulent appellate representation.

15) Due to the complexity that this Attorney Misrepresentation has caused, Petitioner has more open appeals and filing deadlines (filings due) upcoming than he can handle

16) Due to the complexity that this Attorney Misrepresentation has caused, this Petition For Writ of Certiorari will be over-complicated

17) **Petitioner cannot obtain an attorney to litigate this Ineffective Assistance of Appellate Counsel Issue.** In 6/2025 Petitioner was appointed 8 attorneys (Eric Hart, Robert Hart, Kendrick Yandell, Melissa Ivens, Basil Loeb, Kathleen Henry, Brandon Zegiel, and David Lang) through wisbar.org for $240, were Petitioner requested that they "Restore his right to a direct appeal due to Ineffective Assistance of Appellate Counsel." All but attorney David Lang denied to offer their services. On 6/4/2025 David Lang was hired for $15,000 to **"Review 2019CF397 For Ineffective Assistance of Appellate Council"** (App11-12), but Petitioner finds out months after paying $15,000 that attorney David Lang has decided to raise a separate appellate issue and also decided to not raise the 2 issues that Petitioner demanded and hired him to raise [Ineffective Assistance of Appellate Council] and [The trial court prohibited Petitioner from advancing a theory of self-defense]. **Attorney David Lang effectively was paid $15,000 to**

choose his own venture, to be useless! The state of WI has a major problem where majority of privately hired attorneys choose not to accept appeal cases and the ones that do, choose to be ineffective. If **Petitioner would have been eligible for the State Public Defender in 2019**, then this **Ineffective Assistance of Appellate Counsel** situation **would have been impossible to have happen**, but because he wasn't eligible for the SPD, the state has used his private attorney (who works in the same building as District II Appeals judges) misconduct to violate his right to appeal this invalid conviction.

Due to Attorney Singleton's IAAC, Petitioner has been denied representation to pursue this IAAC claim by about 10 private attorneys in 2023, about 10 private attorneys and 8 wisbar.org attorneys in 2025, about **75 WI private attorneys in 2026**, the State Public Defender on 9/2/2026 (App134). Also- in 2024/2025 wisbar.org and the OLR refused to refer counsel to pursue the 2024CV541 lawsuit against Singleton or refer an expert witness and 6 private attorneys denied representation.

Since 7/14/2026, **Petitioner has requested via 345 emails, legal assistance to restore his right to an appeal** from about 285 National Appellate Attorneys and Legal Organizations nationwide such as the ACLU/ABA/LSC, Law School Professors, every Law School Supreme Court and Appellate Clinic, all Federal Departments that Investigate Fraud and Civil Rights, Other State Bar Associations, all of the WI and DC Assistant Federal Defenders, the WI OLR, wisbar.org, and none have offered any support or representation to pursue relief.

The only attorney that has been willing to review Petitioner's documents and IAAC Issue is **theethicsreporter.com** who published 4 articles about it so far:

A) **Abandoned at the Appeal: How Lawyers Take the Money, Vanish, and the System Lets Them**

B) **Free, and Therefore Without a Forum: Wisconsin Closes the Habeas Door on a Man Who Finished His Sentence**

C) **The Appeal That Never Was: When a Defense Lawyer Never Files the Notice, and the System Asks the Client to Prove He Deserved One**

D) **On-Line Justice: Wisconsin's Supreme Court Closes the Last State Door on Ryan Thornton – and His Attorney's Alleged Abandonment Will Now Go to Washington**

Conclusion

For the foregoing reasons, the Petitioner respectfully requests:

1. That the time to file the [Petition for a Writ of Certiorari] in 2026AP1079-W be extended 60 days, up to and including February 7, 2027.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on 10/26/2026.

Ryan T. Thornton
10/26/2026

Respectfully submitted.

Ryan T. Thornton
10/26/2026

Pro Se Petitioner

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CERTIFICATE OF SERVICE

A copy of this application was served by email and U.S. mail to the counsel listed below in accordance with Supreme Court Rule 22.2, 29.3, and 29.5:

Eliot M. Held
Attorney General Office
17 W. Main Street
P.O. Box 7857
Madison, W1 53707
Eliot.held@wisdoj.gov
608/266-8554

I declare under penalty of perjury that the foregoing is true and correct. Executed on 10/26/2026.

Ryan T. Thornton
10/26/2026

Ryan T. Thornton
10/26/2026

Pro Se Petitioner
Ryan T. Thornton, ACAS (casact.org)
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APPENDIX

FILED
07-14-2026
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DISTRICT II

July 14, 2026

To:

Hon. Faye M. Flancher
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Eliot M. Held
Electronic Notice

Ryan T. Thornton
Electronic Notice

You are hereby notified that the Court has entered the following order:

2026AP1079-W State of Wisconsin ex rel. Ryan T. Thornton v. Circuit Court for Racine County (L.C. # 2019CF397)

Before Stark, Hruz, and Gill, JJ.

Ryan T. Thornton, pro se, has filed a petition for writ of habeas corpus pursuant to ***State ex rel. Kyles v. Pollard***, 2014 WI 38, 354 Wis. 2d 626, 847 N.W.2d 805, and ***State v. Knight***, 168 Wis. 2d 509, 484 N.W.2d 540 (1992). He asserts that his retained counsel was ineffective for failing to timely file a notice of appeal in Racine County Circuit Court Case No. 2019CF397, and he asks us to reinstate his right to appeal. The respondent has filed a response opposing the petition. For the reasons explained below, we deny the petition.

In 2019, Thornton was charged with one count of strangulation and one count of disorderly conduct, each with a domestic abuse surcharge. Thornton proceeded to a jury trial, at which he represented himself, and was convicted of both offenses. On November 22, 2019, Thornton appeared with a privately retained attorney for sentencing, and the court imposed and

stayed a prison sentence in favor of three years of probation. Thornton advises that he was discharged from probation on March 14, 2022.

In April 2023, after he was discharged from probation, Thornton began asking this court to reinstate his WIS. STAT. RULE 809.30[1] direct appeal rights and extend the time limits for him to file a notice of appeal. We denied his motions by orders dated April 13, May 1, and May 9, 2023. Thornton filed a petition for review of those orders, which the supreme court denied on August 17, 2023.

On May 1, 2023, Thornton filed a pro se notice of appeal in the circuit court from his 2019 convictions, which led to the opening of appeal No. 2023AP769-CR. We ultimately dismissed that appeal for lack of jurisdiction. *See* ***State v. Thornton***, No. 2023AP769-CR, unpublished op. and order (WI App Aug. 22, 2023). Thornton petitioned the supreme court for review, and the court denied his petition on December 12, 2023.

On August 30, 2023, Thornton filed another pro se notice of appeal in the circuit court, which led to the opening of appeal No. 2023AP1596-CR. The notice stated that Thornton again sought appellate review of his 2019 judgment of conviction and two subsequent circuit court orders. By order dated October 17, 2023, we advised Thornton that we had jurisdiction to review the two circuit court orders, but we lacked jurisdiction to review his direct challenges to his conviction. Following briefing, we subsequently affirmed the circuit court's orders, including the circuit court's denial of Thornton's request for an "indefinite extension" of time for

[1] All references to the Wisconsin Statutes are to the 2023-24.

him to file a direct appeal. *See* ***State v. Thornton***, No 2023AP1596-CR, unpublished op. and order (WI App. Mar. 5, 2025). As to that claim, we observed, in part:

> Regardless of the constitutional adequacy of his appellate counsel, the relief Thornton requested—an indefinite extension of the time limit within which to commence an appeal—was not within the circuit court's power to grant. Only this court can order an extension of the time periods under WIS. STAT. RULE 809.30. ***State ex rel. Kyles v. Pollard***, 2014 WI 38, ¶32, 354 Wis. 2d 626, 847 N.W.2d 805. Thornton's motion to the circuit court was filed after this court had repeatedly declined to extend the time limit for appeal, and after this court had told Thornton it would no longer entertain such requests. The circuit court properly denied Thornton's attempt to make an end-run around this court's denials.

Id. at 6. Thornton filed a petition for review, and the supreme court denied his petition on October 6, 2025.

Additionally, while that appeal was pending, on December 20, 2023, Thornton filed a pro se petition for a writ of habeas corpus pursuant to ***Kyles***, 354 Wis. 2d 626, and ***Knight***, 168 Wis. 2d 509. Thornton alleged that his retained attorney was ineffective for failing to timely file a notice of appeal in his underlying criminal case, and he asked us to reinstate his direct appeal rights.

We denied his habeas petition. *See* ***Thornton v. Circuit Court of Racine County***, No. 2023AP2368-W, unpublished slip op. and order (WI App. Mar. 26, 2024). We explained that a writ of habeas corpus was only available when a petitioner demonstrated a restraint on his or her personal liberty. ***Id***. at 1. Because Thornton had already been discharged from probation and his petition failed to demonstrate any other means by which his liberty was currently restrained, we concluded habeas relief was not available to Thornton. ***Id.***

Thornton moved for reconsideration and offered various arguments as to why he believed his liberty was, in fact, restrained. We denied his motion for reconsideration by order dated April 9, 2024. Thornton petitioned the supreme court for review, and the court denied his petition on August 2, 2024. Thornton filed a petition for a writ of certiorari with the U.S. Supreme Court, and the Court denied his petition on February 24, 2025.

On May 6, 2026, Thornton filed the underlying habeas petition. On May 11, he filed an amended petition along with a motion for leave to file an amended petition. By order dated June 10, 2026, we accepted his May 11 amended petition as the petition that we would consider in this case.

Turning to Thornton's May 11, 2026 amended habeas petition, Thornton again alleges that his retained attorney was ineffective for failing to timely file a notice of appeal in his underlying criminal case, and he asked us to reinstate his direct appeal rights. *See* ***Kyles***, 354 Wis. 2d 626; ***Knight***, 168 Wis. 2d 509. He then offers various reasons as to why his liberty continues to be restrained such that habeas relief continues to be available to him. *See* WIS. STAT. § 782.01(1) ("Every person restrained of personal liberty may prosecute a writ of habeas corpus to obtain relief from such restraint[.]"). He alleges an inability to possess a firearm, to run for certain public offices, to be admitted to certain foreign countries, and to obtain certain employment. He also argues he is restrained because the convictions have damaged his reputation and could be used to enhance punishments on future crimes.

At the outset, this is Thornton's second habeas petition. As stated above, we previously determined habeas relief was not available to Thornton because he was discharged from probation and had not demonstrated a restraint of his personal liberty. *See* ***Thornton***, No.

2023AP2368-W. We remind Thornton that "[a] matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue." *See* ***State v. Witkowski***, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991).

In any event, a "[w]rit of habeas corpus is an equitable remedy that protects a person's right to personal liberty by freeing him or her from illegal confinement." ***State v. Pozo***, 2002 WI App 279, ¶8, 258 Wis. 2d 796, 654 N.W.2d 12. "Because it is an extraordinary writ, habeas corpus relief is available only where the petitioner demonstrates: (1) restraint of his or her liberty, (2) which restraint was imposed contrary to constitutional protections or by a body lacking jurisdiction and (3) no other adequate remedy available at law." ***Id.***

> Neither the Wisconsin courts nor the legislature has defined what minimal restraint on liberty would entitle one to petition for a writ of habeas corpus. Reviewing federal law, we find that federal habeas corpus is available to one "in custody." It is settled that the use of habeas corpus has not been limited to situations where applicant is in actual physical custody, but is available to one subject to restraints not shared by the public generally. It has been held that the language "in custody" is synonymous with "restraint of liberty."

State ex rel. Wohlfahrt v. Bodette, 95 Wis. 2d 130, 133-34, 289 N.W.2d 366 (Ct. App. 1980).

In response to Thornton's petition, the respondent argues, in part, that none of Thornton's purported restraints on his liberty amount to custody for the purpose of habeas relief. In support, the respondent relies on ***Maleng v. Cook***, 490 U.S. 488 (1989), and ***Virsnieks v. Smith***, 521 F.3d 707 (7th Cir. 2008). In ***Maleng***, when discussing what would amount to "custody" for purposes of federal habeas relief, the Court stated that "once the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to render an individual 'in custody' for the purposes of a habeas attack upon it." ***Maleng***, 490

U.S. at 492. The Court elaborated that "[w]hile we have very liberally construed the 'in custody' requirement for purposes of federal habeas, we have never extended it to the situation where a habeas petitioner suffers no present restraint from a conviction." ***Id.*** In that case, the Court concluded that "after the sentence imposed for [a conviction] has fully expired," a petitioner is not entitled to habeas relief "merely because of the possibility that the prior conviction will be used to enhance the sentences imposed for any subsequent crimes of which he is convicted." ***Id.***

In ***Virsnieks***, the Seventh Circuit similarly observed that habeas relief was only available to *severe* restraints on individual liberty. 521 F.3d at 718. It stated, "the collateral consequences of a conviction, those consequences with negligible effects on a petitioner's physical liberty of movement, are insufficient to satisfy the custody requirement." ***Id.*** In that case, the ***Virsnieks*** court concluded that habeas relief was not available to the petitioner to challenge a sex offender registration requirement because "the Wisconsin statute imposes minimal restrictions on a registrant's physical liberty of movement." ***Id.*** at 720.

Here, we conclude that Thornton's amended petition does not demonstrate a severe restraint on personal liberty such that habeas relief is available. Following his jury convictions, Thornton was placed on probation and he was discharged from probation in March 2022. The allegations included in his 2026 amended habeas petition do not amount to a limitation on his "physical liberty of movement," except perhaps for the alleged foreign travel restriction, which is negligible and not imposed by Wisconsin. *See* ***Virsnieks***, 521 F.3d at 718-19. Further, that his convictions can be used to enhance punishment on future crimes does not entitle him to habeas relief. *See* ***Maleng***, 490 U.S. at 492. Because he has not demonstrated a severe restraint on personal liberty, we deny his amended habeas petition.

Separately, Thornton has filed another motion to extend the deadline to file a notice of appeal. Because we deny his habeas petition, we also deny his motion. Therefore,

IT IS ORDERED that the amended habeas petition is denied without costs.

IT IS FURTHER ORDERED that the motion to extend the time to file a notice of appeal is denied.

Samuel A. Christensen
Clerk of Court of Appeals

FILED
07-16-2026
CLERK OF WISCONSIN
COURT OF APPEALS

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DISTRICT II

July 16, 2026

To:

Hon. Faye M. Flancher
Circuit Court Judge
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
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Eliot M. Held
Electronic Notice

Ryan T. Thornton
Electronic Notice

You are hereby notified that the Court has entered the following order:

2026AP1079-W State of Wisconsin ex rel. Ryan T. Thornton v. Circuit Court for Racine County (L.C. # 2019CF397)

Before Stark, Hruz, and Gill, JJ.

On July 14, 2026, we denied the pro se petitioner's second habeas petition. After we issued our opinion, the petitioner, who is an electronic filer, filed a reply brief, appendix, and motion for leave to file a reply brief in excess of the word limitation.

We first advise the petitioner that a reply brief in the context of a writ petition is not contemplated by the rules of procedure. *See* WIS. STAT. RULE 809.51. As such, we strike the reply brief and appendix as not permitted, and we deny the motion for leave to file a reply brief in excess of the word limitation as moot.

In any event, even if we construed the reply brief as a motion for reconsideration, the petitioner advises that the length of the brief is "16,180 words produced with proportional serif font." This exceeds a motion for reconsideration's length limitation by more than 15,000 words.

See WIS. STAT. RULE 809.24(1) ("The motion ... shall not exceed ... 1,100 words if a proportional serif font is used."). The petitioner's motion for leave to file a brief in excess of the word limitation does not demonstrate good cause to permit such an oversized filing. This further supports our decision to strike the reply brief.

Finally, even if we construed the reply brief as a motion for reconsideration and we granted the petitioner's motion for leave to file a brief in excess of the word limitation, nothing in his current filing persuades us that reconsideration is warranted in this case. Therefore,

IT IS ORDERED that the reply brief and appendix are stricken.

IT IS FURTHER ORDERED that the motion for leave to file a reply brief in excess of the word limitation is denied as moot.

IT IS FURTHER ORDERED that to the extent the reply brief is construed as a motion for reconsideration and permitted to be filed in its current form, nothing persuades us reconsideration is warranted. The reconsideration motion is denied.

Samuel A. Christensen
Clerk of Court of Appeals

FILED
07-30-2026
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COURT OF APPEALS

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DISTRICT II

July 30, 2026

To:

Eliot M. Held
Electronic Notice

Ryan T. Thornton
Electronic Notice

You are hereby notified that the Court has entered the following order:

2026AP1079-W State of Wisconsin ex rel. Ryan T. Thornton v. Circuit Court for Racine County (L.C. # 2019CF397)

Before Stark, Hruz, and Gill, JJ.

On July 14, 2026, we denied the pro se petitioner's second habeas petition. After we issued our opinion, the petitioner, who is an electronic filer, filed a reply brief, appendix, and motion for leave to file a reply brief in excess of the word limitation.

On July 16, 2026, we struck the reply brief and appendix as not permitted and denied the motion for leave to file a reply brief in excess of the word limitation as moot. We also advised the petitioner that even if we construed the reply brief as a motion for reconsideration, nothing in his current filing persuaded us that reconsideration was warranted in this case. We denied his motion for reconsideration.

That same day, after we issued our order, the petitioner moved to un-strike his reply brief and allow him to file "a sufficient Motion for Reconsideration." We are not persuaded good cause exists to grant the relief requested, and we deny his motion. This court's review is complete. We will take no action on any future filings from the petitioner in this matter. Therefore,

IT IS ORDERED that the motion is denied. This court's review is complete. We will take no action on any future filings from the petitioner in this matter.

Samuel A. Christensen
Clerk of Court of Appeals

FILED
09-10-2026
CLERK OF WISCONSIN
SUPREME COURT

Supreme Court of Wisconsin

NO. 2026AP1079-W

THORNTON V. CIRCUIT COURT FOR RACINE COUNTY

L.C.#2019CF397

September 10, 2026

The Court has entered the following order:

A petition for review pursuant to WIS. STAT. § 808.10 together with a motion to appoint counsel having been filed on behalf of petitioner-petitioner, Ryan T. Thornton, pro se, and considered by this court;

IT IS ORDERED that the petition for review and all accompanying motions are denied, without costs.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:
Hon. Faye M. Flancher (Electronic Notice)
Amy Vanderhoef, Clerk of Circuit Court (Electronic Notice)
Eliot M. Held (Electronic Notice)
Ryan T. Thornton (Electronic Notice)

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