

REQUEST FOR IMMEDIATE REVIEW — HARM ONGOING

Emergency Application for an Injunction and Stay — Active No-Bond Bench Warrant — Six Execution Attempts

No. _____

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

Mary Joanna Comer,
Applicant,

v.

**THE HONORABLE ANGELINE E. WINTON-ROE, Polk County Circuit Court Judge, in
her official capacity; BRENT WAAK, Sheriff of Polk County, in his official capacity; and
STATE OF WISCONSIN,**
Respondents.

**APPLICATION TO THE HONORABLE AMY CONEY BARRETT,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES
AND CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT,
FOR AN INJUNCTION AND STAY PENDING APPELLATE REVIEW**

*On Application from the United States Court of Appeals for the Seventh Circuit (No. 26-1662)
Directed to the Circuit Justice pursuant to 28 U.S.C. § 1651(a) and Rules 20, 22, and 23 of the Rules of
the Supreme Court of the United States.*

RELATED PROCEEDINGS:

Comer v. Tolan, No. 26-1662 (7th Cir.) (appeal pending)
Comer v. Tolan, No. 3:26-cv-00268-wmc (W.D. Wis.) (dismissed Apr. 2, 2026)
State ex rel. Comer v. Winton-Roe, No. 2026AP001104 (Wis. Ct. App., Dist. III) (habeas pending)
State v. Comer, No. 2026CF000023 (Polk Cnty. Cir. Ct.) (underlying prosecution)

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TO THE HONORABLE AMY CONEY BARRETT, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Applicant Mary Joanna Comer, a sixty-one-year-old widow living on disability income and proceeding *in propria persona*, respectfully applies to the Circuit Justice for an injunction and stay pending appellate review. She asks the Court to hold in abeyance a nationwide, body-only, no-bond bench warrant — and to stay further trial-court proceedings taken under it — until the constitutional questions now pending in the United States Court of Appeals for the Seventh Circuit (No. 26-1662) are resolved. In support she states as follows.

INTRODUCTION AND SUMMARY

This application arises from a stark disproportion. On one side of the ledger is a single alleged default by the Applicant: an eighteen-minute delay in connecting to a court-authorized Zoom hearing on April 30, 2026, caused by technical difficulty. On the other side is a cascade of governmental actions that, as the contemporaneous documentary record establishes, struck her sworn defense filings from the docket, renamed them to conceal their authorship, forbade her chosen assistance, issued a no-bond warrant for her body while her timely recusal motion sat undecided, and then left every request for emergency relief in the trial court and the state court of appeals unruléd — while the federal courts denied her emergency motions without reaching their merits — as the warrant was pursued against her home six separate times, including after 10:00 p.m. What emerges is a serial breakdown across both state and federal forums: a state court struck her defense, and a federal court then declined to examine that conduct, invoking an *in forma pauperis* screening statute to close the courthouse door rather than to open it.

The Applicant does not ask this Court to decide her guilt or innocence, or to try her case. She asks only that the status quo be preserved — that she not be seized under a warrant of contested

constitutional validity — during the interval needed for the Seventh Circuit to rule on the appeal already before it. A temporary injunction imposes little cost on the State: no trial date has been set, no preliminary hearing has occurred, and the State has never yet been put to any showing of probable cause. The cost of inaction to the Applicant, by contrast, is the very irreparable deprivation of liberty the courts below were asked, and declined, to prevent.

OPINIONS AND ORDERS BELOW

The United States District Court for the Western District of Wisconsin (Conley, J.) dismissed the Applicant's 42 U.S.C. § 1983 complaint **with prejudice** on screening on April 2, 2026 (Dkt. #8), and entered judgment on April 3, 2026 (Dkt. #9). The Applicant filed a timely notice of appeal on April 3, 2026 (Dkt. #10). That appeal, No. 26-1662, is fully briefed as to the opening brief (filed April 6, 2026) and remains pending in the Seventh Circuit. The Seventh Circuit has twice denied the Applicant's motions to stay the state proceedings pending appeal.

In the state system, the Applicant's Emergency Petition for Writ of Habeas Corpus and Motion for Immediate Temporary Stay of Execution of Bench Warrant was filed in the Wisconsin Court of Appeals, District III, on May 8, 2026 (No. 2026AP001104). That court acknowledged the filing on May 8, 2026, and waived the filing fee upon a finding of indigency on May 11, 2026, but as of the date of this application — more than seven weeks later — has entered no order on the requested stay, no order to show cause, and no briefing schedule. The Applicant's renewed Urgent Motion for Immediate Ruling was filed June 22, 2026, and likewise remains unrulled.

JURISDICTION

A single Justice, sitting as Circuit Justice, has authority to grant an injunction or a stay pending appellate proceedings. *See* 28 U.S.C. § 1651(a) (All Writs Act); 28 U.S.C. § 2101(f); Sup. Ct. R. 22, 23. The Seventh Circuit is allotted to the Honorable Amy Coney Barrett as Circuit Justice.

The Applicant sought a stay from the Seventh Circuit, which denied it, satisfying the requirement that application first be made to the court below. *See* Sup. Ct. R. 23.3.

STATEMENT REQUIRED BY RULE 23.3

As Rule 23.3 requires, the Applicant sets out with particularity why the relief sought is not available from any other court or judge, and confirms that the relief was first sought in the courts below:

1. The circuit court will not grant it. Its May 22, 2026 “Administrative Order” tells the Applicant the warrant can be resolved only by surrender or arrest, restricts her filings, and states that the court “is unable to adequately review the file due to the number of filings.” Her Emergency Motion to Quash, submitted May 1, 2026, was withheld from the docket in "Submitted" status for seven days, was not docketed until May 8, 2026, and in the more than seven weeks since has never been ruled upon; her April 28, 2026 Motion for Recusal, docketed in the same minute, is likewise unruled.
2. The Wisconsin Court of Appeals has not acted. Her Emergency Petition for Writ of Habeas Corpus and stay request, filed May 8, 2026, remains undecided more than seven weeks later, and her renewed Urgent Motion for Immediate Ruling of June 22, 2026 is likewise unruled.
3. The federal courts below have denied or foreclosed relief. The district court dismissed her civil-rights action with prejudice on April 2, 2026, and the Seventh Circuit has twice denied her motions to stay the state proceedings pending appeal.

Copies of the relevant orders and dispositions below are appended to this application (see Appendix). No other court or judge can now grant the interim protection sought before the threatened seizure occurs.

RELIEF REQUESTED

The Applicant respectfully requests that the Circuit Justice, or the full Court on referral:

1. Enter an injunction restraining execution of the April 30, 2026 nationwide, body-only, no-bond bench warrant issued in *State v. Comer*, No. 2026CF000023, pending disposition of the appeal in No. 26-1662 and any timely petition for a writ of certiorari;
2. Stay further proceedings in the underlying state criminal action that depend upon or enforce that warrant during the same interval;
3. Direct that, upon disposition of No. 26-1662, the federal courts adjudicate the Applicant's appellate civil-rights claims on their merits; and, to secure the fairness and impartiality to which she is entitled while she faces a potential forty-year sentence, either (a) assume jurisdiction over the underlying state criminal matter, *State v. Comer*, No. 2026CF000023, or (b) in the alternative, remand that matter to the state court with instructions consistent with this Court's order, including the restoration of the Applicant's stricken defense filings and the disposition of the pending motion for recusal; and
4. Grant such other relief as justice requires.

STATEMENT OF THE CASE

A. The parties and the underlying charge.

The Applicant is a sixty-one-year-old widow with no prior criminal history, residing in Amery, Polk County, Wisconsin, and living on disability income. She is the defendant in *State v. Comer*, No. 2026CF000023, a single-count prosecution for second-degree sexual assault of a child under Wis. Stat. § 948.02(2). From the outset, she reported to the responding officers, and later swore under oath in her defense filings, that the State's complainant is in fact the person who assaulted

her, and that responding officers credited that individual's account over her own. No preliminary hearing has been held; the State has not yet been required to make any showing of probable cause.

B. The defense filings and their striking (Feb.–Mar. 2026).

On February 25, 2026, the Wisconsin Court System published updated e-filing guidance expressly authorizing non-party and self-represented filers to submit documents on existing cases. Two days later, on February 27, 2026, the Applicant submitted five defense documents through that system — including her Motion for Constitutional Counsel of Choice and her Sworn Testimony — each confirmed by the system as “Submitted.” Four of the five were her own filings, in her own name, in her own case.

According to the record, those filings were withheld from the public docket for six days and diverted to the presiding judge, the Honorable Daniel J. Tolan, for review outside the ordinary docketing process. At the March 2, 2026 initial appearance — three days before the filings appeared on the docket — Judge Tolan announced on the record his refusal to accept them and conducted a binary colloquy that, the Applicant alleges, eliminated her option to proceed under *Faretta v. California*, 422 U.S. 806 (1975), with chosen assistance. The Applicant states she answered “public defender” under duress and manifested acute distress on the record. On March 4, 2026, Judge Tolan entered a written order (“Document 14”) that struck all five filings, directed that their titles be changed to “Third-party filing Stricken by the Court,” barred all future filings and correspondence by anyone other than a named party or licensed attorney, and threatened contempt. The e-filing timestamps show the five filings docketed at 11:03–11:04 a.m. on March 5, 2026, and Document 14 filed at 11:09 a.m. — five minutes later.

C. The federal civil-rights action and its dismissal (Mar.–Apr. 2026).

Before turning to the federal courts, the Applicant reported the underlying constitutional violations through every available non-judicial channel of accountability — including the Federal Bureau of Investigation’s Civil Rights Unit and Minneapolis Field Office, the United States Department of Justice, Civil Rights Division, the United States Attorney’s Office for the Western District of Wisconsin, and the Wisconsin Judicial Commission — each of which declined to act or failed to respond.

With those avenues exhausted, on March 27, 2026 the Applicant filed a verified complaint under 42 U.S.C. § 1983 in the Western District of Wisconsin, asserting violations of the First, Fifth, Sixth, and Fourteenth Amendments and naming Judge Tolan and Clerk of Court Sharon Jorgenson, together with an Emergency Motion for a Temporary Restraining Order. On April 2, 2026, the district court dismissed the complaint with prejudice on screening under 28 U.S.C. § 1915(e)(2) — without granting leave to amend, without reaching the merits, without ruling on the pending Emergency Motion for a Temporary Restraining Order, and, the Applicant contends, without analytical engagement with five of the eight independently pleaded counts — resting on absolute judicial immunity and *Younger* abstention. The Applicant appealed the next day; the appeal (No. 26-1662) remains pending in the Seventh Circuit, where a formal complaint of judicial misconduct under 28 U.S.C. § 351 has also been filed with the Circuit’s Judicial Council.¹

¹The Administrative Notice included in the supplemental record characterizes the disclosure of this complaint as permitted under Rule 23(b)(8) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, on the mistaken assumption that the confidentiality requirement otherwise constrained the complainant. The operative provision is Rule 23(b)(1), which provides that information about a council’s consideration of a complaint “must not be publicly disclosed by any judge or judicial employee, or by any person who records or transcribes testimony.” That obligation binds the judiciary and those who record its proceedings, not the complainant; nothing in Rule 23 bars a complainant from disclosing the fact or the contents of her own complaint. The Rule protects the confidential consideration of a complaint by the tribunal, and no such internal or process materials are disclosed here.

D. The recusal motion, the April 30 hearing, and the warrant.

The case passed to a successor judge, the Honorable Angeline E. Winton-Roe. On April 28, 2026, the Applicant submitted a Motion for Recusal of Judge Winton-Roe under Wis. Stat. § 757.19(2)(g). A scheduling conference was set for 10:15 a.m. on April 30, 2026; the notice of hearing (Document 24) expressly provided that “PARTIES MAY APPEAR BY ZOOM.”

The docket recites that at 10:17 a.m. the Applicant was “not in court,” that the State requested a nationwide bench warrant, that the court authorized a body-only nationwide warrant, and that the proceeding adjourned at 10:20 a.m. — five minutes after its scheduled start. The Applicant attempted to appear by video at the scheduled time but, owing to technical difficulty, connected at approximately 10:33 a.m., thirteen minutes after adjournment. Her eighteen-minute connection delay in a court-authorized video proceeding was thereafter recast by the State as a “failure to appear.”

The same day, Judge Winton-Roe issued the warrant (Document 27): nationwide, body-only, with the “held for appearance” box selected and no release option. She then added the Applicant to the Zoom courtroom, directed her to arrange a voluntary appearance, and the Applicant complied — a hearing was set for May 5. Yet the warrant was kept active in the interim, the prior video authorization was revoked, and the order directed that “DEFENDANT MUST APPEAR IN PERSON.” The State separately moved to replace the Applicant’s \$25,000 signature bond with a \$1,000 cash bond she cannot pay on disability income, and to bar her from unsupervised contact with minors — citing, among other things, her own filings as having impeded the prosecution. Critically, the warrant issued while the Applicant’s recusal motion against the very judge who issued it remained undecided.

E. Six execution attempts and unruled emergency motions.

On May 1, 2026 — the day after the warrant issued — the Applicant submitted an Emergency Motion to Quash. It was held off the docket in "Submitted" status for seven days, was accepted and docketed on May 8, 2026 at 4:46 p.m. — in the same minute as the April 28 recusal motion — and in the more than eight weeks since, the circuit court has ruled on neither. Law enforcement has attempted to execute the warrant at the Applicant's residence at least six times: April 30, 2026 at approximately 7:32 p.m.; May 5, 2026 at approximately 10:39 a.m.; May 6, 2026 at approximately 10:38 p.m.; May 7, 2026 at approximately 9:48 p.m.; May 11, 2026 at approximately 10:12 p.m.; and June 6, 2026 at approximately 11:07 a.m. The Applicant's Emergency Petition for Writ of Habeas Corpus and stay request, filed in the Wisconsin Court of Appeals on May 8, 2026, remains unruled after more than eight weeks despite a renewed urgent motion on June 22, 2026. On May 22, 2026, the circuit court entered an "Administrative Order" advising that the warrant can be resolved only by surrender or arrest, restricting further filings, and stating that the court "is unable to adequately review the file due to the number of filings."

F. The Applicant's present condition.

The Applicant is effectively confined to her home under threat of a no-bond seizure that may occur at any hour, as the late-night attempts confirm. She is sixty-one, widowed, indigent, and in documented emotional distress. Every forum she has asked for interim protection — the circuit court, the federal district court, the Seventh Circuit, and the state court of appeals — has either declined or not acted. The harm the stay was sought to prevent is not hypothetical; it is recurring, and each execution attempt is another occasion on which it may be completed before any court rules, mooted by her petitions through the very seizure they were filed to prevent.

THE DISPROPORTION AT THE HEART OF THIS APPLICATION

The Applicant respectfully places the two sides of this matter beside one another. The entire justification advanced for a nationwide, no-bond warrant for the body of a sixty-one-year-old widow is a single eighteen-minute delay in joining a video hearing. Set against that are the following governmental actions, each of constitutional dimension:

Petitioner's single alleged default	Governmental actions borne by Petitioner
An 18-minute delay connecting to a court-authorized Zoom scheduling conference on April 30, 2026, attributed to technical difficulty, recast by the State as a "failure to appear."	Five sworn defense filings struck and renamed "Third-party filing Stricken by the Court," concealing that four were the Petitioner's own (First, Sixth, Fourteenth Amendments).
	A blanket bar on all filings and correspondence except by a licensed attorney, enforced by threat of contempt — an asserted prior restraint on the right to petition.
	A March 2 colloquy said to have eliminated the Faretta right to self-representation with chosen assistance, answered under duress.
	A nationwide, body-only, no-bond warrant issued while a timely recusal motion against the issuing judge remained undecided (due-process neutrality; <i>In re Murchison</i> ; <i>Caperton</i>).
	An emergency motion to quash left in "Submitted" status for seven days, and once docketed, still not ruled upon in the more than eight weeks since.
	Six warrant-execution attempts have been made at her home, including two at night, approximately 10:12 p.m. and 10:38 p.m., against an indigent widow who has never missed a court appearance secured by her \$25,000 signature bond.
	Emergency stay requests unrulred for seven-plus weeks in the state court of appeals; twice denied in the Seventh Circuit; dismissed with prejudice in the district court.

The point is not that lateness is never consequential. It is that the response — a no-bond seizure of the person, pursued relentlessly while every challenge to its lawfulness goes unanswered —

bears no proportion to the default alleged, and issued from a judicial officer whose neutrality the Applicant had already, and timely, called into question.

REASONS FOR GRANTING THE APPLICATION

The standard for an injunction from a Circuit Justice is demanding: the applicant must show (1) a reasonable probability that four Justices will grant certiorari, (2) a fair prospect that a majority will conclude the decision below was erroneous, and (3) a likelihood of irreparable harm absent relief; in a close case the Circuit Justice balances the equities. *See Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010); *see also Nken v. Holder*, 556 U.S. 418, 434 (2009) (stay factors). Each consideration favors interim relief here.

A. There is a fair prospect of reversal on substantial, recurring constitutional questions.

The appeal presents questions on which reasonable jurists differ and which this Court has long treated as serious: whether striking and renaming a defendant's own sworn filings, and barring her chosen assistance, falls outside the judicial function for immunity purposes (*cf. Forrester v. White*, 484 U.S. 219 (1988); *Ex parte Young*, 209 U.S. 123 (1908)); whether *Younger* abstention was correctly applied where the complaint alleged extraordinary circumstances and bad faith rather than ordinary trial error (*Younger v. Harris*, 401 U.S. 37, 53–54 (1971)); and whether a warrant issued by a judge whose recusal motion was then pending offends the guarantee of a neutral and detached magistrate (*Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972); *In re Murchison*, 349 U.S. 133, 136 (1955); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009)). These are not insubstantial questions, and their resolution will not dissipate with time. The Applicant further contends that 28 U.S.C. § 1915(e)(2) — a screening provision meant to identify filings that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant — was not designed to convert threshold review into a mechanism for

foreclosing federal scrutiny of substantial constitutional allegations against judicial actors, still less to do so with prejudice and without leave to amend.

B. The threatened harm is irreparable and recurring.

The deprivation of liberty a no-bond warrant threatens is, by definition, irreparable, and the loss of constitutional freedoms “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Six documented execution attempts, including late at night, show the harm is not speculative. Each attempt is an occasion on which the seizure may be completed before any court can rule — mooted the Applicant’s pending petitions through the very act they were filed to prevent.

C. The balance of equities and the public interest favor a stay.

A temporary injunction merely holds the warrant in abeyance while the Seventh Circuit rules. It costs the State little: no preliminary hearing has occurred, no trial date is set, and the State has never made a probable-cause showing. The Applicant, by contrast, has not fled, has appeared for every hearing her \$25,000 signature bond secured, and asks only to remain at liberty while this Court considers the merits of her pending claims. The public interest lies in a criminal process consistent with the Fourth, Sixth, and Fourteenth Amendments — not in the nighttime arrest of an indigent sixty-one-year-old widow under a warrant of contested validity while her challenges to it sit unruly. *See Nken*, 556 U.S. at 435 (final two factors merge when the government is a party).

CANDOR REGARDING THE PROCEDURAL POSTURE

The Applicant owes the Court candor about the obstacles to the relief she seeks, and states them plainly rather than leaving them to be discovered:

1. **Abstention.** *Younger v. Harris*, 401 U.S. 37 (1971), strongly disfavors federal interference with a pending state criminal prosecution, and it was the basis for the district court’s dismissal. Relief here depends on the Applicant’s showing that this case falls within *Younger*’s recognized exceptions — bad faith, harassment, or extraordinary circumstances — a showing the courts below did not accept.
2. Finality and exhaustion. This Court ordinarily reviews only final judgments. The Seventh Circuit has not yet decided No. 26-1662, and the Wisconsin Supreme Court has not spoken on the state habeas petition. Direct review of the state proceedings under 28 U.S.C. § 1257 is therefore not presently available, which is why this application is framed as one for interim relief pending appellate review, not as a petition for certiorari.
3. The high bar for a single-Justice injunction. Relief of this kind is “issued sparingly and only in the most critical and exigent circumstances.” It is granted rarely, and the Applicant does not suggest otherwise. She contends only that the combination of a live no-bond warrant, recurring execution attempts, the complete absence of any ruling on her emergency requests in the state courts, and the summary denial of those requests in the federal courts presents the exigency the standard contemplates.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Circuit Justice enter an injunction and stay holding the April 30, 2026 bench warrant in abeyance, and staying further state proceedings taken under it, pending disposition of No. 26-1662 and any timely petition for certiorari. She further requests that, upon that disposition, the federal courts adjudicate her appellate civil-rights claims on their merits and — to secure a fair and impartial forum while she

faces a potential forty-year sentence — either assume jurisdiction over the underlying state criminal matter or, in the alternative, remand it to the state court with instructions consistent with this Court’s order, including restoration of her stricken defense filings and disposition of the pending recusal motion.

Respectfully submitted,



Mary Joanna Comer

Applicant, In Propria Persona

852 Elmer Avenue, Amery, Wisconsin 54001

(617) 835-9319 • ThyKingdomCome1322@gmail.com

Dated: July 1, 2026

VERIFICATION

I, Mary Joanna Comer, declare under penalty of perjury under 28 U.S.C. § 1746 that the factual statements in the foregoing application are true and correct to the best of my knowledge, information, and belief.

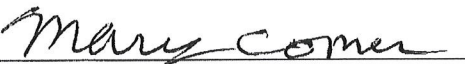


Mary Joanna Comer

Executed on July 1, 2026

CERTIFICATE OF SERVICE

I certify that on July 1, 2026, I served a copy of this application on the Wisconsin Department of Justice, Office of the Attorney General, and on the Polk County District Attorney, by United States mail, first-class postage prepaid, and that the requirements of Supreme Court Rule 29 have been satisfied.



Mary Joanna Comer

The following documents are appended to this application:

Appendix A — Opinion and Order of the U.S. District Court for the Western District of Wisconsin dismissing the complaint with prejudice (Apr. 2, 2026, Dkt. #8) and Judgment (Apr. 3, 2026, Dkt. #9).

Appendix B — Orders of the U.S. Court of Appeals for the Seventh Circuit denying the Applicant's motions to stay (No. 26-1662).

Appendix C — The April 30, 2026 nationwide body-only no-bond bench warrant (*State v. Comer*, Document 27).

Appendix D — Emergency Motion to Quash the bench warrant (submitted May 1, 2026), with the e-filing record showing that it was withheld in "Submitted" status for seven days, was not accepted and docketed until May 8, 2026 at 4:46 p.m., and remains unruled.

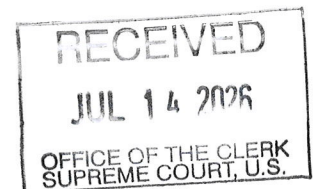
Appendix E — The circuit court's "Administrative Order" (May 22, 2026).

Appendix F — Wisconsin Court of Appeals acknowledgment (May 8, 2026) and order waiving the filing fee on a finding of indigency (May 11, 2026); and the Urgent Motion for Immediate Ruling (June 22, 2026), No. 2026AP001104.

Supplemental Record Compilation

The following filings from the related actions are provided to the Court for convenience and ease of reference only. They are furnished as supplemental materials, and do not substitute for the paper Appendix of orders (A–F) required by the Rules of this Court:

- (1) Administrative Notice (regarding the misuse of 28 U.S.C. § 1915(e)(2) to foreclose federal review of state-court constitutional violations; transmitted to the Administrative Office of the United States Courts for the Judicial Conference of the United States);
- (2) Complaint of Judicial Misconduct filed under 28 U.S.C. § 351;
- (3) Brief of Plaintiff-Appellant, *Comer v. Tolan*, No. 26-1662 (7th Cir.);
- (4) Original Civil Rights Complaint (dismissed by the District Court; transmitted without attachments);



(5) Emergency Petition for Writ of Habeas Corpus (Wisconsin Court of Appeals, District III),
with Exhibits, and

(a) Urgent Motion for Immediate Ruling (June 22, 2026).

The foregoing materials are compiled in digital form and may be accessed, for the convenience
of the Court and counsel, at the following address:

<https://drive.google.com/drive/folders/1ws7e7cX6NG9zh8UVi9ek91EL03aZUkkQ>

SUPREME COURT OF THE UNITED STATES
APPLICATION TO THE CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT



Mary Joanna Comer v. Angeline E. Winton-Roe, et al.

No. _____ (Not Yet Docketed)

On Application from the Seventh Circuit, No. 26-1662

A P P E N D I X



W.D. WIS. DKT. #8 & #9

Opinion and Order of Dismissal; Judgment

DESCRIPTION

Opinion and Order of the United States District Court for the Western District of Wisconsin (Conley, J.), entered April 2, 2026 (Dkt. #8), dismissing the Applicant's verified complaint under 42 U.S.C. § 1983 with prejudice on screening under 28 U.S.C. § 1915(e)(2) — without leave to amend, without reaching the merits, and without ruling on the pending Emergency Motion for a Temporary Restraining Order — resting on absolute judicial immunity and *Younger* abstention. Accompanied by the corresponding Judgment, entered April 3, 2026 (Dkt. #9).

Emergency Application for an Injunction and Stay Pending Appellate Review
Comer v. Winton-Roe, et al. • Supreme Court of the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARY JOANNA COMER,

Plaintiff,

v.

DANIEL JOSEPH TOLAN and
SHARON JORGENSEN,
Defendants.

OPINION AND ORDER

26-cv-268-wmc

Plaintiff Mary J. Comer, who is representing herself, asserts in a complaint filed under 42 U.S.C § 1983 that defendants Polk County Circuit Court Judge Daniel Joseph Tolan and Polk County Clerk of Court Sharon Jorgenson violated her First, Fifth, Sixth, Ninth, and Fourteenth Amendment rights by striking her filings docketed in her criminal proceeding in Polk County Circuit Court and banning future filings from anyone other than the named parties or their licensed attorneys. (Dkt. #1.) For these acts, plaintiff seeks compensatory and punitive damages, *id.*, and has also filed an emergency motion for a temporary restraining order and preliminary injunction to halt her ongoing State criminal proceeding until resolution of this action. (Dkt. #4.)

Because plaintiff has been granted leave to proceed *in forma pauperis* (dkt. #7), this court must screen and dismiss any claim brought that is legally frivolous or malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. § 1915(e)(2). When screening a complaint drafted by a non-lawyer, the court applies a less stringent standard. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). However, plaintiff must still allege enough facts sufficient to show that they are plausibly entitled to relief. *Bell Atl. Corp. v.*

Twombly, 550 U.S. 544, 557 (2007). For the reasons explained below, plaintiff's complaint is facially defective and must be dismissed for failure to state a claim upon which relief may be granted.

BACKGROUND FACTS¹

Plaintiff Mary J. Comer is the defendant in a Class C felony prosecution in Polk County Circuit Court Case No. 2026CF23, where she is charged with second-degree sexual assault of a child. Defendant Daniel J. Tolan is the circuit court judge presiding over that case. Defendant Sharon Jorgenson is the Polk County Clerk of Court. Non-party Thomas Edward Humphrey is Comer's son but not licensed to practice law. Nevertheless, Comer has identified Humphrey as her "constitutional counsel of choice," who has been "assisting" Comer in her criminal defense and this action.²

Between February 27 and March 2, 2026, six documents were filed in Comer's criminal case: (1) "DEFENDANT'S MOTION FOR CONSTITUTIONAL COUNSEL"; (2) "MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION"; (3) "NOTICE OF APPEARANCE"; (4) "SWORN TESTIMONY OF MARY J. COMER"; and (5) "PSYCHOLOGICAL AND LEGAL RESEARCH MEMORANDUM"; "REQUEST TO APPEAR BY VIDEO (ZOOM) AT INITIAL APPEARANCE." The documents either

¹ The background facts are drawn from plaintiff's complaint, which were also incorporated into the statement of proposed facts in support of her motion for a temporary restraining order and preliminary injunction. In addition, the court takes judicial notice of matters in the public record, including pleadings and orders in previous court cases. *Gen. Elec. Capital Corp. v. Lease Resolution Corp.*, 128 F.3d 1074, 1080 (7th Cir. 1997) (citations omitted).

² Plaintiff's complaint in this action was signed by both plaintiff *and* Humphrey, although the latter appears to have no recognized role to play.

indicate that they were submitted by Humphrey, by Humphrey and Comer together, or do not identify who submitted them. Although Clerk of Court Jorgenson did not immediately docket these documents, they apparently were received by the Polk County Circuit Court and are visible on the record of that case.

During plaintiff's initial appearance on March 2, where Comer was represented by a public defender, Judge Tolan explained that the court will only accept documents filed by an attorney or party. On March 4, he also issued a written order stating that the court will: strike documents filed by Humphrey; prohibit further filings made by anyone other than the named parties and licensed attorneys; limit communications to the court regarding the matter to parties and licensed attorneys; and rename any struck document as a "Third-party filing Stricken by the Court." In support of this order, Judge Tolan referred the parties to Wis. Stat. § 757.30, which prohibits the unauthorized practice of law.

Comer is next scheduled to appear for a preliminary hearing before Judge Tolan on April 6, 2026.

OPINION

Plaintiff has failed to state a claim upon which relief may be granted. As to defendant Tolan, judges are entitled to absolute immunity from damages for their judicial conduct. *Richman v. Sheahan*, 270 F.3d 430 (7th Cir. 2001) (citing *Mireles v. Waco*, 502 U.S. 9, 11-12(1991)). Judges are further immune from suit under § 1983 unless their actions were: (1) outside their judicial capacity; or (2) taken in the complete absence of all jurisdiction. *Mireles*, 502 U.S. at 11-12. Here, plaintiff expressly complains about

defendant Tolan's judicial order striking documents filed by Humphrey, changing the names of those documents, and setting limitations on who could file or contact the court in the future regarding a criminal proceeding before him in keeping with black letter, Wisconsin law.

Managing his docket, including what is allowed to be filed and who may file, is a core function of a judge's duty. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (discussing the inherent power of courts to control their dockets to ensure the orderly and efficient resolution of cases). Thus, defendant Tolan is entitled to immunity from suit in this court on the face of plaintiff's allegation in her complaint.

Plaintiff's mischaracterization of Judge Tolan's acts as legislative, administrative or in the clear absence of all jurisdiction is wholly unpersuasive. Rather, his order is in keeping with Wis. Stat. § 757.30, which expressly prohibits non-lawyers like Humphrey from practicing law before him in his judicial capacity, then clarifies who is permitted to contact the court about the proceeding moving forward. Accordingly, his conduct at issue here is quintessentially judicial in nature.

Although the court need not reach the issue, plaintiff's asserted right to have Humphrey represent her is also unsupported by the Sixth Amendment. *See Wheat v. United States*, 486 U.S. 153, 159 (1988) ("Regardless of his persuasive powers, an advocate who is not a member of the bar may not represent clients (other than himself) in court."). Likewise, there is no constitutional right to "hybrid representation" by simultaneously representing oneself while represented by counsel. *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984). For this reason, judges are not obliged to act on *pro se* filings by represented

litigants. *United States v. Blount*, 93 F.4th 1063, 1065 (7th Cir. 2024). Finally, plaintiff's assertion that Judge Tolan's order prevents her from bringing any defense is unfounded; rather, it properly reserves the right for her and her attorney to submit new filings in compliance with the law.

As for the other named defendant, Polk County Clerk of Court Jorgenson, the Seventh Circuit has recognized that absolute immunity is extended to judicial subordinates when performing tasks administrative in nature at the explicit direction of a judicial officer. *Snyder v. Nolen*, 380 F.3d 279, 287 (7th Cir. 2004). Here, at the express order direction of Judge Tolan, defendant Jorgenson docketed, struck, and changed the name of plaintiff's filings, entitling him to absolute judicial immunity from damages.

Nor do plaintiff's factual allegations support injunctive relief. In *Younger v. Harris*, 401 U.S. 37 (1971), the United States Supreme Court held that a federal court must not intervene by way of either injunction or declaratory judgment in a pending state criminal prosecution unless: (1) there is a showing of bad faith or harassment by state officials responsible for the prosecution; (2) the criminal proceeding is "flagrantly and patently violative of express constitutional prohibitions"; or (3) where there exist other "extraordinary circumstances in which the necessary irreparable injury can be shown even in the absence of the usual prerequisites of bad faith and harassment." *Id.* at 53-54. As pleaded, none of these exceptions apply to plaintiff's complaint.

While plaintiff again argues otherwise -- asserting that she is entitled to injunctive relief because her criminal proceedings run afoul of her right to counsel and her right to present a defense in her criminal proceeding -- she is wrong as a matter of law for reasons

already discussed above. First, plaintiff's asserted right to have Humphrey represent her is without any support from the Sixth Amendment, and second, the state court's order does not prevent plaintiff from presenting any valid defense by her licensed counsel appointed for her or by herself should she decide to proceed without counsel. Accordingly, this court has no legal authority to intervene in Comer's state court criminal proceedings.

Finally, although the Seventh Circuit Court of Appeals has cautioned against dismissing an unrepresented plaintiff's case without giving her an opportunity to amend the complaint, *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016), dismissal is appropriate here because plaintiff's allegations do not suggest that she could amend her complaint to state a claim for relief in federal court. To the contrary, her complaint establishes quite the opposite.

ORDER

IT IS ORDERED that plaintiff's complaint is DISMISSED with prejudice for failure to state a claim upon which relief may be granted. Plaintiff's motion for a preliminary injunction (dkt. #4) is DENIED as moot.

Entered this 2nd day of April 2026.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARY JOANNA COMER,

Plaintiff,

Case No. 26-cv-268-wmc

v.

DANIEL JOSEPH TOLAN and
SHARON JORGENSEN,

Defendants.

JUDGMENT IN A CIVIL CASE

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of
defendants against plaintiff dismissing this case with prejudice.

s/ Deputy Clerk

Joel Turner, Clerk of Court

4/3/2026

Date

SUPREME COURT OF THE UNITED STATES
APPLICATION TO THE CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT



Mary Joanna Comer v. Angeline E. Winton-Roe, et al.

No. _____ (Not Yet Docketed)

On Application from the Seventh Circuit, No. 26-1662

A P P E N D I X

B



SEVENTH CIRCUIT STAY ORDERS

No. 26-1662

DESCRIPTION

Orders of the United States Court of Appeals for the Seventh Circuit, entered in *Comer v. Tolan et al.*, No. 26-1662, twice denying the Applicant's motions to stay the underlying state-court criminal proceedings pending resolution of the appeal — leaving that prosecution to proceed, throughout the appeal, on a foundation the Applicant contends is constitutionally infirm, including the striking of her defense filings and the asserted deprivation of her chosen assistance under *Faretta v. California*, and leaving the April 30, 2026 bench warrant enforce.

Emergency Application for an Injunction and Stay Pending Appellate Review
Comer v. Winton-Roe, et al. • Supreme Court of the United States

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

April 6, 2026

Before

MICHAEL Y. SCUDDER, *Circuit Judge*
JOSHUA P. KOLAR, *Circuit Judge*
NANCY L. MALDONADO, *Circuit Judge*

No. 26-1662	MARY JOANNA COMER, Plaintiff - Appellant v. DANIEL JOSEPH TOLAN and SHARON JORGENSEN, Defendants - Appellees
Originating Case Information:	
District Court No: 3:26-cv-00268-wmc Western District of Wisconsin District Judge William M. Conley	

Upon consideration of the **EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL PURSUANT TO FED. R. APP. P. 8(a)(2)**, filed on April 6, 2026, by the pro se appellant,

IT IS ORDERED that the motion is **DENIED**.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

May 7, 2026

Before

MICHAEL Y. SCUDDER, *Circuit Judge*
JOSHUA P. KOLAR, *Circuit Judge*
NANCY L. MALDONADO, *Circuit Judge*

No. 26-1662	MARY JOANNA COMER, Plaintiff - Appellant v. DANIEL JOSEPH TOLAN and SHARON JORGENSEN, Defendants - Appellees
Originating Case Information:	
District Court No: 3:26-cv-00268-wmc Western District of Wisconsin District Judge William M. Conley	

The following are before the court:

1. **RENEWED EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL PURSUANT TO FED. R. APP. P. 8(a)(2) BASED ON MATERIAL CHANGE OF CIRCUMSTANCES**, filed on May 4, 2026, by the pro se appellant.
2. **APPELLANT'S MOTION FOR LEAVE TO EXCEED LENGTH LIMITS UNDER FED. R. APP. P. 27(d)(2)(A) AND CIRCUIT RULE 27**, filed on May 4, 2026, by the pro se appellant.

IT IS ORDERED that the request for injunctive relief is **DENIED**.

IT IS FURTHER ORDERED that the request to file an oversized motion is **GRANTED** to the extent that this court has considered the motion, but this court warns the appellant that further oversized motions will be filed without court action.

IT IS FINALLY ORDERED that that the appellant's electronic filing status is **TERMINATED** for abuse of the filing privileges.

SUPREME COURT OF THE UNITED STATES
APPLICATION TO THE CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT



Mary Joanna Comer v. Angeline E. Winton-Roe, et al.

No. _____ (Not Yet Docketed)

On Application from the Seventh Circuit, No. 26-1662

A P P E N D I X

C



DOCUMENT 27

Nationwide Body-Only No-Bond Bench Warrant

DESCRIPTION

The bench warrant issued by the Honorable Angeline E. Winton-Roe on April 30, 2026, in *State v. Comer*, Polk County Case No. 2026CF000023 (Document 27) — nationwide in scope, body-only, with the “held for appearance” box selected and no release option. The warrant issued the same day the Applicant experienced an eighteen-minute delay connecting to a court-authorized Zoom scheduling conference, and while the Applicant’s April 28, 2026 motion for the issuing judge’s own recusal remained undecided. A subsequent order directed that the “DEFENDANT MUST APPEAR IN PERSON,” revoking the prior video-appearance authorization.

Emergency Application for an Injunction and Stay Pending Appellate Review
Comer v. Winton-Roe, et al. • Supreme Court of the United States

FILED

04-30-2026

Clerk of Circuit Court
Polk County, Wisconsin

2026CF000023

BY THE COURT:

DATE SIGNED: April 30, 2026

Electronically signed by Angeline E. Winton-Roe
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

POLK COUNTY

State of Wisconsin vs. Mary J Comer

Bench Warrant

Mary J Comer

Name of person:

Case No. 2026CF000023

ATN:

Alias Name				Alias Date of Birth	
Person's Address 852 Elmer Avenue, Amery, WI 54001				Phone Number	
Person's Date of Birth 12-31-1964		Sex	Race	Driver's License Number	
Height	Weight	Eye Color	Hair Color	Other Identifying Characteristics	
Charges					
Ct.	Offense Date	Citation No.	Statute	Severity	Description
1	11-03-2024		948.02(2)	Felony C	2nd Degree Sexual Assault of Child

TO ANY LAW ENFORCEMENT OFFICER:

Arrest and bring the above-named person before me, or if I am not available, before some other judge or court commissioner of this county, because:

The person failed to appear in court as required on 04-30-2026 for Scheduling conference.

☒ The person shall be held for appearance in court.

☐ The person may be released upon payment of \$_____, plus statutory sheriff's fees. A new court date shall be provided to the defendant.

☐ Other: _____

If the person posts the total amount due and is released, the law enforcement agency shall inform the court and district attorney of any new court date.

Geographic restriction:

☐ Statewide

☐ Within county of ORI

☐ Within adjacent counties of ORI

☐ No restriction

☒ Other: Nationwide

SUPREME COURT OF THE UNITED STATES
APPLICATION TO THE CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT



Mary Joanna Comer v. Angeline E. Winton-Roe, et al.

No. _____ (Not Yet Docketed)

On Application from the Seventh Circuit, No. 26-1662

A P P E N D I X

D



EMERGENCY MOTION TO QUASH

Filed May 1, 2026 — Unruled

DESCRIPTION

Emergency Motion to Quash the April 30, 2026 bench warrant, submitted May 1, 2026 — the day after the warrant issued. Presented here in paper form without attachments; the e-filing record showing the motion held off the public docket in “Submitted” status for seven days, then docketed May 8, 2026 at 4:46 p.m. — the same minute as the Applicant’s April 28, 2026 motion for recusal — forms part of the public docket in *State v. Comer*, No. 2026CF000023, and may be independently verified there. Neither motion has been ruled upon in the more than eight weeks since.

Emergency Application for an Injunction and Stay Pending Appellate Review
Comer v. Winton-Roe, et al. • Supreme Court of the United States

FILED
05-01-2026
Clerk of Circuit Court
Polk County, Wisconsin
2026CF000023

**STATE OF WISCONSIN
CIRCUIT COURT — POLK COUNTY**

STATE OF WISCONSIN,
Plaintiff,

v.

MARY J. COMER,
Defendant *In Propria Persona*.

Case No.: 2026CF000023

**DEFENDANT’S EMERGENCY MOTION TO QUASH
THE APRIL 30, 2026 BENCH WARRANT
AND TO HOLD ALL FURTHER PROCEEDINGS IN ABEYANCE
PENDING DISPOSITION OF THE MOTION FOR RECUSAL**

INTRODUCTION

Defendant Mary Joanna Comer, appearing *in propria persona* (in her own proper person), respectfully moves this Honorable Court for an emergency order quashing the bench warrant issued against her on April 30, 2026, and holding all further proceedings in this case in abeyance pending disposition of Defendant’s Motion for Recusal of the Honorable Angeline E. Winton-Roe (submitted April 28, 2026; Notice of Errata accepted and docketed April 29, 2026 as Document 26; the underlying Motion for Recusal remains undocketed). The bench warrant must be quashed because: (1) the April 30, 2026 scheduling conference was adjourned at 10:20 a.m. — only five minutes after its scheduled commencement and only three minutes after Defendant’s nominal absence was first noted at 10:17 a.m. — before Defendant’s good-faith attempt to connect through asserted Zoom technical difficulties could be completed; (2) the State of Wisconsin affirmatively requested a “nationwide bench warrant” at that proceeding, which Judge Winton-Roe authorized as a “body only bench warrant, nationwide,” issued for an

eighteen-minute video-conference connection delay against a sixty-one-year-old disabled widow who had been authorized to appear by video by formal court Notice; (3) the scheduling conference itself proceeded on a constitutionally void foundation, where Judge Winton-Roe presided despite a pending Motion for Recusal documenting her status as a named defendant in the parallel federal civil-rights action arising from her April 27, 2026 extrajudicial rejection of Defendant's April 24, 2026 Motion, with the Notice of Errata correcting that Motion accepted and docketed but the underlying Motion suppressed; and (4) the warrant remains in force notwithstanding the scheduling of a voluntary appearance for May 5, 2026, and Judge Winton-Roe's further demand — reflected on the face of the docketed Notice of Hearing (Document 28) — that Defendant appear physically in Polk County despite her prior approval to appear by video and her extreme difficulty finding reliable transportation, a procedural posture that cannot be reconciled with any lawful exercise of the bench-warrant power.

The bench warrant is procedurally defective, constitutionally invalid, and retaliatory on its face. It must be quashed forthwith.

I. FACTUAL BACKGROUND

A. Procedural Posture and Pending Motion for Recusal

On April 9, 2026, the Honorable Angeline E. Winton-Roe was assigned to preside over this case by cross-assignment from Washburn County Circuit Court, following the formal disqualification of Judge Daniel Joseph Tolan under Wis. Stat. § 757.19 “To avoid the appearance of lack of impartiality.” (Document 20, filed April 9, 2026.)

Judge Winton-Roe received actual and constructive notice of the constitutional grievances pleaded against her predecessor and the Clerk of Court in *Comer v. Tolan et al.*, No. 3:26-cv-00268-wmc (W.D. Wis.); No. 26-1662 (7th Cir.), no later than April 8, 2026, the date

she was assigned. Two distinct categories of documents establish that notice on the contemporaneous record. First, the federal pleadings — Plaintiff’s Notice of Appeal to the Seventh Circuit (corresponding to the dismissal of the underlying federal action) and the original seventy-two-page civil-rights Complaint with Exhibits A through G attached, including *Plaintiff’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction Pursuant to Fed. R. Civ. P. 65* — were before her court at the time she assumed the bench. The federal Complaint expressly catalogues the conspiracy alleged against Defendant Jorgenson and Judge Tolan to deprive Defendant of her constitutional rights through the suppression of her defense filings. The federal Emergency Motion expressly sought the restoration of those defense filings to the official record before any further state-court proceedings could continue. Second, those federal pleadings — attached to Defendant’s *Motion to Adjourn Preliminary Hearing* submitted to the Wisconsin Courts eFile system on April 6, 2026 (the assigned filing date) — were *accepted, docketed, redacted, and labeled “confidential” on April 9, 2026* as Document 22 (three hundred twenty-nine (329) pages), the same date Judge Winton-Roe was assigned to this case, with the system-level notation: “This document is redacted in accordance with court rules or as ordered by the court.” The document was processed under Judge Winton-Roe’s authority — not Judge Tolan’s, who had been disqualified the prior day — and the redaction-with-acceptance disposition necessarily required Judge Winton-Roe (or court personnel acting under her direction) to read, evaluate, and act on the substantive content of the documents in order to determine which portions required confidentiality treatment. Document 22 is therefore documentary proof on the official record of this very case that *Judge Winton-Roe personally exercised the procedural tool of redaction with acceptance* — the lawful, procedurally-available

response to privacy concerns under Wis. Sup. Ct. R. 70.43 and Wis. Stat. § 801.18(2)(g) — to manage the personal-residential-address concerns presented by the federal pleadings.

B. The April 9 Acceptance of Documents 22 and 23 — Both Suppressed from the Public Docket Without Stated Reason

On April 9, 2026, the same date Judge Winton-Roe was assigned to this case by cross-assignment from Washburn County Circuit Court following Judge Tolan's disqualification the prior day, the Wisconsin Courts eFile system processed two separate submissions of Defendant's *Motion to Adjourn Preliminary Hearing*: (i) the version with all federal-pleadings exhibits attached, accepted at 12:59 p.m. Central Time and assigned Document 22; and (ii) the version without exhibits, accepted at 1:11 p.m. Central Time and assigned Document 23. Two separate email confirmations were transmitted to Defendant by the eFiling system that afternoon, each acknowledging acceptance and association with this case. The two acceptances are documentary fact on the administrative record.

Document 22 was processed under Judge Winton-Roe's authority — not Judge Tolan's, who had been disqualified the prior day — and was *redacted, labeled "confidential" in its entirety, and excluded from the public-facing CCAP docket*. The system-level notation accompanying Document 22 reads only: "This document is redacted in accordance with court rules or as ordered by the court." No further reason is stated. Neither the State nor any judicial officer has at any time articulated, on the record of this case, any specific basis for the redaction or for the wholesale confidentiality designation. The redaction-and-confidentiality treatment was applied without any stated justification on the contemporaneous record.

Document 23 was processed in parallel and was *accepted without redaction and without any confidentiality designation* — the version of the same Motion containing no exhibits, presenting nothing that could support any privacy concern. Yet Document 23, like Document 22, was *also*

kept from the public-facing CCAP docket. The official Polk County Circuit Court Access (CCAP) public docket as it currently appears jumps numerically from Document 21 (Notice of Assignment of Judge, April 9, 2026) directly to Document 24 (Notice of Hearing for the April 30 scheduling conference, April 10, 2026). Documents 22 and 23 are docket entries by number, but neither is publicly visible. The State and the court have offered no reason for excluding Document 23 from the public-facing docket. There is none. Document 23 contained no exhibits to redact; no privacy concern could justify its suppression from public view; the suppression itself stands unjustified on the contemporaneous record.

Wisconsin's redaction framework does not, as a matter of law, support the wholesale-confidentiality treatment Document 22 received. Wisconsin Supreme Court Rule 70.43 and Wis. Stat. § 801.18(2)(g) authorize *targeted redaction of personal-identifier information* so that the rest of an eFiled document remains *publicly accessible*. Wholesale labeling of an entire document as "confidential" is reserved for documents falling within categorical confidentiality rules — juvenile records, mental-health proceedings, sealed orders, and the like — none of which apply to a defendant's motion to adjourn a preliminary hearing in an adult criminal case. Once the Clerk's office (or court personnel acting under judicial supervision) had performed targeted redaction of any personal-identifier information appearing in Document 22, *the redaction itself qualified the document for normal public filing on the docket.* The court's additional wholesale confidentiality designation has no basis in Wisconsin's redaction rules. The court's parallel suppression of Document 23 — the version with nothing to redact — confirms that the suppression cannot be explained by privacy concerns. Document 23 is the controlled comparator: same Motion, no exhibits, no redaction, no confidentiality

designation, and yet the same exclusion from public-docket view. The disposition is not procedurally cognizable under any Wisconsin authority.

Following the April 9, 2026 acceptance and confidentiality treatment of Documents 22 and 23, Defendant's Constitutional Counsel of Choice received the United States Postal Service Certified Mail Return Receipt bearing Judge Tolan's signature, on which Judge Tolan's residential delivery address had been redacted by the Postal Service. On April 24, 2026, at 6:03 p.m. Central Time, Constitutional Counsel of Choice transmitted a written declaration via electronic mail — with the Certified Mail Return Receipt attached as evidence of good faith — addressed to Polk County District Attorney Jeffrey Kemp and Assistant District Attorney Holly Wood-Webster, with courtesy copies to Polk County Sheriff Brent Waak, Chief Deputy Don Burrows, Amery Chief of Police Dan Peters, Sergeant Kipp Harris, and Officers Sam Mahoney, Kyle Fenton, Pete Krumrie, James Pressley, and Cole Stanton, expressly clarifying for the administrative record:

“I also wish to clarify for the administrative record a procedural matter regarding the initial service of the federal lawsuit. In the original civil rights complaint, the Defendants were sued exclusively in their individual capacities. Out of a strict desire to comply with the procedural requirements for personal service upon an individual under Federal Rule of Civil Procedure 4(e)(2), I located their residential addresses through publicly available records. I want to be clear: this action was undertaken solely to effectuate lawful service of process by the letter of the law. . . . Recently, I received the USPS Certified Mail Return Receipt bearing Judge Tolan's signature, on which his residential delivery address had been redacted. I construe this redaction as a clear indication that Judge Tolan does not wish his personal residence to be utilized for service or reflected in the pleadings, and I respect that preference and will honor it. Furthermore, because the First Amended Complaint now formally asserts claims against the Defendants in their official capacities as state officers, proper service may now be effectuated through the State. Moving forward, all service of process and related pleadings will be directed exclusively to the Wisconsin Department of Justice, Office of the Attorney General, P.O. Box 7857, Madison, Wisconsin 53707-7857.”

The April 24, 2026 declaration is itself a clarification for the administrative record submitted in good faith. The declaration documents the procedural reason the personal residential addresses of

Judge Tolan and Defendant Jorgenson were initially included in the federal pleadings: *the strict requirements of Federal Rule of Civil Procedure 4(e)(2)* for effecting personal service of process upon an individual sued in his or her individual capacity. Rule 4(e)(2) provides that, unless federal law provides otherwise, an individual within a judicial district of the United States may be served by “(A) delivering a copy of the summons and of the complaint to the individual personally; (B) leaving a copy of each at the individual’s dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.” Out of thoroughness, and to eliminate any possibility of inadequate service that would expose the Complaint to dismissal under Federal Rule of Civil Procedure 12(b)(5), Constitutional Counsel of Choice located the residential addresses of Defendant Jorgenson and Defendant Tolan through publicly available records. The original Complaint named Defendant Jorgenson and Defendant Tolan exclusively in their individual capacities. Counsel’s identification of their residential addresses through publicly available records was therefore not the act of an antagonistic litigant intruding upon the privacy of public officials — it was the act of a son following the letter of the law to give effect to his mother’s right to seek redress of grievances against actors who had been sued personally. The April 24 declaration was a prophylactic measure: *voluntarily* redirecting all future service to the Wisconsin Department of Justice eliminated any possibility that privacy concerns regarding personal residential addresses could be invoked, however speculatively, to justify continued suppression. The declaration thus closed any conceivable avenue by which privacy concerns could explain the court’s prior treatment of Document 22 — and made any future suppression of Defendant’s filings on privacy grounds impossible to defend.

In immediate parallel, Defendant's Constitutional Counsel of Choice removed the residential addresses of Defendant Jorgenson and Judge Tolan from the operative First Amended Complaint, redirecting all service to the Wisconsin Department of Justice. The First Amended Complaint sues all Defendants in both their individual and official capacities, thereby authorizing service through the Attorney General's Office under Wis. Stat. § 893.82 and Federal Rule of Civil Procedure 4(j)(2). Three days after the April 24 declaration, on April 27, 2026, Judge Winton-Roe extrajudicially rejected Defendant's April 24, 2026 Motion outside the formal docketing process — citing only "size of document." The State's only stated reason for the April 27 rejection was thus a size-of-document concern, not any privacy concern. The contemporaneous record confirms what the doctrinal analysis predicts: the suppression has never been about privacy. The court's prior treatment of Documents 22 and 23 — acceptance, redaction-where-applicable, wholesale confidentiality designation, and exclusion from public view, with no stated reason — fits the same pattern of unjustified administrative suppression that the April 27 rejection completed.

Defendant respectfully submits that *this Motion is itself a clarification for the administrative record*, filed in good faith and accompanied by attached documentary evidence. Defendant's Constitutional Counsel of Choice has, throughout these proceedings, made every effort to give effect to the procedural requirements of state and federal law: from the strict compliance with Federal Rule of Civil Procedure 4(e)(2) that prompted the initial inclusion of personal residential addresses in the federal pleadings, to the prophylactic voluntary redirection of all service to the Wisconsin Department of Justice. The exhibits attached to this Motion — each documented on the official Polk County Circuit Court Access (CCAP) public docket or by self-authenticating documentary evidence under Wis. Stat. § 909.01 — are offered for the same purpose: to

establish, contemporaneously and verifiably, the precise procedural posture from which the relief requested herein arises. The good-faith record-building tradition that animated the April 24 declaration animates this Motion. Defendant respectfully requests that the Court receive this filing in the same spirit.

C. The April 27, 2026 Extrajudicial Rejection Lacked Any Lawful Basis

Three days after Constitutional Counsel's April 24 declaration, on April 27, 2026, Judge Winton-Roe — by extrajudicial directive transmitted through the Wisconsin Courts eFile system — rejected Defendant's *Motion to Vacate the March 2, 2026 Initial Appearance and All Waivers Entered Therein as Void Ab Initio and Nunc Pro Tunc, and to Hold the April 30, 2026 Scheduling Conference and All Further Proceedings in Abeyance Pending Federal Remand* (the "April 24 Motion"). The rejection was effected outside the formal docketing process, with no docketed order, no motion to strike from the State, no notice to Defendant, no findings, and no opportunity to be heard. The full stated reason: "Document is hereby rejected under direction of Honorable Angeline Winton-Roe. The Motion may be filed separately from any exhibits due to size of document."

There was *no lawful justification* for that rejection. The April 24 Motion contained no personal addresses of any Defendant; Constitutional Counsel had affirmatively removed them in compliance with the April 24 declaration, three days earlier. Judge Winton-Roe's own prior April 9, 2026 redaction-with-acceptance disposition of Document 22 in this very case demonstrated that any privacy concern was procedurally manageable through redaction with acceptance, not extrajudicial rejection. Judge Winton-Roe possessed and had personally exercised the redaction tool eighteen days earlier; on April 27, with no remaining personal-address concern to redact (Constitutional Counsel having cured the concern by the April 24 declaration), Judge

Winton-Roe nevertheless chose *extrajudicial rejection* instead. The size of the supporting exhibits is not a cognizable basis for rejecting a defense filing in a Wisconsin criminal case: no Wisconsin statute, no uniform judicial administrative rule, and no Polk County local circuit-court rule conditions acceptance of a defense filing on its size, and Wisconsin Supreme Court Rule 70.34 expressly limits local rule-making to rules “not in conflict with the uniform judicial administrative rules.” The rejection was, in form and operative effect, a mirror of the filing-suppression conduct that drove the Wisconsin judiciary’s *sua sponte* invocation of § 757.19 against Judge Tolan on April 8, 2026 — conduct now repeated by his successor, with full knowledge of the federal civil-rights claims arising from precisely that pattern, and with the continued participation of Defendant Jorgenson as Clerk of Court administering the eFiling system through which the rejection was effected.

D. The Motion for Recusal Filed April 28 Remains Suppressed; The Notice of Errata Filed April 29 Was Accepted

On April 28, 2026, in immediate response to the April 27 extrajudicial rejection, Defendant filed her Motion for Recusal of the Honorable Angeline E. Winton-Roe Pursuant to Wis. Stat. § 757.19(2)(g) and the Fourteenth Amendment, with Exhibits A through F attached and incorporated. The Motion was submitted through the Wisconsin Courts eFile system. To date the Motion *has not been accepted or docketed*. It remains in the eFiling system under the title “Submitted,” not “Filed.” It is suspected, on information and belief, that Defendant Jorgenson — acting under direction of Judge Winton-Roe — has prevented the Motion for Recusal and its attached exhibits from entering the docket. The continuing administrative suppression of a properly filed Motion for Recusal, addressed to the very judge whose recusal is sought, by the very Clerk of Court who is a named federal civil-rights defendant on the underlying suppression conduct, *is itself the operative continuation* of the constitutional violations that gave rise to the

federal action and to the recusal motion. The Sixth Amendment right to present a defense, the First Amendment right to petition the courts, and the Fourteenth Amendment right to procedural due process are not satisfied by the mere existence of an eFiling system into which a defendant's filings are entered as "Submitted" but never advanced to the public docket.

On April 29, 2026, Defendant filed a Notice of Errata and Supplemental Designation of Exhibit F to Motion for Recusal. The Notice was *accepted and docketed on April 29, 2026 as Document 26* in this case. The Notice expressly confirmed that, concurrent with the filing of the Motion for Recusal, Defendant electronically submitted, *as part of the same PDF packet*, the Brief of Plaintiff-Appellant filed April 6, 2026 in *Comer v. Tolan et al.*, No. 26-1662 (7th Cir.), preceded by an exhibit cover sheet bearing the caption of this action, the designation "EXHIBIT F," and a written description of the document. The Notice further requested, in the alternative, that the Court take judicial notice of the Brief under Wis. Stat. § 902.01(2)(b) as a public record of a court of the United States. The Notice of Errata appears on the official CCAP public docket as the entry: "04-29-2026 Notice — filed by defendant." The underlying Motion for Recusal it corrected, however, *does not appear on the public docket at all* — there is no docket entry for April 28, 2026, no entry for any "Motion for Recusal," and no entry for any filing by Defendant between the April 22, 2026 Demand for Discovery (Document 25) and the April 29, 2026 Notice (Document 26). The state-court administrative system has therefore docketed the procedural correction to a motion that has not officially been admitted to the docket. The selective acceptance of the procedural correction while suppressing the underlying motion it corrects is documentary evidence of pretextual filing administration, not neutral application of any cognizable procedural rule.

E. The Underlying Charge: Defendant Has Maintained Her Innocence from Inception

It bears reciting on the record that Defendant Mary Joanna Comer is a sixty-one-year-old widow on disability who has, from the inception of this case, maintained her innocence and asserted that the alleged victim is in fact the person who committed an assault upon her. The procedural irregularities that this Motion seeks to remedy — the suppression of defense filings, the rejection of the April 24 Motion, the issuance of a bench warrant for an eighteen-minute Zoom-tardiness, and the State’s motion to escalate cash bond — are not procedural skirmishes in a routine prosecution. They are the operative mechanism by which a Class C felony prosecution carrying forty years’ imprisonment is being advanced against a disabled, innocent, sworn-affidavit-asserting widow whose substantive defense has been systematically excluded from the official record. The constitutional gravity of that posture is the foundation on which the relief requested in this Motion rests.

F. The April 30, 2026 Scheduling Conference: Adjourned at 10:20 a.m. — Five Minutes After the Scheduled Start Time — Before Defendant Could Connect Through Asserted Zoom Technical Difficulties

The April 30, 2026 scheduling conference was set by Document 24, Notice of Hearing (filed April 10, 2026), to commence at 10:15 a.m. before Judge Winton-Roe at the Polk County Justice Center, with the Notice expressly providing: “*PARTIES MAY APPEAR BY ZOOM*,” followed by the Zoom meeting link (<https://wicourts.zoom.us/j/611315687>) and meeting ID (611315687). Defendant was authorized by the court’s own Notice to appear by video.

The official CCAP docket entry for the April 30, 2026 scheduling conference, captured by Court Reporter Cathleen Colbert, recites the following sequence on its face:

“10:17 AM Defendant Mary J Comer not in court. Attorney Holly D. Wood Webster in court for State of Wisconsin. JB-Clerk. State requests nationwide bench warrant. CT authorizes body only bench warrant, nationwide. 10:20am adj.”

Three procedural facts emerge directly from the docketed record. First, the proceeding was *adjourned at 10:20 a.m.* — only five minutes after its scheduled 10:15 a.m. commencement, and only three minutes after Defendant’s nominal absence was first noted at 10:17 a.m. Second, *the State of Wisconsin affirmatively requested a “nationwide bench warrant”*; the warrant was not issued *sua sponte* by the court but was solicited by the prosecution and granted by Judge Winton-Roe in the form requested. Third, the warrant was authorized as a “*body only bench warrant, nationwide*” — a Wisconsin judicial term of art designating a no-bond-release detention warrant authorizing arrest in any of the fifty states without the option for the defendant to obtain release upon posting a sheriff’s fee.

Defendant attempted to appear by video at the scheduled time. Due to asserted technical difficulties in connecting to the Zoom platform — difficulties beyond Defendant’s control and not attributable to any fault, neglect, or willful conduct on her part — her connection to the proceeding was delayed by approximately eighteen minutes. Defendant *did appear* on the Zoom platform at approximately 10:33 a.m., *thirteen minutes after the proceeding had already been adjourned*. Defendant could not have appeared at any time during the active proceeding because the proceeding lasted only three minutes between Defendant’s first noted absence at 10:17 a.m. and the adjournment at 10:20 a.m. The court’s decision to issue a nationwide body-only bench warrant within three minutes of the scheduled start time — in a court-authorized video proceeding, against a sixty-one-year-old disabled widow — cannot be reconciled with the customary good-faith allowance for technical difficulties in remote proceedings.

An eighteen-minute connection delay caused by technical difficulties is not a failure to appear. It is a tardy appearance — a circumstance regularly accommodated in remote proceedings, particularly where the court itself has authorized video appearance by formal Notice. The court’s

response to Defendant's tardy connection was not to wait for her, not to grant a brief continuance, not to inquire whether technical difficulties were preventing her appearance, but to authorize — within three minutes — a nationwide body-only bench warrant solicited by the State that subjects Defendant to mandatory custodial detention upon arrest anywhere in the United States. That response is grossly disproportionate to any cognizable interest in securing Defendant's future attendance and is documentary evidence of the retaliatory and pretextual character of the warrant.

G. The Voluntary-Appearence Procedure and the Warrant's Continuation

After the bench warrant issued, Judge Winton-Roe added Defendant to the Zoom courtroom, stated on the record that she had issued a warrant, and instructed Defendant to contact the Clerk of Court and schedule a voluntary appearance. Defendant, appearing *in propria persona*, then participated in a telephone call to the Polk County Clerk of Circuit Court — with Defendant on the line and her Constitutional Counsel of Choice speaking on her behalf to the Clerk — in order to comply with Judge Winton-Roe's instruction. The Clerk scheduled a hearing for May 5, 2026, at 2:00 p.m. for that purpose, and a Notice of Hearing was filed on April 30, 2026 as Document 28 memorializing the scheduling. However, Judge Winton-Roe *refused to quash the bench warrant* notwithstanding her own instruction to schedule a voluntary appearance and notwithstanding the Clerk's compliance with that instruction.

The full operative text of Document 28, on its face, states:

“This case is scheduled for: Return on warrant. NOTICE OF HEARING. Date: 05-05-2026. Time: 02:00 pm. Location: Hearing Room, 1005 West Main Street, Balsam Lake WI 54810. Circuit Court Judge/Circuit Court Commissioner: Angeline E. Winton-Roe. Re: 1 — 2nd Degree Sexual Assault of Child. This matter will not be adjourned by the court except upon formal

motion for good cause or with the specific approval of the court upon stipulation by all parties.

DEFENDANT MUST APPEAR IN PERSON IN POLK COUNTY.”

Document 28 thus simultaneously: (i) schedules a voluntary appearance Judge Winton-Roe herself instructed Defendant to arrange; (ii) keeps the bench warrant active through the interval between April 30 and May 5, exposing Defendant to mandatory custodial detention upon arrest anywhere in the United States during that interval; (iii) revokes the prior video-appearance authorization that Document 24 expressly memorialized for the underlying scheduling conference; and (iv) makes physical appearance in Polk County mandatory by the unequivocal directive “**DEFENDANT MUST APPEAR IN PERSON IN POLK COUNTY.”** That directive cannot be reconciled with any lawful exercise of the voluntary-appearance procedure as it is customarily administered in Wisconsin. Where a defendant complies with judicial instruction to schedule a voluntary appearance, the standard procedural disposition is to quash the warrant concurrent with the scheduling, not to keep the warrant active and additionally to revoke previously-authorized video-appearance accommodations. The Court’s contrary disposition here — in revocation of the express “PARTIES MAY APPEAR BY ZOOM” authorization in Document 24, on the official Notice of Hearing for the very voluntary appearance Defendant arranged in good-faith compliance with judicial instruction — is now part of the docketed record. The procedural irregularities described herein are not the subject of dispute, but a matter of judicial record.

The procedural absurdity is compounded by the fact that, *on the date Document 28 issued, Judge Winton-Roe had been the subject of a docketed Motion for Recusal for two days.* Defendant filed her Motion for Recusal of the Honorable Angeline E. Winton-Roe on April 28, 2026, with detailed supporting exhibits including the operative First Amended Complaint adding Judge

Winton-Roe as a federal civil-rights defendant, the notarized Sworn Affidavit and Declaration of Duress, the April 27, 2026 eFile rejection email, the rejectedDoc URL screen capture, the public docket capture, and the Brief of Plaintiff-Appellant pending in the Seventh Circuit. The Motion for Recusal was, and continues to be, *administratively suppressed in the Wisconsin Courts eFile system* — it remains under the title “Submitted,” not “Filed,” and has never reached the public docket of this case. The Notice of Errata correcting the Motion for Recusal’s Exhibits Index, filed April 29, 2026, was accepted and docketed as Document 26 — establishing that the Wisconsin Courts eFile system was working and that Defendant’s submissions were being processed by the Clerk’s office on the day before the scheduling conference. The underlying Motion for Recusal, however, was singled out for administrative suppression. The result is that, on April 30, 2026, when Judge Winton-Roe issued the bench warrant and instructed Defendant to schedule the May 5 voluntary appearance, *Judge Winton-Roe was presiding over a proceeding she has no lawful right to continue presiding over* — the Motion for Recusal documenting that fact had been before the Wisconsin Courts eFile system for two days, suppressed but on contemporaneous record. Her continuation is not merely irregular: it is constitutionally impermissible. *See Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009); *In re Murchison*, 349 U.S. 133, 136 (1955) (“A fair trial in a fair tribunal is a basic requirement of due process.”).

The bench warrant itself, Document 27, is not a routine bench warrant. It was electronically signed by Judge Winton-Roe on April 30, 2026, the very day of the scheduling conference at which Defendant appeared eighteen minutes late by video. Two features of the warrant compound its procedural and constitutional irregularity. First, the warrant’s geographic restriction is set to “**Nationwide**” — not statewide, not within Polk County, not within adjacent

counties, but every law-enforcement jurisdiction in the United States. A nationwide bench warrant for a sixty-one-year-old disabled widow charged in a state-court matter in which she has appeared at every hearing she has been called to since the \$25,000 signature bond was set on March 2, 2026 — including the March 2, 2026 Initial Appearance she attended in person notwithstanding the suppression of her *Request to Appear by Video (Zoom) at Initial Appearance* (in which Defendant requested that both she and her Constitutional Counsel of Choice be permitted to appear by Zoom at the March 2, 2026 Initial Appearance) — the Request having been submitted to the eFiling system in advance of the March 2, 2026 Initial Appearance, and ignored and suppressed from the docket on March 2, 2026, forcing Defendant to appear in person at the Initial Appearance without any ruling on her pending video-appearance request, and only retroactively docketed three days later on March 5, 2026 (as Document 12) and denied as moot the same day (by Order entered as Document 13) — and notwithstanding the related March 5, 2026 Order striking Defendant’s February 27, 2026 defense submissions (Document 14), and the April 30, 2026 scheduling conference, which she attended by Zoom eighteen minutes late due to asserted technical difficulties (the April 6, 2026 preliminary hearing having been automatically taken off the calendar by operation of the Wis. Stat. § 971.20 substitution of Judge Tolan, not missed by Defendant) — is grossly disproportionate to any conceivable interest in securing her future attendance. Second, the warrant elects the option “*The person shall be held for appearance in court,*” and does not check the alternative option permitting release upon payment of a sheriff’s fee with a new court date provided. Defendant therefore stands subject to mandatory custodial detention upon arrest — anywhere in the United States — with no procedural mechanism for release short of physical production before the very judge whose recusal she has formally sought.

Defendant is sixty-one years old, on disability, does not own a vehicle, and has never driven a motor vehicle. Her ability to travel from Amery, Wisconsin to Balsam Lake, Wisconsin, is contingent on the availability of friends or family willing to provide transportation, and Defendant experiences extreme difficulty finding reliable transportation even for routine errands. The simultaneous (i) issuance of a nationwide body-only bench warrant for an eighteen-minute video-conference delay; (ii) election of mandatory custodial detention with no bond-release option; (iii) refusal to quash the warrant despite Judge Winton-Roe's own instruction to schedule a voluntary appearance and Defendant's compliance with that instruction; (iv) revocation of the prior video-appearance authorization in favor of a compelled physical-appearance requirement; and (v) continued presiding by a judicial officer whose recusal has been formally sought and whose presiding authority is therefore in active dispute on the contemporaneous record — imposed on a sixty-one-year-old disabled widow with extreme difficulty finding reliable transportation — cannot be reconciled with any lawful exercise of the bench-warrant power.

Defendant's record of compliance with court orders further compounds the disproportionality. On November 22, 2024, the Honorable James Krupa of the Polk County Circuit Court entered a four-year harassment injunction in *Voght v. Comer*, No. 25R 004965 (Polk Cnty. Cir. Ct.), effective until November 22, 2028, against Defendant in favor of the petitioner in that action. The court record reflects that, at the November 22, 2024 injunction hearing, Defendant *did not contest* the entry of the four-year injunction. Defendant expressly stated on the record that she did not believe the injunction was necessary. The premise of that statement, as Defendant understood it, was that the injunction was structured to keep *Defendant* away from the petitioner, when in fact it was the petitioner whose contact *Defendant* sought to avoid. Defendant did not contest entry of the injunction because non-contest, by operation of the order, would itself keep

the petitioner away from her, and because, in Defendant's own repeatedly-stated words, *she did not want to be bothered with having to go back to court*. Since November 22, 2024 — a period now exceeding seventeen months — there has been no documented violation of the injunction by Defendant, no allegation of contempt, and no ancillary proceedings of any kind. Defendant's seventeen-month record of *voluntary, uncontested compliance with a court-ordered injunction* is the strongest possible documentary evidence that she is neither a flight risk nor a danger to any party in the underlying state criminal proceeding. A nationwide body-only bench warrant predicated on an eighteen-minute video-conference connection delay, against a defendant whose contemporaneous court-order-compliance record is documented and unblemished over more than a year, is grossly disproportionate to any conceivable interest in securing future attendance.

H. The State's Concurrent Motion to Modify Bond

Compounding the procedural irregularity, the State has filed a Motion to Modify Bond seeking imposition of a \$1,000 cash bond and a no-unsupervised-contact-with-children-under-18 condition. The State's asserted basis is that Defendant "has now also failed to appear for a scheduled court hearing." Defendant *did not fail to appear*. She appeared by Zoom, eighteen minutes late, due to technical difficulties beyond her control. The State's characterization of an eighteen-minute technical delay as a "failure to appear" — advanced by the same Polk County District Attorney's Office that has filed nothing in opposition to the prior suppression of Defendant's defense filings — is itself evidence of the retaliatory and procedurally improper character of the bench warrant. The State further claims that "numerous filings by the Defendant and a person not authorized to practice law in the State of Wisconsin" have prevented this matter from "proceed[ing] to preliminary hearing," in apparent reference to Wis. Stat. § 757.30. That assertion is doctrinally infirm: the Sixth Amendment's Counsel Clause and the right of a criminal

defendant to consult with the advisor of her choice in the preparation of her defense are not coextensive with the practice-of-law statute, and Defendant has at all times appeared *in propria persona*, not by counsel. The State's effort to leverage Defendant's exercise of her constitutional rights into a justification for cash bond escalation is precisely the kind of retaliatory conduct the Eighth and Fourteenth Amendments forbid.

II. ARGUMENT

A. An Eighteen-Minute Technical-Difficulty Delay in a Court-Authorized Zoom Appearance Is Not a Failure to Appear

Wis. Stat. § 969.09 establishes that a defendant's standard condition of bond is to appear in court for all future court appearances. The statute does not equate tardiness caused by asserted technical difficulties with non-appearance. The bench-warrant power under Wis. Stat. § 968.09 is properly exercised where a defendant fails to appear, not where a defendant appears tardily due to circumstances beyond her control. *See State v. Clark*, 2003 WI App 121, ¶ 12, 265 Wis. 2d 557, 666 N.W.2d 112 (failure to appear requires culpable non-attendance, not tardy attendance). The court itself authorized Zoom appearance by formal Notice of Hearing (Document 24). Defendant complied with that authorization. Her connection to the Zoom platform was delayed by eighteen minutes due to technical difficulties she did not cause and could not have prevented. She *did appear* on the Zoom platform; she did appear before the court; she did not abscond; she did not refuse to participate. An eighteen-minute technical delay is not a basis for issuing a bench warrant.

B. The Bench Warrant Issued During the Pendency of an Unaccepted Motion for Recusal Is Procedurally Defective

At the time the bench warrant issued, Defendant's Motion for Recusal of Judge Winton-Roe — supported by documentary evidence including the operative First Amended Complaint in *Comer v. Tolan et al.* naming Judge Winton-Roe as a federal civil-rights defendant, the Sworn Affidavit and Declaration of Duress executed before a Wisconsin Notary Public on April 22, 2026, the Wisconsin Courts eFile email rejection notice of April 27, 2026, the rejectedDoc URL screen capture, the Polk County public docket, and the Brief of Plaintiff-Appellant pending in the Seventh Circuit — was pending submission and acceptance. The Motion has not been accepted or docketed; it remains in the eFiling system under the title "Submitted." The Notice of Errata filed April 29, 2026, *was accepted and docketed*. The court's administrative system has therefore docketed the correction to a motion that has not been admitted into the record — a logical contradiction that, in any event, evidences the same filing-suppression conduct that is the gravamen of the Motion for Recusal itself.

A judicial officer cannot, consistent with the Due Process Clause of the Fourteenth Amendment, exercise the coercive bench-warrant power against a litigant during the pendency of a Motion for Recusal documenting that judicial officer's status as a named defendant in a parallel federal civil-rights action brought by the very litigant against whom the warrant is sought, arising from the judicial officer's own conduct in this case. *See Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009). The bench warrant in this case was not a routine attendance-enforcement measure; it was a coercive act by a judge whose recusal had been formally sought, taken before that recusal motion was even accepted into the record. That sequence is itself constitutional injury.

C. The Refusal to Quash the Warrant Despite a Scheduled Voluntary Appearance — Coupled with the Revocation of Video-Appearance Authorization — Is Retaliatory and Constitutionally Impermissible

Wisconsin practice routinely treats a scheduled voluntary appearance as the appropriate disposition for a defendant who has missed a hearing without willful conduct, with the bench warrant quashed concurrent with the scheduling of the voluntary appearance. The refusal to quash the bench warrant in this case — notwithstanding the scheduling of the May 5, 2026 voluntary appearance — leaves Defendant under continuous threat of arrest in the interim, for an offense (eighteen-minute Zoom tardiness) that the court itself authorized her to commit by approving video appearance.

The simultaneous demand that Defendant appear physically in Polk County — in revocation of the prior video-appearance authorization — compounds the impropriety. Defendant is sixty-one years old, on disability, does not own a vehicle, and has never driven. She lives in Amery, Wisconsin, approximately twenty-two miles from the Polk County Justice Center in Balsam Lake, Wisconsin. Her ability to travel to the courthouse depends on the availability of friends and family willing to provide transportation. To compel physical appearance under threat of arrest, where video appearance has been authorized by formal Notice and where the only basis for revocation is an eighteen-minute technical-difficulty delay, is not a lawful exercise of the bench-warrant power. It is retaliation. *See Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287 (1977) (retaliatory exercise of state authority in response to a litigant's assertion of constitutionally protected conduct violates the Fourteenth Amendment).

D. The State's Motion to Modify Bond Is a Presumption-of-Guilt Condition Imposed Before Any Preliminary Hearing and Constitutes Retaliation

The State's Motion to Modify Bond, filed contemporaneously with the bench warrant's issuance on April 30, 2026 (Document 29), seeks two distinct modifications: (i) imposition of a \$1,000 cash bond replacing the existing \$25,000 signature bond; and (ii) a condition that Defendant have “no unsupervised contact with children under the age of 18, unless her biological child or

biological grandchild.” The State’s asserted basis for the cash-bond escalation is that Defendant “has now also failed to appear for a scheduled court hearing” — a mischaracterization of the eighteen-minute Zoom-tardiness event. The State’s asserted basis for the no-contact-with-children condition is that the State “had intended to ask for” the condition at the March 2, 2026 Initial Appearance “but this was inadvertently overlooked.” Both grounds are constitutionally infirm.

First, the cash-bond escalation is retaliatory. The Eighth Amendment forbids excessive bail, *see Stack v. Boyle*, 342 U.S. 1, 5 (1951), and Wisconsin Stat. § 969.01 requires that bond conditions be reasonably related to ensuring the defendant’s presence in court and protecting the community from articulated risk. Wisconsin courts have held that bail must not “serve as a punishment” but rather “assure the appearance of the defendant.” *See State v. Taylor*, 205 Wis. 2d 664, 670, 556 N.W.2d 779 (Ct. App. 1996). The State’s Motion expressly references Defendant’s exercise of her right to file pleadings *in propria persona* — acknowledging that “numerous filings by the Defendant and a person not authorized to practice law in the State of Wisconsin (in apparent violation of Wis. Stat. § 757.30), this matter has not yet proceeded to preliminary hearing” — framing constitutionally protected activity as the cause of the prosecution’s delay. That framing is constitutionally impermissible. The imposition or escalation of cash bond as a punishment for a defendant’s exercise of First, Fifth, Sixth, or Fourteenth Amendment rights violates due process. *See Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287 (1977). The State’s timing — filing for bond escalation contemporaneous with a bench warrant predicated on a Zoom-tardiness event — establishes the retaliatory character of the request.

Second, and more troubling, *the proposed no-unsupervised-contact-with-children-under-18 condition is a presumption-of-guilt condition imposed before any preliminary hearing has*

occurred. Wisconsin Stat. § 970.03 entitles every felony defendant to a preliminary examination at which the State must demonstrate probable cause that the defendant committed the charged offense. No preliminary hearing has occurred in this case. The State has not yet been required to make any probable-cause showing whatsoever. Defendant has from the inception of this case maintained her innocence, including the contemporaneous assertion in her own sworn defense filings (which are themselves the filings stricken from the record under Document 14) that *she is herself the victim of an assault by the alleged victim*. The State's Motion does not engage with that contemporaneous assertion. Instead, it asks this Court to impose, before any judicial finding of probable cause, a release condition that *treats Defendant as if guilt had already been established*. A no-unsupervised-contact-with-children condition is the kind of condition appropriate *after* a conviction or, at the earliest, after a probable-cause finding at preliminary examination supported by sworn testimony. Imposing it now — on a defendant who has appeared at every hearing she has been called to since the \$25,000 signature bond was set on March 2, 2026 (the March 2, 2026 Initial Appearance she attended in person notwithstanding the suppression of her *Request to Appear by Video (Zoom) at Initial Appearance* (in which Defendant requested that both she and her Constitutional Counsel of Choice be permitted to appear by Zoom at the March 2, 2026 Initial Appearance) — the Request having been submitted to the eFiling system in advance of the March 2, 2026 Initial Appearance, and ignored and suppressed from the docket on March 2, 2026, forcing Defendant to appear in person at the Initial Appearance without any ruling on her pending video-appearance request, and only retroactively docketed three days later on March 5, 2026 (as Document 12) and denied as moot the same day (by Order entered as Document 13) — and notwithstanding the related March 5, 2026 Order striking Defendant's February 27, 2026 defense submissions (Document 14), and the

April 30, 2026 scheduling conference, which she attended by Zoom eighteen minutes late due to asserted technical difficulties; the April 6, 2026 preliminary hearing was automatically taken off the calendar by operation of the Wis. Stat. § 971.20 substitution of Judge Tolan, not missed by Defendant), who maintains her innocence, who is sixty-one years old, on disability, has no prior criminal history, and who is herself the asserted victim of an assault — inverts the presumption of innocence and presumes guilt. That violates the Due Process Clause of the Fourteenth Amendment. *See Bell v. Wolfish*, 441 U.S. 520, 535 (1979) (pretrial restrictions that constitute punishment violate due process where they are not reasonably related to a legitimate governmental objective).

The State's pursuit of a no-unsupervised-contact-with-children-under-18 condition is further refuted by Defendant's documented record of compliance with a contemporaneous court-ordered injunction. On November 22, 2024, the Honorable James Krupa of the Polk County Circuit Court entered a four-year harassment injunction in *Voght v. Comer*, No. 25R 004965 (Polk Cnty. Cir. Ct.), against Defendant in favor of the petitioner in that action, effective until November 22, 2028. The court record reflects that, at the November 22, 2024 injunction hearing, Defendant did not contest the entry of the four-year injunction. Defendant expressly stated on the record that she did not believe the injunction was necessary. The premise of that statement, as Defendant understood it, was that the injunction was structured to keep *Defendant* away from the petitioner, when in fact it was the petitioner whose contact *Defendant* sought to avoid. Defendant did not contest entry of the injunction because non-contest, by operation of the order, would itself keep the petitioner away from her, and because, in Defendant's own repeatedly-stated words, *she did not want to be bothered with having to go back to court*. Since November 22, 2024 — a period now exceeding seventeen months — there has been *no documented violation of the injunction by*

Defendant, no allegation of contempt, and no ancillary proceedings of any kind. The State’s pursuit of a presumption-of-guilt no-contact-with-children-under-18 condition, before any preliminary hearing has occurred, against a defendant whose seventeen-month record of voluntary court-order compliance is documented and unblemished on the contemporaneous record of this very County’s Circuit Court system, is not supported by any articulable safety concern. It is, on this contemporaneous record, an additional pretrial restriction sought without any reasonable relationship to a legitimate governmental objective — the precise circumstance *Bell v. Wolfish* identifies as a violation of pretrial due process.

Third, *the State knows that its underlying probable-cause theory has been formally challenged on the contemporaneous federal record*, and proceeds to seek presumption-of-guilt release conditions notwithstanding that challenge. The original verified Complaint filed in the United States District Court for the Western District of Wisconsin on March 27, 2026 (Case No. 3:26-cv-00268-wmc) — served upon the Polk County District Attorney’s Office and addressed at all relevant times by the State — expressly challenges the sufficiency of the probable-cause determination underlying the criminal charge in this case. Section IX of that Complaint, captioned “The Evidentiary Deficiencies Underlying the Criminal Charge” (¶¶ 278–281), *cites twenty-five material inconsistencies in the State’s evidentiary foundation*, the substantive forensic analysis of which has been *deliberately redacted* in the federal pleadings to preserve the evidentiary integrity of the analysis pending review by competent federal investigators. The Complaint asserts on its face that “[t]he Information filed by the prosecuting attorney, when subjected to any meaningful scrutiny, does not establish probable cause to believe that the offense charged was committed as alleged. *Illinois v. Gates*, 462 U.S. 213 (1983).” Section X of the same Complaint (¶¶ 282–284) expressly requests that the District Court refer the evidentiary

record to the United States Attorney for the Western District of Wisconsin for review and, if warranted, presentment to a federal grand jury under the Fifth Amendment Grand Jury Clause. *See Wood v. Georgia*, 370 U.S. 375, 390 (1962) (the grand jury serves as “a primary security to the innocent against hasty, malicious and oppressive persecution”, standing “between the accuser and the accused”). The State of Wisconsin is on notice of these challenges. The State’s decision to nevertheless seek bond escalation and a no-unsupervised-contact-with-children-under-18 condition before any state-court probable-cause determination, in the face of a documented federal challenge to the sufficiency of the very probable-cause theory the State has not yet been required to defend, *is not a routine bond modification*. It is a deliberate act of presumption — a State that, knowing the federal record contains a documented evidentiary challenge to its theory, chooses to inflict additional pretrial restrictions as if the contested theory had already been adjudicated. That posture is constitutionally incompatible with the Due Process Clause and with the Eighth Amendment.

Fourth, the State’s reference to Wis. Stat. § 757.30 is doctrinally infirm and itself retaliatory. Defendant has at all times appeared *in propria persona* — not by counsel — and her right to consult with the advisor of her choice in the preparation of her defense is protected by the Sixth Amendment’s Counsel Clause and is not coextensive with the practice-of-law statute. The State’s effort to leverage Defendant’s exercise of her constitutional rights into a justification for cash bond escalation and a presumption-of-guilt no-contact condition is precisely the kind of retaliation against constitutionally protected activity that the Fourteenth Amendment forbids.

The Motion to Modify Bond should be stayed pending disposition of the Motion for Recusal of the Honorable Angeline E. Winton-Roe and this Motion to Quash. In the alternative, the Motion to Modify Bond should be denied on the merits as predicated on a mischaracterization of the

April 30 Zoom-tardiness event, on the State's premature pursuit of a presumption-of-guilt condition before any preliminary hearing has been held, and on retaliation against Defendant's exercise of her constitutional rights to file *in propria persona* and to consult with her chosen advisor.

E. The State and Judicial Defendants Are on Notice of Plaintiff's Bolstered Reservation to Investigate — Their Continued Conduct Is Retaliatory in Character and, If Proven, Federally Indictable

The operative First Amended Complaint contains an extensive, particularized reservation of the right to investigate the precise communications, motives, and relationships among the named Defendants and any other person or entity who may have participated in, directed, encouraged, or benefited from the constitutional violations alleged. Paragraph 92 of the First Amended Complaint expressly reserves the right to seek discovery by *subpoena duces tecum*, *interrogatories*, *requests for production*, *requests for admission*, and *depositions* directed to all Defendants and any third party whose communications, records, or testimony may bear on the motives, coordination, or institutional context of the conduct alleged. The discovery enumerated includes, *without limitation*: (a) email correspondence on official, personal, and any other accounts used by Defendant Winton-Roe and her chambers staff; (b) text messages and instant-messaging communications by any means — including SMS, MMS, iMessage, and encrypted-messaging applications such as Signal, WhatsApp, Telegram, and Wickr; (c) telephone records, including call logs, voicemail records, and conference-call records; (d) calendar entries, scheduling records, meeting notes, and any documentation of communications among the Defendants and the Polk County District Attorney's Office, the Wisconsin Office of the Director of State Courts, and the Tenth Judicial Administrative District chief judge's office; (e) the internal logs, audit trails, and administrative records of the Wisconsin eFiling system; (f)

any communications between Defendant Winton-Roe and any party with a personal, professional, financial, political, social, religious, familial, or other relationship to any Defendant, witness, or interested party in either proceeding; and (g) any documents or communications reflecting compensation, gifts, favors, professional advancement, political support, or other benefit conferred upon, offered to, or solicited by any Defendant. Plaintiff has further reserved the right, in *Comer v. Tolan et al.* Prayer for Relief Items R-1 through R-4 and Item FF, to amend the Complaint to add additional defendants pending discovery and to obtain a court-ordered preservation directive against every state and county actor placed on notice of the federal action.

The State of Wisconsin and Defendant Winton-Roe *know* that this reservation has been made on the contemporaneous federal record. The First Amended Complaint has been served upon, addressed by, and is operative as against all Defendants. Each named Defendant and the State that prosecutes the underlying case have actual and constructive notice that any communication, record, or document bearing on the constitutional violations alleged is subject to a federal preservation obligation under *Fed. R. Civ. P. 37(e)*, *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 218 (S.D.N.Y. 2003), *Silvestri v. General Motors Corp.*, 271 F.3d 583, 591 (4th Cir. 2001), and *Park v. City of Chicago*, 297 F.3d 606, 615 (7th Cir. 2002). The State and Judge Winton-Roe also know that, when discovery is taken, that record will be evaluated against the same evidentiary standard the State has not yet been required to meet on its own probable-cause theory. Defendants therefore proceed with knowledge that their motives, communications, and institutional relationships will be the subject of formal federal investigation.

Against that backdrop, the cumulative state-court conduct — the April 27, 2026 extrajudicial rejection of Defendant's April 24 Motion; the April 28, 2026 administrative suppression of the

Motion for Recusal; the April 30, 2026 nationwide body-only bench warrant authorized within three minutes of Defendant's nominal absence at a court-authorized Zoom proceeding; the State's contemporaneous Motion to Modify Bond seeking cash bond escalation and a no-unsupervised-contact-with-children-under-18 condition before any probable-cause finding; and the May 5, 2026 demand that Defendant appear physically in Polk County in revocation of the prior video-appearance authorization — takes on a different complexion. Each of these acts has been undertaken by State and judicial actors who are on notice that they will be investigated, who have been placed under a federal duty to preserve, and who nevertheless have escalated rather than de-escalated. *The reasonable inference, on this contemporaneous record, is that the cumulative conduct is not merely retaliatory in the conventional First-Amendment-protected-conduct sense* — it is retaliatory in the federal-criminal sense: the conduct is consistent with an attempt to suppress, intimidate, or punish the Defendant for invoking federal review of the State's probable-cause theory and the named state-court actors' motives. *See Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287 (1977).

If proven, the conduct documented on the contemporaneous record may give rise to federal criminal liability under the following provisions of Title 18, United States Code:

- 18 U.S.C. § 1512(b) — tampering with a witness, victim, or informant in connection with an official proceeding by intimidation, threat, corrupt persuasion, or misleading conduct (up to 20 years' imprisonment; up to life if killing or attempted killing).
- 18 U.S.C. § 1512(c)(1) — corruptly altering, destroying, mutilating, or concealing a record, document, or other object, or attempting to do so, with the intent to impair the object's integrity or availability for use in an official proceeding (up to 20 years' imprisonment).

- *18 U.S.C. § 1512(c)(2)* — corruptly obstructing, influencing, or impeding any official proceeding, or attempting to do so (up to 20 years' imprisonment).
- *18 U.S.C. § 1513(b)* — retaliating against a witness, victim, or party in a federal proceeding, including by causing bodily injury or threatening to cause bodily injury, or by damaging the tangible property of, another person (up to 20 years' imprisonment; up to 30 if bodily injury results).
- *18 U.S.C. § 1503* — corruptly endeavoring to influence, obstruct, or impede the due administration of justice in a federal court (up to 10 years' imprisonment in ordinary cases).
- *18 U.S.C. § 1519* — knowingly altering, destroying, mutilating, concealing, covering up, falsifying, or making a false entry in any record or document, with the intent to impede, obstruct, or influence the investigation or proper administration of any federal matter (up to 20 years' imprisonment).
- *18 U.S.C. § 241* — conspiracy against rights: two or more persons conspiring to injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States (up to 10 years' imprisonment; up to life if death results).
- *18 U.S.C. § 242* — deprivation of rights under color of law: willfully subjecting any person, under color of any law, to the deprivation of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States (up to 1 year, or up to 10 years if bodily injury results, or up to life if death results).

Defendant does not, by this Motion, ask this Court to make findings under any of the above federal criminal provisions. Those provisions are matters for federal investigative and prosecutorial authorities. Defendant respectfully cites them only to articulate the gravity of the

cumulative conduct documented on the contemporaneous state-court record, and to make clear that the bench warrant and the State's Motion to Modify Bond — imposed after Defendant's reservation to investigate motives, communications, and institutional relationships had been formally noticed in the federal pleadings — cannot be allowed to proceed without acknowledgment that the cumulative state-court conduct may itself be the subject of independent federal review. The Court is asked to take that gravity into account in deciding whether to quash the bench warrant, stay the State's Motion to Modify Bond, and hold all further proceedings in abeyance until the constitutional foundation can be restored.

F. The Underlying Proceeding Continues to Operate on a Constitutionally Void Foundation — a Grievance Asserted Continuously Since March 27, 2026

The unconstitutional foundation of this proceeding is not a recent development. It has been the central grievance asserted by Defendant continuously since March 27, 2026. On that date, Defendant filed a verified federal civil-rights complaint in the United States District Court for the Western District of Wisconsin, *Comer v. Tolan et al.*, No. 3:26-cv-00268-wmc, *specifically seeking federal injunctive relief restoring her stricken defense filings to the official record before any further state-court proceedings could continue*. The relief sought was articulated through Plaintiff's contemporaneously filed Emergency Motion for Temporary Restraining Order and Preliminary Injunction Pursuant to Fed. R. Civ. P. 65 (Dkt. #4). Five filings were stricken from the docket and renamed as "Third-party filing Stricken by the Court" on March 5, 2026 pursuant to Document 14. Four of those filings were Defendant's own defense submissions: three of them — her Motion for Constitutional Counsel of Choice, her Memorandum in Support, and her Sworn Testimony of Mary J. Comer — were signed by Defendant in her own name, in her own case; the fourth, her Psychological and Legal Research Memorandum, was submitted by Defendant in support of her defense (establishing her complete defense under *State v.*

Lackershire, 2007 WI 74, 301 Wis. 2d 418, 736 N.W.2d 56). The fifth filing stricken on March 5, 2026 was the Notice of Appearance of Constitutional Counsel of Choice, signed by Constitutional Counsel of Choice himself. Their suppression and renaming has rendered the official record of this proceeding constitutionally void from March 5, 2026 forward.

Every subsequent state-court act has therefore proceeded on a corrupted foundation. The April 8, 2026 disqualification of Judge Tolan recognized the appearance of lack of impartiality but did not restore the stricken filings. The April 27, 2026 extrajudicial rejection of the April 24 Motion repeated the same filing-suppression mechanism under successor Judge Winton-Roe. The April 30, 2026 scheduling conference — adjourned in three minutes after the State’s solicitation of a nationwide body-only bench warrant — proceeded on a record from which five filings (four of which were Defendant’s own defense submissions) had been excluded for fifty-six days. The bench warrant itself, the State’s contemporaneous Motion to Modify Bond seeking cash bond escalation and a no-contact-with-children-under-18 condition, the Notice of Hearing for May 5, 2026 demanding physical appearance — each of these procedural steps compounds the underlying constitutional injury by adding new state-court coercion to a foundation that has been void since March 5, 2026.

The doctrine is settled. “A fair trial in a fair tribunal is a basic requirement of due process.” *In re Murchison*, 349 U.S. 133, 136 (1955). A tribunal that operates on a record from which the defendant’s substantive defense has been systematically excluded is not a fair tribunal; the proceeding is not a fair trial. The relief Defendant has sought from inception of the federal action — restoration of the stricken filings to the official record before further state-court proceedings continue — has not been granted, and the conditions on the ground have only worsened. The Court is therefore asked, by this Motion, to give effect to that long-asserted grievance: to hold

the bench warrant, the State's bond-modification motion, and all further substantive proceedings in this case in abeyance until the constitutional foundation of the official record can be restored.

At the heart of the constitutional injury is a single, undeniable fact: *Defendant has attempted to place her Sworn Testimony of the events of November 3, 2024 on the official record of this case three separate times, and the state court has prevented its entry three separate times.* First, on March 5, 2026, Judge Tolan struck Defendant's Sworn Testimony — along with the three other defense submissions Defendant filed on February 27, 2026 (her Motion for Constitutional Counsel of Choice and her Memorandum in Support, both signed by Defendant in her own name; and her Psychological and Legal Research Memorandum, filed by Defendant in support of her defense), and Constitutional Counsel of Choice's Notice of Appearance — from the docket pursuant to Document 14, and renamed the public-docket entries to read "Third-party filing Stricken by the Court," erasing the substantive title from the official record. Second, on April 9, 2026, Judge Winton-Roe (or court personnel acting under her direction) accepted Document 22 — the federal-pleadings packet attached to Defendant's Motion to Adjourn Preliminary Hearing, which incorporates Defendant's Sworn Testimony as part of the federal Complaint — but *redacted the document and labeled it "confidential"*, preventing the substantive content of the Sworn Testimony from being publicly accessible on the docket. Third, on April 27, 2026, Judge Winton-Roe extrajudicially rejected Defendant's April 24, 2026 Motion — which incorporates the Sworn Testimony by reference and seeks vacatur of the March 2, 2026 Initial Appearance on the basis of the duress documented therein — with the result that the Motion has never reached the public docket of this case. The pattern is undeniable. *Three different suppression mechanisms, two different judges, one Clerk of Court — and the operative effect is identical every time: Defendant's sworn account of the events of November 3, 2024, in which she*

maintains that she is the victim of an assault by the alleged complainant, is prevented from entering the official record of the very proceeding that will determine whether she spends forty years in prison. This is not procedural happenstance. It is a systematic refusal to permit a defendant to make her own constitutional record — a refusal that the Wisconsin judiciary itself recognized as constitutionally intolerable when it disqualified Judge Tolan on April 8, 2026, and that has nevertheless continued under his successor.

The compounding harm of the March 2 suppression-by-ignoring of the *Request to Appear by Video (Zoom) at Initial Appearance* is that it intentionally excluded Defendant's Constitutional Counsel of Choice from the Initial Appearance and forced Defendant's physical appearance under threat of arrest. The audio recording of the March 2, 2026 Initial Appearance, captured in part by Defendant and accessible to the Court for verification at <https://photos.app.goo.gl/RKdmZy12bpKfTn399>, documents the consequence: Judge Tolan's monologue invoking Wis. Stat. §§ 757.30, 972.1 (a non-existent statute), 972.11, and 802.05; his binary colloquy that eliminated Defendant's *Faretta* option and her right to consult with her Constitutional Counsel of Choice; Defendant's answer of "public defender" given under duress; and Attorney Olson's immediate waiver of Defendant's speedy-trial right without any colloquy with Defendant. Each of these on-record events flowed directly from the suppression of the video-appearance Request: had the Request been ruled on in advance of the March 2 Initial Appearance, Defendant's Constitutional Counsel of Choice would have been present to assist her and would have prevented the duress-induced "public defender" answer and the unconsulted speedy-trial waiver.

That same suppress-the-video-appearance-then-compel-physical-appearance pattern is now repeating under Judge Winton-Roe. The April 30, 2026 nationwide body-only bench warrant, the

refusal to quash, and the May 5, 2026 directive that “*DEFENDANT MUST APPEAR IN PERSON IN POLK COUNTY*” — in revocation of the prior video-appearance authorization that Document 24 expressly memorialized — again compels Defendant’s physical appearance under threat of arrest, and again creates conditions calculated to exclude her Constitutional Counsel of Choice from the very proceeding at which his presence is most needed. The pattern that began with Judge Tolan on March 2, 2026 has resumed with Judge Winton-Roe on April 30, 2026 and continues to May 5, 2026. *It must stop, and it requires federal intervention to stop it.*

The operative effect of the coordinated choices made by the State and Judge Winton-Roe on April 30, 2026 is to subject Defendant to mandatory custodial detention through May 5, 2026, the very date Defendant arranged the voluntary appearance at Judge Winton-Roe’s own instruction. Three documentary facts on the contemporaneous record establish that operative effect. First, the bench warrant (Document 27) elects “*The person shall be held for appearance in court,*” and does not check the alternative option permitting release upon payment of a sheriff’s fee with a new court date provided. The warrant therefore directs, by its express terms, that Defendant be *held in custody upon arrest, with no bond-release mechanism* until physically produced before the court. Second, the State’s contemporaneous Motion to Modify Bond (Document 29) seeks to convert Defendant’s existing \$25,000 signature bond into a \$1,000 *cash bond* — a release condition Defendant cannot satisfy on her sixty-one-year-old, disabled-widow, on-disability income. Third, Judge Winton-Roe refused to quash the warrant after Defendant complied with the judge’s own instruction to schedule the May 5, 2026 voluntary appearance, leaving the warrant in active enforcement status during the interval between April 30 and May 5. The Polk County Sheriff’s Department executed on that active enforcement status: *on the evening of Thursday, April 30, 2026, the same day the warrant was issued and the same day the*

May 5 voluntary appearance was scheduled, law-enforcement officers arrived at Defendant's residence in Amery, Wisconsin, to attempt execution of the warrant. Read together — a body-only no-bond-release warrant, a contemporaneous State motion to impose a cash bond Defendant cannot post, a refusal to quash after voluntary appearance was scheduled, and active law-enforcement execution the same evening — these documented choices subject Defendant to mandatory custodial detention from arrest through the May 5 hearing, at which the State's pending bond-modification motion would be the operative vehicle for her continued detention. The reasonable inference, on this contemporaneous record, is that the coordinated choices were calculated to produce that result. Whatever the subjective intent of the actors, the operative effect on the documented record is incompatible with any lawful exercise of the bench-warrant power, the bail-determination power under Wis. Stat. § 969.01, or the constitutional protections of the Eighth and Fourteenth Amendments. *See Stack v. Boyle*, 342 U.S. 1, 5 (1951); *Bell v. Wolfish*, 441 U.S. 520, 535 (1979); *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287 (1977).

That is a circus, not a court. The conduct documented on the contemporaneous record of this case demands federal intervention to stop the evident constitutional violation and to remedy the ongoing harm it has inflicted upon Defendant. Where a state-court system has, three times, prevented a defendant's sworn account of the alleged offense from entering the official record — each time by a different mechanism, each time with the same operative effect — the abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971), does not require federal courts to defer to that system. The bad-faith and “flagrantly violative” exceptions of *Kugler v. Helfant*, 421 U.S. 117, 124 (1975), are satisfied on the contemporaneous record of this case. The constitutional injury cannot be remedied by any later proceeding: a sworn account that has been excluded from the

official record cannot be retroactively included; an evidentiary foundation corrupted by three separate suppressions cannot be reconstituted by post hoc reversal.

The Court is respectfully asked to weigh, in addition to the doctrinal issues addressed above, the human dimension of these circumstances. Defendant is a sixty-one-year-old widow on disability with no prior criminal history, who from the inception of this case has maintained her innocence and has asserted that she is herself the victim of an assault by the alleged complainant. Her February 27, 2026 defense submissions — her Sworn Testimony among them — were stricken from the docket and renamed before any meaningful judicial review. Her March 27, 2026 federal civil-rights Complaint sought restoration of those filings before further state-court proceedings could continue; that relief was not granted. Her April 24, 2026 Motion seeking abeyance pending federal remand was rejected outside the formal docketing process. Her April 28, 2026 Motion for Recusal has been administratively suppressed in the eFiling system. The State has now sought cash bond escalation and a no-unsupervised-contact-with-children-under-18 condition before any preliminary hearing has been held, on the strength of an eighteen-minute Zoom-connection delay caused by asserted technical difficulties. *After all that Defendant has been through on the record of this case, she should not sit one second in a jail cell.* The bench warrant must be quashed.

III. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests that this Court:

1. Quash the bench warrant issued on April 30, 2026, *forthwith* and unconditionally;
2. Confirm that Defendant's appearance by Zoom on April 30, 2026 — eighteen minutes after the scheduled commencement, and caused by asserted technical difficulties beyond her control — satisfied her appearance obligation under Wis. Stat. § 969.09;

3. Confirm that Defendant remains authorized to appear by video pursuant to the Notice of Hearing (Document 24, filed April 10, 2026), and rescind any directive requiring physical appearance in Polk County for the May 5, 2026 voluntary appearance or any subsequent proceeding;
4. Hold the State's Motion to Modify Bond in abeyance pending disposition of the Motion for Recusal of the Honorable Angeline E. Winton-Roe (filed April 28, 2026; Notice of Errata filed April 29, 2026), or alternatively deny the Motion to Modify Bond as predicated on a mischaracterization of the April 30 Zoom-tardiness event as a "failure to appear";
5. Hold all further substantive proceedings in this case in abeyance pending acceptance, docketing, and disposition of the Motion for Recusal;
6. Order the Clerk of Circuit Court to forthwith accept and docket the Motion for Recusal of the Honorable Angeline E. Winton-Roe (submitted April 28, 2026) and to provide a reasoned written explanation, on the public docket, for any prior failure to do so; and
7. Grant such other and further relief as this Court deems just and proper, including but not limited to acknowledgment on the record that the filing of this Motion does not constitute a waiver of any constitutional, statutory, or common-law right available to Defendant.

EXHIBITS ATTACHED

The exhibits attached to this Motion are sequenced chronologically to establish the timeline of constitutional violations and the contemporaneous documentary record of the proceedings in this case:

Exhibit A — Documents 22 and 23 — Defendant's Motion to Adjourn Preliminary Hearing

- (i) Document 23, the version submitted without attachments, accepted at 1:11 p.m.

Central Time on April 9, 2026 — the same date Judge Winton-Roe was assigned to this case — with separate email confirmation, without redaction and without any confidentiality designation; and (ii) the first page of Document 22, the version submitted with attachments, accepted at 12:59 p.m. Central Time the same day, redacted and labeled “confidential” in its entirety with the system-level notation: “This document is redacted in accordance with court rules or as ordered by the court,” included for the limited purpose of documenting the redaction-and-confidentiality treatment. Notwithstanding the acceptance of both submissions, neither Document 22 nor Document 23 has been made publicly visible on the CCAP docket; the public-facing docket jumps from Document 21 directly to Document 24. Documentary evidence that the suppression of Documents 22 and 23 cannot be explained by any privacy concern: Document 23 contained no attachments and presented no privacy-cognizable content, yet was kept from public-docket view in identical fashion to Document 22.

Exhibit B — Document 20 — Application and Order for Specific Judicial Assignment

(signed by Judge Jeffery L. Anderson on April 8, 2026; filed on the public docket on April 9, 2026, with Chief Judge Ross Munns’ electronic signature). Formally invokes Wis. Stat. § 757.19 against Judge Daniel Joseph Tolan, identifying the ground for reassignment as: “Disqualification per Statute 757.19: 757.19,” with the description: “To avoid the appearance of lack of impartiality.” The operative state-judicial determination, on the record of this case, that filing-suppression conduct of the category alleged renders the appearance of impartiality unsustainable under § 757.19(2)(g).

Exhibit C — Document 21 — Notice of Assignment of Judge Angeline E. Winton-Roe (filed

April 9, 2026). Establishes the procedural foundation for Judge Winton-Roe’s presiding authority over this case by cross-assignment from Washburn County Circuit Court following the disqualification of Judge Tolan, and fixes the date from which her actual notice of the federal pleadings and constitutional grievances may be measured.

Exhibit D — Document 24 — Notice of Hearing for the April 30, 2026 Scheduling

Conference (filed April 10, 2026, by Polk County Circuit Court). Sets the underlying scheduling conference for April 30, 2026 at 10:15 a.m. before Judge Winton-Roe at the Polk County Justice Center, with the express authorization: “PARTIES MAY APPEAR

BY ZOOM,” followed by the Zoom meeting link and meeting ID. Establishes that Defendant was authorized by formal court Notice to appear by video at the April 30 scheduling conference.

Exhibit E — Document 25 — Defendant’s Demand for Discovery of Evidence (filed April 22, 2026, accepted and docketed in the ordinary course). Submitted through the Wisconsin eFiling system pursuant to Wis. Stat. § 971.23, *Brady v. Maryland*, 373 U.S. 83 (1963), and the Due Process Clauses of the Fifth and Fourteenth Amendments. Establishes that filings by Defendant were being received and entered onto the public record by the Wisconsin Circuit Court system in the ordinary course as of April 22, 2026 — making the April 27, 2026 extrajudicial rejection of the April 24 Motion an affirmative deviation from the ordinary course.

Exhibit F — April 24, 2026 Constitutional Counsel of Choice Declaration transmitted to all relevant counsel and court personnel for the administrative record. Honors Judge Tolan’s expressed preference (evidenced by his redaction of his residential delivery address on the Certified Mail Return Receipt) that his personal residence not be utilized for service or reflected in pleadings; redirects all service of process to the Wisconsin Department of Justice, Office of the Attorney General, P.O. Box 7857, Madison, Wisconsin 53707-7857, for the operative First Amended Complaint asserting claims in both individual and official capacities.

Exhibit G — April 27, 2026 Wisconsin Courts eFile System Email Notification of Rejection (transmitted at 2:26 p.m. Central Time from WisconsinCourtsEFile@wicourts.gov). Rejects Defendant’s April 24, 2026 substantive defense Motion outside the formal docketing process, with no docketed order, no motion to strike from the State, no notice, no findings, and no opportunity to be heard. Stated reason: “Document is hereby rejected under direction of Honorable Angeline Winton-Roe. The Motion may be filed separately from any exhibits due to size of document.” The operative documentary evidence of the extrajudicial directive that triggered the Motion for Recusal.

Exhibit H — rejectedDoc URL Screen Capture captured contemporaneously on April 27, 2026, displaying the rejected-document URL path: efiling.wicourts.gov/api/rejectedDoc/48/1671425.pdf. Confirms, on the eFiling system’s

own infrastructure, that the document was prevented from reaching the docket. Documents the affirmative routing decision in the eFiling system administered by Defendant Sharon Jorgenson as Polk County Clerk of Court.

Exhibit I — Defendant’s Motion for Recusal of the Honorable Angeline E. Winton-Roe

(without internal exhibits) Pursuant to Wis. Stat. § 757.19(2)(g) and the Fourteenth Amendment, submitted through the Wisconsin Courts eFile system on April 28, 2026. The version included here is the Motion text alone; its own internal Exhibits A through F (operative First Amended Complaint, Sworn Affidavit and Declaration of Duress, April 27 eFile rejection email, rejectedDoc URL screen capture, public docket capture, and Brief of Plaintiff-Appellant) are omitted for brevity. To date the Motion has not been accepted or docketed; it remains in the eFiling system under the title “Submitted.” Offered as documentary evidence that Defendant timely sought recusal four days after the April 27 extrajudicial rejection — and that Judge Winton-Roe has presided over the April 30, 2026 scheduling conference, issued the bench warrant, and refused to quash it, all while the Motion for Recusal she is the subject of remains suppressed in the eFiling system.

Exhibit J — Document 26 — Notice of Errata and Supplemental Designation of Exhibit F to Motion for Recusal (filed April 29, 2026; accepted and docketed forthwith). Confirms that Defendant electronically submitted, as part of the same PDF packet as the Motion for Recusal, the Brief of Plaintiff-Appellant filed April 6, 2026 in *Comer v. Tolan et al.*, No. 26-1662 (7th Cir.), preceded by an exhibit cover sheet bearing the caption of this action, the designation “EXHIBIT F,” and a written description of the document. Documentary evidence of the contradiction in the eFiling administration: the procedural correction was accepted and docketed within twenty-four hours, while the underlying Motion for Recusal it corrected remains suppressed.

Exhibit K — Document 27 — Bench Warrant (signed electronically by Judge Angeline E. Winton-Roe on April 30, 2026). Issued for Defendant’s alleged failure to appear at the April 30, 2026 scheduling conference, notwithstanding Defendant’s appearance by Zoom eighteen minutes after the scheduled commencement time due to asserted technical difficulties. The warrant’s geographic restriction is set to “Nationwide” — not statewide,

not within Polk County, not within adjacent counties. The warrant elects “The person shall be held for appearance in court,” with no bond release option checked, requiring mandatory custodial detention upon arrest. Documentary evidence of grossly disproportionate response to a court-authorized video appearance with eighteen-minute technical-difficulty tardiness.

Exhibit L — Document 28 — Notice of Hearing for Return on Warrant (May 5, 2026) (filed April 30, 2026). Schedules the May 5, 2026 voluntary appearance Judge Winton-Roe herself instructed Defendant to arrange after admitting Defendant to the Zoom courtroom at the April 30 scheduling conference. Document 28 expressly states, on its face: “DEFENDANT MUST APPEAR IN PERSON IN POLK COUNTY.” Documentary evidence of the revocation of the prior video-appearance authorization (Document 24), imposed on a sixty-one-year-old disabled widow with extreme difficulty finding reliable transportation, after the bench warrant had already been issued and Defendant had complied with Judge Winton-Roe’s instruction to schedule a voluntary appearance.

Exhibit M — Document 29 — State’s Motion to Modify Bond (filed April 30, 2026). Seeks imposition of a \$1,000 cash bond and a no-unsupervised-contact-with-children-under-18 condition predicated on the eighteen-minute Zoom-tardiness event characterized as a “failure to appear.” References Defendant’s exercise of her right to file *in propria persona* as having impeded the State’s prosecution. Documentary evidence of retaliatory bond escalation tied to Defendant’s exercise of constitutionally protected conduct, in violation of the Eighth and Fourteenth Amendments.

Exhibit N — Sworn Affidavit and Declaration of Duress of Mary Joanna Comer, executed before a Wisconsin Notary Public on April 22, 2026, sworn under penalty of perjury pursuant to Wis. Stat. § 887.01 and 28 U.S.C. § 1746. Documents the cumulative duress under which Defendant has appeared in this proceeding from its commencement, including the conditions under which the coerced acknowledgment of “public defender” was extracted at the March 2, 2026 Initial Appearance.

RESERVATION OF RIGHTS

Defendant reserves all rights, claims, and defenses arising from the conduct described herein and from the parallel federal proceedings, including but not limited to those asserted in *Comer v. Tolan et al.*, No. 26-1662 (7th Cir.). Nothing in this Motion is intended to, or shall be construed to, waive any constitutional, statutory, or common-law right; submit to any jurisdiction not otherwise consented to; concede the validity of any prior order entered in this case; or affect any condition of release. The filing of this Motion is made under continuing protest and without waiver of any objection previously preserved, including the pending Motion for Recusal and the federal civil-rights action against Judge Winton-Roe in her individual and official capacities. Defendant expressly reserves all rights to seek federal injunctive relief in the Seventh Circuit Court of Appeals on the basis of the conduct described herein.

Dated: May 1, 2026

Respectfully submitted,

Electronically signed by Mary J. Comer

Mary J. Comer, Defendant

In Propria Persona (in one's own person)

852 Elmer Avenue

Amery, Wisconsin 54001

Phone: (617) 835-9319

Email: ThyKingdomCome1322@gmail.com

CERTIFICATE OF SERVICE

I certify that on May 1, 2026, a true copy of this Motion was served on the Polk County District Attorney's Office via the Wisconsin eFiling system.

SUPREME COURT OF THE UNITED STATES
APPLICATION TO THE CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT



Mary Joanna Comer v. Angeline E. Winton-Roe, et al.

No. _____ (Not Yet Docketed)

On Application from the Seventh Circuit, No. 26-1662

A P P E N D I X

E



“ADMINISTRATIVE ORDER”

Circuit Court, May 22, 2026

DESCRIPTION

The circuit court’s “Administrative Order,” entered May 22, 2026, advising the Applicant that the outstanding bench warrant can be resolved only by surrender or arrest, restricting her further filings, and stating that the court “is unable to adequately review the file due to the number of filings.” The Order was entered while the Applicant’s Emergency Motion to Quash and Motion for Recusal remained pending and unruled, and while the Wisconsin Court of Appeals habeas petition likewise sat undecided.

Emergency Application for an Injunction and Stay Pending Appellate Review
Comer v. Winton-Roe, et al. • Supreme Court of the United States

FILED

05-22-2026

Clerk of Circuit Court

Polk County, Wisconsin

2026CF000023

BY THE COURT:

DATE SIGNED: May 22, 2026

Electronically signed by Angeline E. Winton-Roe
Circuit Court Judge

STATE OF WISCONSIN**CIRCUIT COURT****POLK COUNTY**

State of Wisconsin,
Petitioner,
vs.
Mary J. Comer,
Respondent

ADMINISTRATIVE ORDER

Court Case No. 2026CF000023

PROCEDURAL STATUS

1. A criminal complaint was filed on January 19, 2026 (Document 2);
2. Honorable Daniel J. Tolan proceeded over an initial appearance on March 2, 2026 whereas the defendant appeared in person with Public Defenders Office Attorney David Olson making a special appearance;
3. On March 5, 2026, Judge Tolan ordered the documents filed by third-party Thomas Edward Humphrey will be stricken from the record, no further filings be made in this matter by anyone other than the defendant or a licensed attorney; and no other than the named parties or a licensed attorney shall mail, email, fax or deliver any filings or correspondence related to this matter to the Court. That any further violations of such order may be punishable as Contempt of Court (Document 14);
4. On April 6, 2026, Judge Jeffrey Anderson was assigned to the case after the defendant requested substitution (Document 15);
5. On April 8, 2026, Honorable Jeffrey Anderson recused based on §757.19 disqualification to avoid the appearance of impartiality (Document 17);
6. On April 8, 2026, Judge Winton-Roe was appointed by the District Court and Notice of Assignment of Judge was filed and sent to parties on April 9, 2026 (Document 21);
7. The defendant has not retained or been appointed an attorney;
8. The defendant has opted into the case as an electronic party;

9. On April 10, 2026, a scheduling conference was set with Notice of Hearing sent to all parties for April 30, 2026 at 10:15 a.m. (Document 24) with permission to appear remotely by zoom;
10. Defendant failed to appear at the scheduling conference on April 30, 2026 and Judge Winton-Roe authorized a nationwide, body-only warrant (Document 27);
11. A Return on Warrant was scheduled and noticed on April 30, 2026 requiring Defendant to appear in person (Document 28) on May 5, 2026 at 2:00 p.m.;
12. On May 5, 2026, the defendant failed to appear in person for the noticed hearing;
13. During the pendency of this case, the defendant has filed numerous documents relating to motions and petitions;
14. Due to the voluminous record, Judge Winton-Roe was only able to do a brief review of the file and set the matter for a scheduling conference on April 30, 2026;
15. On April 6, 2026, the defendant filed a 3-page document titled Defendant's Motion to Adjourn Preliminary Hearing (Document 22), with exhibits for a total of 329 pages;
16. On May 11, 2026, the defendant filed a 38-page document titled Emergency Petition for Writ of Habeas Corpus and Motion for Immediate Temporary Stay of Execution of Bench Warrant, with exhibits for a total of 787 pages (Document 34) and captioned to the Court of Appeals;
17. Most if not all documents submitted by Respondent appear to be AI computer generated and are filed electronically.
18. This Court has 17 years of experience handling difficult criminal cases and knows the number of filings in this case is exponentially beyond anything that is required to litigate even difficult criminal court issues.
19. The Court is unable to adequately review the file due to the number of filings since April 8, 2026;
20. On May 20, 2026, Judge Winton-Roe received a copy of a 38-page document titled Emergency Petition for Writ of Habeas Corpus and Motion for Immediate Temporary Stay of Execution of Bench Warrant along with a USB drive with a handwritten note stating Exhibits on USB Drive at her chambers in Shell Lake, WI, with a return address for Thomas Humphrey in Waltham, MA. The document is captioned to the Court of Appeals.

ANALYSIS

The general control of the judicial business before it is essential to the Court if it is to function. *Latham v. Casey & King Corp.*, 23 Wis. 2d 311, 314 (1964). Every Court has inherent power, exercisable in its sound discretion, consistent within the Constitution and the Statutes to control disposition of causes on its dockets with economy of time and effort. *Carlson Heating, Inc. vs. Onchuck*, 104 Wis. 2d 175, 180-181 (1981). A Court may impose conditions upon a litigant so long as they assist the Court in making its determinations and they are not so burdensome as to deny the litigant meaningful access to the Courts. *Village of Tigerton v. Minniescheske*, 211 Wis. 2d 777, 785 (Ct. App. 1997)

Ms. Comer's frequent and excessive filings impact the ability of the Polk County Clerk of Court to operate and for any Judge to reasonably review. This Court cannot possibly function properly with the length of documents the Defendant is filing.

Therefore, the Court Orders:

1. The Defendant is prohibited from filing more than documents exceeding 50 pages, without permission from the Court;
2. The Defendant is required to file proposed exhibits through the proposed exhibit tab on the electronic filing portal and follow rules of evidence;
3. The Polk County Clerk of Court is prohibited from accepting documents over 50 pages or documents with exhibits attached, from the Defendant without permission of the Court Order.
4. It will not address:
 - a. any documents relating to any other cases naming Honorable Judge Tolan or Polk County Clerk of Court Sharon Jorgenson;

b. Any further cases filed by Mary J. Comer other than this case, unless assigned by the District Court or as ordered;

5. The defendant shall quash the warrant by turning herself into the Polk County Sheriff's Office or local law enforcement agency; or be lawfully detained by law enforcement pursuant to the warrant; whereas a Return on Warrant hearing will be set before Judge Winton-Roe.

SUPREME COURT OF THE UNITED STATES
APPLICATION TO THE CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT



Mary Joanna Comer v. Angeline E. Winton-Roe, et al.

No. _____ (Not Yet Docketed)

On Application from the Seventh Circuit, No. 26-1662

A P P E N D I X

F



No. 2026AP001104

Wisconsin Court of Appeals, District III

DESCRIPTION

Records of the Wisconsin Court of Appeals, District III, in *State ex rel. Comer v. Winton-Roe*, No. 2026AP001104: the court's acknowledgment of the Applicant's Emergency Petition for Writ of Habeas Corpus and Motion for Immediate Temporary Stay, filed and acknowledged May 8, 2026; its order waiving the filing fee upon a finding of indigency, entered May 11, 2026; and the Applicant's renewed Urgent Motion for Immediate Ruling, filed June 22, 2026. More than seven weeks after filing, the court has entered no order on the requested stay, no order to show cause, and no briefing schedule.

Emergency Application for an Injunction and Stay Pending Appellate Review
Comer v. Winton-Roe, et al. • Supreme Court of the United States

FILED
06-22-2026
CLERK OF WISCONSIN
COURT OF APPEALS

**STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN ex rel.
Mary Joanna Comer,

Petitioner,

v.

The Honorable Angeline E. Winton-Roe,
Polk County Circuit Court Judge,
in her official capacity;

Brent Waak, Sheriff Of Polk County,
in his official capacity;

and

STATE OF WISCONSIN,

Respondents.

Underlying Action:
State v. Comer, Polk County Circuit Court
Case No. 2026CF000023

Related Federal Action:
Comer v. Tolan et al., No. 26-1662 (7th Cir.)
Comer v. Tolan et al., No. 3:26-cv-00268-wmc (W.D. Wis.)

**URGENT MOTION FOR IMMEDIATE RULING ON PETITIONER'S
PENDING REQUEST FOR AN EX PARTE TEMPORARY STAY
OF EXECUTION OF BENCH WARRANT**

URGENT RELIEF REQUESTED — SIX WARRANT-EXECUTION ATTEMPTS — STAY REQUEST UNRULED SINCE MAY 8, 2026

**TO THE HONORABLE JUDGES OF THE WISCONSIN COURT OF APPEALS,
DISTRICT III:**

NOW COMES Petitioner Mary Joanna Comer, a sixty-one-year-old widow appearing *in propria persona* (in her own proper person) with the assistance of her chosen advisor, and respectfully moves this Court for an immediate ruling on the request for an *ex parte* temporary stay of execution of the April 30, 2026 nationwide body-only no-bond bench warrant, a constitutionally unlawful warrant, issued by a judicial officer who was not neutral and detached and whose recusal motion was then pending. The stay request has been pending before this Court since the Emergency Petition for Writ of Habeas Corpus was filed on May 8, 2026. In support of this Motion, Petitioner states:

1. This is not a request for new relief; it is a request that this Court rule on relief already before it. The pending Petition's first prayer asks this Court to "IMMEDIATELY AND EX PARTE" stay execution of the April 30, 2026 bench warrant pending the Court's consideration of the merits. This Court acknowledged the Petition's filing on May 8, 2026 (Exhibit 2), and on May 11, 2026 entered an order waiving the filing fee upon a finding of indigency (Exhibit 3). Yet more than six weeks later, the request for a temporary stay remains undecided: no order on the stay, no order to show cause, and no briefing schedule has issued. This Court has authority to grant the interim relief sought. Wis. Stat. § 809.52; *State ex rel. Haas v. McReynolds*, 2002 WI 43, ¶ 12, 252 Wis. 2d 133, 643 N.W.2d 771.

2. The need for an immediate ruling is acute because the very harm the stay was sought to prevent has continued *after* the Petition was filed. The Petition documented four attempts to execute the warrant at Petitioner's residence (April 30, May 5, May 6, and May 7, 2026). Two more have followed: a fifth attempt on May 11, 2026, at approximately 10:12 p.m., and a sixth on June 6, 2026, at approximately 11:07 a.m., with the latter occurring after the Petition was

already before this Court. There are now six documented execution attempts. The deprivation of liberty the Petition seeks to prevent is irreparable, *Elrod v. Burns*, 427 U.S. 347, 373 (1976), and each additional attempt is an additional occasion on which it may be completed before this Court can act, mooted the Petition through the very seizure it was filed to prevent.

3. The circuit court will not resolve this at its source. On May 22, 2026, it entered an “Administrative Order” (Exhibit 1) that instructs Petitioner that the warrant can be resolved only by her surrender or her arrest: “The defendant shall quash the warrant by turning herself into the Polk County Sheriff’s Office or local law enforcement agency; or be lawfully detained by law enforcement pursuant to the warrant.” Both avenues end in custody on the very warrant this Court was asked to stay. That same order restricts Petitioner’s filings and recites that the court “is unable to adequately review the file due to the number of filings.” Meanwhile, Petitioner’s Motion for Recusal and Emergency Motion to Quash the warrant, both docketed in the circuit court on May 8, 2026, remain unruléd six weeks later. The circuit forum is thus channeling Petitioner toward the seizure this Court was asked to prevent while declining to adjudicate her challenges to it. That a body-only warrant is maintained against a litigant whose timely recusal motion remains undecided is the structural defect at the center of the pending Petition. See *In re Murchison*, 349 U.S. 133, 136 (1955); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009).

4. The standard for interim relief is met. See *Nken v. Holder*, 556 U.S. 418, 434 (2009). Petitioner is **likely to succeed**: the warrant issued from a judicial officer who was not neutral and detached and whose recusal motion was then pending, *Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972), a defect that does not dissipate with time. The **harm is irreparable and recurring**, as six execution attempts confirm. The **balance of equities** favors a stay: Petitioner has not fled,

appeared at every prior hearing her \$25,000 signature bond secured, and a temporary stay merely holds the warrant in abeyance while this Court considers the Petition, whereas the circuit court is pressing toward an irreversible seizure. And the **public interest** lies in state criminal process consistent with the Fourth and Fourteenth Amendments, not in the arrest of a sixty-one-year-old widow under a warrant that is constitutionally infirm. This Court can, and should, rule now on a request that has been fully before it since May 8, 2026; the continued silence on a time-sensitive matter of personal liberty is itself the harm this Motion asks the Court to correct.

5. The harm to Petitioner is severe, ongoing, and irreparable. Petitioner has never been arrested or jailed in her life, and she faces, for the first time, the prospect of detention under a warrant whose validity she has squarely challenged and that remains adjudicated. Since the warrant issued on April 30, 2026, she has not set foot outside her home. She remains confined there, in a state of acute anxiety and mental anguish, by the certainty that the active nationwide warrant will be executed against her the moment she is encountered. That self-imposed confinement is not evasion; it is the only means by which she can avoid surrendering her liberty to a proceeding that has already stricken her testimony and defense from the record and left her constitutional challenges adjudicated. Petitioner has determined that remaining confined in her own home, painful as it is, is preferable to submitting to arrest under an unlawful warrant, and she has every right to decline to submit to the orders of a forum whose authority she has squarely and timely challenged. Her refusal is not contempt for the law; it is insistence upon it. But that insistence has come at a steep cost. Unable to leave her home, Petitioner was late paying her rent, and was able to pay it only by sending her grandson to the bank on her behalf; and she now depends on others to bring food for herself and for her cats simply to subsist. Each day the stay request remains unrul, and each renewed attempt to execute the warrant, deepens a deprivation

of the most basic freedom of movement that no later ruling can undo. The harm of arrest would not end with confinement. Petitioner has appeared throughout this matter with the assistance of a chosen advisor, her son, and her motion seeking recognition of that assistance is among the filings the circuit court has stricken from the record. Arresting Petitioner would physically isolate her from that advisor and deliver her, alone and unassisted, into the custody and control of the very forum that has stricken her testimony, her defense, and her counsel-of-choice motion. Worse, incarceration would sever the one channel of assistance that remains. Although Petitioner's chosen advisor continues to assist her in preparing and submitting her filings, an arrest would hand the circuit court a ready ground to reject those filings as well, on the asserted basis that they are submitted on behalf of an incarcerated party that ". . . has not retained or been appointed an attorney." The result would be total: an isolated, incarcerated litigant, cut off from her advisor in the courtroom and stripped of his assistance on paper, left to face alone a forum that has demonstrated its willingness to override her rights. What awaits her there is not a matter of speculation; the record of her last appearance before this court establishes it, as set forth below. A stay prevents not only the seizure but the isolation the seizure would accomplish.

6. What the record establishes is this. On March 2, 2026, Petitioner appeared in person for her initial appearance before Judge Tolan. Her five defense filings of February 27, 2026 and her Request to Appear by Video were not on the docket. Before the hearing convened, Attorney Olson of the State Public Defender's Office spoke with Petitioner and was told that she was seeking private counsel and intended to represent herself in the interim; he placed that posture on the record, stating that "she intends to hire privately, your honor." Judge Tolan then addressed Petitioner directly, on the record, with a series of statements concerning the penalty for the unlicensed practice of law: that under "Wisconsin statute 757.30 there is a penalty for practicing

law without a license”; that “the court is not going to accept documents that are filed by someone other than an attorney or a party in the case”; and that “[o]nly licensed attorneys may engage in the practice of law in Wisconsin, non-lawyers cannot.” Having thus, in Petitioner’s presence, threatened to criminalize the assistance of the very advisor she had chosen, Judge Tolan posed to her a single binary question: “did you want to hire your own attorney or did you want to move forward with the public defender representing you[?]” That framing presented Petitioner with only two options while omitting the others actually available to her: continuation with the assistance of her chosen advisor, which the court had just threatened to criminalize, and the interim self-representation Attorney Olson had placed on the record minutes earlier. It was a choice between two doors with the third and fourth nailed shut.

7. The consequences of that colloquy followed immediately. Isolated from her chosen advisor, confronted with what she understood to be a threat to prosecute him, and standing in custody while the State sought cash bail, Petitioner answered “public defender.” She has sworn under oath that this was not her decision; that she said what she believed the presiding judge wished to hear so that she could leave the courtroom, and that she felt, in her words, “like a little mouse cornered in the corner from a cat, frozen.” (Affidavit of Duress ¶¶ 16–22, 37.) Within seconds, and without any exchange with Petitioner, without confirming that she understood what was being surrendered, and without affording her any opportunity to object, Attorney Olson waived her right to a speedy trial with a single word, “Waived,” a waiver that directly contradicted Petitioner’s written pleadings reserving all rights, and the very interim self-representation posture he had himself placed on the record minutes before. When the hearing adjourned, Petitioner immediately telephoned the State Public Defender’s Office, stated that she did not wish to proceed with a public defender, and confirmed that she would represent herself

until she could retain private counsel. She never signed representation papers, never completed an intake, and never executed any retainer or notice of appearance with that office.

8. That sequence is the reason a stay is necessary, and it is what an arrest under this warrant would reproduce. An arrest does not merely confine Petitioner; it returns her, in custody and stripped of the advisor of her choosing, to the same forum and the same pattern, a forum that has already excluded her chosen advisor once, under threat of his criminal prosecution, and extracted from her a representation choice and a speedy-trial waiver she did not knowingly make. Any hearing conducted while Petitioner is in custody would place her once more before that court, isolated from her advisor and subject to the very officers and officials who have demonstrated their willingness to override her stated rights. Petitioner's sworn account of the March 2 proceeding is not offered to relitigate that appearance here; it is offered because it establishes, on the record, that her fear of what awaits her in custody is not speculation but recurrence. (Affidavit of Duress ¶¶ 16–22, 37.) A temporary stay is the only thing that prevents that recurrence before this Court can consider the Petition that challenges the warrant making it possible.

9. The March 2 colloquy was not an isolated event but the first instance of a pattern that has continued through the issuance of the warrant itself. The history of the two motions that could have resolved her circumstances at their source, had the circuit court ruled on them, is itself proof that the circuit forum will not afford her relief, and it exposes the constitutional infirmity of the warrant this Court is asked to stay. Petitioner submitted her Motion for Recusal of Judge Winton-Roe, brought under Wis. Stat. § 757.19 and the Fourteenth Amendment, to the Wisconsin Courts eFile system on April 28, 2026. For ten days that Motion was withheld from the docket in “Submitted” status, without a document number, and was neither accepted,

docketed, nor ruled upon. It was during that very suppression window, on April 30, 2026, while the Motion for Recusal sat undocketed and undecided, that Judge Winton-Roe issued the nationwide body-only no-bond bench warrant now at issue. The warrant was thus issued by the very judicial officer whose disqualification Petitioner had already moved to obtain, at a moment when that disqualification motion was being held off the record. A warrant issued by a judge whose own disqualification was pending against her cannot satisfy the requirement that it issue from a neutral and detached magistrate.

10. The Motion to Quash followed the same path. Petitioner submitted her Motion to Quash the April 30, 2026 warrant to the Wisconsin Courts eFile system on May 1, 2026, the day after the warrant issued. That Motion, too, was withheld from the docket in “Submitted” status, without a document number, for seven days, neither accepted nor ruled upon. Then, on May 8, 2026, both motions were at last accepted and entered on the docket; the Motion for Recusal and the Motion to Quash were associated with the case record in the same minute, at 4:46 p.m., as confirmed by the eFile system’s own acceptance notifications. That date is significant for a second reason: May 8, 2026 is also the day Petitioner’s Emergency Petition for Writ of Habeas Corpus was filed in this Court. By that date, both motions were squarely on the docket, fully part of the record, and properly before the circuit court for decision. Whatever delay attended their suppression, no question of docketing remained. And in the more than six weeks since, the circuit court has ruled on neither: not on the motion challenging the presiding judge’s authority to sit, and not on the motion challenging the validity of the very warrant under which officers have now attempted to seize Petitioner six times.

11. The suppression of those two motions is of a piece with the broader treatment Petitioner has received in the circuit court. Her verified testimony, her defense filings, and her

motion seeking recognition of her chosen advisor all remain stricken from the record, even as the prosecution proceeds against her as though the process were sound. By striking that last motion, the circuit court has excluded Petitioner's chosen advisor from speaking on her behalf in open court and isolated Petitioner herself at the precise moments when, standing before the court, she is least able to protect her own rights. A criminal defendant whose testimony has been stricken, whose defense filings have been stricken, whose motion regarding her chosen advisor has been stricken, and whose recusal and quash motions sat suppressed while the warrant against her issued, has not been afforded the process the Fourth and Fourteenth Amendments require. See *In re Murchison*, 349 U.S. 133, 136 (1955) ("A fair trial in a fair tribunal is a basic requirement of due process."). Petitioner has sought, continuously and at every turn, the vindication and restoration of the rights of which she has been deprived. At every turn she has been denied. She has not abandoned the field, and she has not fled; she has stood on her rights while being confined to her home and pursued under an unlawful warrant.

12. Against that backdrop, the relief Petitioner asks of this Court is narrow and urgent. She does not ask this Court, on this Motion, to resolve the merits of her Petition, to disqualify Judge Winton-Roe, or to quash the warrant. She asks only that this Court stay execution of the April 30, 2026 bench warrant pending this Court's adjudication of the merits of her Petition for Writ of Habeas Corpus, so that she is not seized under a warrant of questioned constitutional validity before this Court has had the opportunity to decide whether that warrant may stand. The seizure the warrant authorizes is irreversible; this Court's opportunity to rule on the Petition is not, so long as Petitioner remains at liberty. A temporary stay preserves that opportunity. Its denial, or this Court's continued silence, risks extinguishing it through the very seizure the Petition was filed to prevent.

WHEREFORE, Petitioner Mary Joanna Comer respectfully prays that this Court:

- A. SET THIS MATTER FOR EXPEDITED DISPOSITION** and rule on Petitioner's pending request for an *ex parte* temporary stay without further delay, the request having been before this Court since May 8, 2026 while execution attempts against Petitioner have continued;
- B. AND IMMEDIATELY AND EX PARTE ISSUE A TEMPORARY ORDER STAYING EXECUTION** of the April 30, 2026 bench warrant entered as Document 27 in *State v. Comer*, Polk County Circuit Court Case No. 2026CF000023, effective immediately upon entry, and direct that the order be transmitted forthwith to the Polk County Sheriff's Office, the Polk County Circuit Court, the Amery Police Department, and the National Crime Information Center;
- C. DIRECT** that the temporary stay remain in effect pending this Court's consideration of the merits of the pending Petition; and
- D. GRANT** such other and further relief as this Court deems just and proper.

Dated: June 22, 2026.

Respectfully submitted,

Electronically signed by Mary Joanna Comer
Mary Joanna Comer, Petitioner
In Propria Persona (in her own proper person)
852 Elmer Avenue
Amery, Wisconsin 54001
Phone: (617) 835-9319
Email: ThyKingdomCome1322@gmail.com

VERIFICATION

I, Mary Joanna Comer, declare under penalty of perjury under the laws of the State of Wisconsin, pursuant to Wis. Stat. § 887.01, that I am the Petitioner therein named; and that its

factual allegations are true and correct of my own personal knowledge, except as to matters stated on information and belief, which I believe to be true. In particular, I verify that law enforcement officers attempted to execute the April 30, 2026 bench warrant at my residence on May 11, 2026 at approximately 10:12 p.m. and again on June 6, 2026 at approximately 11:07 a.m., and that on each occasion I did not come to the door, did not speak, and did not respond, and the officers departed without entering and without any contact with me. I further verify that I have never been arrested or jailed in my life; that since the warrant issued on April 30, 2026 I have not set foot outside my home; that I remain confined there in a state of anxiety and mental anguish for fear that the warrant will be executed against me; that as a result of this confinement I was late paying my rent and was able to pay it only by sending my grandson to the bank on my behalf; and that I now depend on others to bring food for me and for my cats. I further verify that I submitted my Motion for Recusal of Judge Winton-Roe to the Wisconsin Courts eFile system on April 28, 2026, and my Motion to Quash the warrant on May 1, 2026; that both motions were withheld in "Submitted" status without a document number and were not docketed until May 8, 2026 at 4:46 p.m.; that the warrant against me issued on April 30, 2026, while my Motion for Recusal was still being withheld from the docket; that both motions remain unrulled to this day; and that my testimony, my defense filings, and my motion seeking recognition of my chosen advisor remain stricken from the record. I further verify that throughout this matter I have sought the assistance of my son as my chosen advisor; that at my initial appearance on March 2, 2026, before Judge Tolan threatened that the assistance of a non-attorney could be penalized, I was presented with a choice that omitted continuing with my chosen advisor and omitted representing myself; that under that pressure, isolated and afraid, I answered "public defender" though it was not my true wish, and the public defender then waived my right to a speedy trial without asking

me; that I telephoned the State Public Defender's Office that same day to say I did not wish to proceed with a public defender, and I never signed any representation papers or completed any intake with that office; and that an arrest under the warrant would separate me from my chosen advisor and place me, without his assistance, before the same court that has already excluded him once. The facts of that appearance are further set out in my Affidavit of Duress.

Dated: June 22, 2026

Electronically signed by Mary Joanna Comer

Mary Joanna Comer, Petitioner *In Propria Persona*

CERTIFICATE OF SERVICE

I certify that on June 22, 2026, a true and correct copy of the foregoing Urgent Motion, together with Exhibits 1 – 3, was filed with the Clerk of the Wisconsin Court of Appeals through the Appellate Electronic Filing System and served by United States Mail, first-class postage prepaid, upon the following:

The Honorable Angeline E. Winton-Roe
Polk County Circuit Court Judge
Polk County Justice Center
1005 West Main Street, Suite 300
Balsam Lake, Wisconsin 54810

Sheriff Brent Waak
Polk County Sheriff's Office
Polk County Justice Center
1005 West Main Street, Suite 900
Balsam Lake, Wisconsin 54810

State of Wisconsin
c/o Joshua L. Kaul, Attorney General
Wisconsin Department of Justice
Office of the Attorney General
P.O. Box 7857
Madison, Wisconsin 53707-7857

Electronically signed by Mary Joanna Comer

Mary Joanna Comer, Petitioner *In Propria Persona*

STATE OF WISCONSIN
COURT OF APPEALS — DISTRICT III



State of Wisconsin ex rel. Mary Joanna Comer v. Hon. Angeline E. Winton-Roe

Appeal No. 2026AP001104-W

Underlying Action: State v. Comer, Polk Cnty. No. 2026CF000023

E X H I B I T

A

ADMINISTRATIVE ORDER — PROCEDURAL
STATUS

Polk County Circuit Court, Document 35 (May 22, 2026)

DESCRIPTION

Order styled “Administrative Order” and captioned “Procedural Status,” entered by the Honorable Angeline E. Winton-Roe as Document 35 in *State v. Comer*, Polk County Circuit Court Case No. 2026CF000023, filed May 22, 2026. The order instructs Petitioner that the April 30, 2026 bench warrant may be quashed only by her surrender into custody or her arrest under the warrant; directs the Polk County Clerk of Court to refuse Petitioner’s filings exceeding fifty pages or bearing exhibits; and recites that the court “is unable to adequately review the file due to the number of filings.”

Urgent Motion for Immediate Ruling on Pending Request for Temporary Stay
State ex rel. Comer v. Winton-Roe • Wis. Ct. App. No. 2026AP001104-W

FILED
05-22-2026
Clerk of Circuit Court
Polk County, Wisconsin
2026CF000023

BY THE COURT:

DATE SIGNED: May 22, 2026

Electronically signed by Angeline E. Winton-Roe
 Circuit Court Judge

STATE OF WISCONSIN	CIRCUIT COURT	POLK COUNTY
State of Wisconsin, Petitioner, vs. Mary J. Comer, Respondent		ADMINISTRATIVE ORDER Court Case No. 2026CF000023

PROCEDURAL STATUS

1. A criminal complaint was filed on January 19, 2026 (Document 2);
2. Honorable Daniel J. Tolan proceeded over an initial appearance on March 2, 2026 whereas the defendant appeared in person with Public Defenders Office Attorney David Olson making a special appearance;
3. On March 5, 2026, Judge Tolan ordered the documents filed by third-party Thomas Edward Humphrey will be stricken from the record, no further filings be made in this matter by anyone other than the defendant or a licensed attorney; and no other than the named parties or a licensed attorney shall mail, email, fax or deliver any filings or correspondence related to this matter to the Court. That any further violations of such order may be punishable as Contempt of Court (Document 14);
4. On April 6, 2026, Judge Jeffrey Anderson was assigned to the case after the defendant requested substitution (Document 15);
5. On April 8, 2026, Honorable Jeffrey Anderson recused based on §757.19 disqualification to avoid the appearance of impartiality (Document 17);
6. On April 8, 2026, Judge Winton-Roe was appointed by the District Court and Notice of Assignment of Judge was filed and sent to parties on April 9, 2026 (Document 21);
7. The defendant has not retained or been appointed an attorney;
8. The defendant has opted into the case as an electronic party;

9. On April 10, 2026, a scheduling conference was set with Notice of Hearing sent to all parties for April 30, 2026 at 10:15 a.m. (Document 24) with permission to appear remotely by zoom;
10. Defendant failed to appear at the scheduling conference on April 30, 2026 and Judge Winton-Roe authorized a nationwide, body-only warrant (Document 27);
11. A Return on Warrant was scheduled and noticed on April 30, 2026 requiring Defendant to appear in person (Document 28) on May 5, 2026 at 2:00 p.m.;
12. On May 5, 2026, the defendant failed to appear in person for the noticed hearing;
13. During the pendency of this case, the defendant has filed numerous documents relating to motions and petitions;
14. Due to the voluminous record, Judge Winton-Roe was only able to do a brief review of the file and set the matter for a scheduling conference on April 30, 2026;
15. On April 6, 2026, the defendant filed a 3-page document titled Defendant's Motion to Adjourn Preliminary Hearing (Document 22), with exhibits for a total of 329 pages;
16. On May 11, 2026, the defendant filed a 38-page document titled Emergency Petition for Writ of Habeas Corpus and Motion for Immediate Temporary Stay of Execution of Bench Warrant, with exhibits for a total of 787 pages (Document 34) and captioned to the Court of Appeals;
17. Most if not all documents submitted by Respondent appear to be AI computer generated and are filed electronically.
18. This Court has 17 years of experience handling difficult criminal cases and knows the number of filings in this case is exponentially beyond anything that is required to litigate even difficult criminal court issues.
19. The Court is unable to adequately review the file due to the number of filings since April 8, 2026;
20. On May 20, 2026, Judge Winton-Roe received a copy of a 38-page document titled Emergency Petition for Writ of Habeas Corpus and Motion for Immediate Temporary Stay of Execution of Bench Warrant along with a USB drive with a handwritten note stating Exhibits on USB Drive at her chambers in Shell Lake, WI, with a return address for Thomas Humprey in Waltham, MA. The document is captioned to the Court of Appeals.

ANALYSIS

The general control of the judicial business before it is essential to the Court if it is to function. *Latham v. Casey & King Corp.*, 23 Wis. 2d 311, 314 (1964). Every Court has inherent power, exercisable in its sound discretion, consistent within the Constitution and the Statutes to control disposition of causes on its dockets with economy of time and effort. *Carlson Heating, Inc. vs. Onchuck*, 104 Wis. 2d 175, 180-181 (1981). A Court may impose conditions upon a litigant so long as they assist the Court in making its determinations and they are not so burdensome as to deny the litigant meaningful access to the Courts. *Village of Tigerton v. Minniescheske*, 211 Wis. 2d 777, 785 (Ct. App. 1997)

Ms. Comer's frequent and excessive filings impact the ability of the Polk County Clerk of Court to operate and for any Judge to reasonably review. This Court cannot possibly function properly with the length of documents the Defendant is filing.

Therefore, the Court Orders:

1. The Defendant is prohibited from filing more than documents exceeding 50 pages, without permission from the Court;
2. The Defendant is required to file proposed exhibits through the proposed exhibit tab on the electronic filing portal and follow rules of evidence;
3. The Polk County Clerk of Court is prohibited from accepting documents over 50 pages or documents with exhibits attached, from the Defendant without permission of the Court Order.
4. It will not address:
 - a. any documents relating to any other cases naming Honorable Judge Tolan or Polk County Clerk of Court Sharon Jorgenson;

- b. Any further cases filed by Mary J. Comer other than this case, unless
assigned by the District Court or as ordered;
5. The defendant shall quash the warrant by turning herself into the Polk County
Sheriff's Office or local law enforcement agency; or be lawfully detained by law
enforcement pursuant to the warrant; whereas a Return on Warrant hearing will be
set before Judge Winton-Roe.

STATE OF WISCONSIN
COURT OF APPEALS — DISTRICT III



State of Wisconsin ex rel. Mary Joanna Comer v. Hon. Angeline E. Winton-Roe

Appeal No. 2026AP001104-W

Underlying Action: State v. Comer, Polk Cnty. No. 2026CF000023

E X H I B I T

B



**ACKNOWLEDGMENT OF FILING OF WRIT /
PETITION**

Wisconsin Court of Appeals, Form AP-3100 (May 8, 2026)

D E S C R I P T I O N

Acknowledgment of Filing of Writ/Petition (Form AP-3100), issued by Samuel A. Christensen, Clerk of the Wisconsin Court of Appeals, dated May 8, 2026. The Acknowledgment confirms that “[a] Petition for Writ of Habeas Corpus in the above matter has been filed this date” and assigns the matter Appeal No. 2026AP001104-W in District III. This document establishes the operative date on which the Emergency Petition was filed in, and received by, this Court.

Urgent Motion for Immediate Ruling on Pending Request for Temporary Stay
State ex rel. Comer v. Winton-Roe • Wis. Ct. App. No. 2026AP001104-W



Samuel A. Christensen
Clerk

WISCONSIN COURT OF APPEALS
OFFICE OF THE CLERK
 110 E. Main Street, Suite 215
 P.O. Box 1688
 Madison, WI 53701-1688

Telephone: 608-266-1880
 TTY: 800-947-3529
 Fax: 608-267-0640
<http://www.wicourts.gov>

COURT ORIGINAL

State of Wisconsin ex rel. Mary Joanna Comer,
 Petitioner,

v.

Honorable Angeline E. Winton-Roe, presiding and Brent
 Waak, Sheriff,
 Respondents.

Date: May 8, 2026

District: 3

Appeal No. 2026AP001104 W

Circuit Court Case No. 2026CF000023

Acknowledgement of Filing of Writ/Petition

A **Petition for Writ of Habeas Corpus** in the above matter has been filed this date.

If a Petition for Leave to Appeal has been filed and the appeal is of the type specified in Wis. Stat. § 752.21(2), the petitioner should designate an appellate court district within eleven days, or the Petition for Leave to Appeal and the appeal, if leave is granted, will remain assigned to the district reflected on this notice.

Please use the above case name (caption) and case number on all briefs and documents filed in this matter; see Rule 809.81(9). **If you do not agree with the caption, please immediately notify this office in writing.** Thank you.

Samuel A. Christensen
 Clerk of Court of Appeals

Distribution:

Court Original
 John Blimling
 Mary Joanna Comer
 Joseph H. Loso

Assistant Attorney General

Hon. Angeline E. Winton
 Sharon Jorgenson

Circuit Court Judge
 Clerk of Circuit Court

Address

Electronic Notice
 Electronic Notice
 30176 Lilac Rd.
 Electronic Notice
 Electronic Notice

City

Saint Joseph

State Zip Code

MN 56374

STATE OF WISCONSIN
COURT OF APPEALS — DISTRICT III



State of Wisconsin ex rel. Mary Joanna Comer v. Hon. Angeline E. Winton-Roe

Appeal No. 2026AP001104-W

Underlying Action: State v. Comer, Polk Cnty. No. 2026CF000023

E X H I B I T

C



ORDER WAIVING FILING FEE

Wisconsin Court of Appeals, Form AP-3055 (May 11, 2026)

DESCRIPTION

Order of the Wisconsin Court of Appeals (Form AP-3055), entered May 11, 2026 — three days after the Petition was filed — granting Petitioner’s petition for waiver of the filing fee upon the express finding that the petition “establishes indigency for purposes of prosecuting this action.” This order demonstrates that this Court reviewed the filing, acted upon it, and possesses the capacity to enter orders in this appeal, while the contemporaneous emergency request for a stay of execution has remained undecided.

Urgent Motion for Immediate Ruling on Pending Request for Temporary Stay
State ex rel. Comer v. Winton-Roe • Wis. Ct. App. No. 2026AP001104-W



Samuel A. Christensen
Clerk

WISCONSIN COURT OF APPEALS
OFFICE OF THE CLERK
110 E. Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Telephone: 608-266-1880
TTY: 800-947-3529
Fax: 608-267-0640
<http://www.wicourts.gov>

To:

John Blimling
Assistant Attorney General
Electronic Notice

Mary Joanna Comer
Electronic Notice

Joseph H. Loso
30176 Lilac Rd.
Saint Joseph, MN 56374

Sharon Jorgenson
Clerk of Circuit Court
Electronic Notice

The court has entered the following order:

District: 3

May 11, 2026

Appeal No. 2026AP001104 W

Circuit Court Case No. 2026CF000023

Mary Joanna Comer v. Angeline E. Winton-Roe

A petition for waiver of fees has been filed in the above matter. The petition establishes indigency for purposes of prosecuting this action.

IT IS ORDERED that the court grants permission to proceed without payment of the filing fee. This order waives only the filing fees in the Court of Appeals. It is not a determination of indigency for any other purpose. Indigency may be reevaluated if a request is received for waiver of other fees based on indigency.

Samuel A. Christensen
Clerk of Court of Appeals

No. _____

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

Mary Joanna Comer,

Petitioner / Applicant,

v.

ANGELINE E. WINTON-ROE, et al.,

Respondents.

PROOF OF SERVICE

I, MARY JOANNA COMER, do swear or declare that on this date, July 1, 2026, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, the accompanying DECLARATION IN SUPPORT, and the APPLICATION TO THE CIRCUIT JUSTICE FOR AN INJUNCTION AND STAY PENDING APPELLATE REVIEW on each party to the proceeding, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail, first-class postage prepaid, properly addressed as follows:

Names and addresses of those served:

Office of the Attorney General, Wisconsin Department of Justice, 17 West Main Street, P.O. Box 7857, Madison, WI 53707-7857 (counsel for the State of Wisconsin and the state respondents in their official capacities).

Office of the Polk County District Attorney, Polk County Justice Center, 1005 West Main Street, Suite 300, Balsam Lake, WI 54810.

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746.)

Executed on July 1, 2026

Mary Comer
Signature

Thomas Edward Humphrey
Constitutional Counsel of Choice for Mary Joanna Comer
107 Middlesex Road, Apartment 5
Waltham, Massachusetts 02452
Telephone: (617) 835-9319
Email: ThyKingdomCome1322@gmail.com

June 22, 2026

The Honorable John G. Roberts, Jr.
Chief Justice of the United States
Presiding Officer, Judicial Conference of the United States
c/o Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, DC 20544

**Re: Transmittal of Administrative Notice to the Correct Office:
Misuse of 28 U.S.C. § 1915(e)(2) to Foreclose Federal Review of State-Court
Constitutional Violations**

Dear Mr. Chief Justice:

I write to transmit, through what I understand to be the correct office, an Administrative Notice that I previously directed to you in your capacity as Presiding Officer of the Judicial Conference of the United States. That submission was received at the Office of the Clerk of the Supreme Court on May 29, 2026, and was returned to me by letter dated June 12, 2026, on the ground that the Court's Article III jurisdiction extends only to cases or controversies properly brought from the lower courts.

I respectfully acknowledge my error in the original transmittal. Although I addressed the Notice to you as Presiding Officer of the Judicial Conference, I mistakenly mailed it to the Supreme Court at 1 First Street, NE, Washington, DC 20543. It was received there by the Office of the Clerk and returned to me. I therefore re-direct the Notice to the Administrative Office of the United States Courts, which I understand to be the body responsible for the administrative work of the Judicial Conference, so that it reaches the correct institutional channel.

I appreciate that no response or action is required, and I do not expect any. The purpose of this transmittal is solely to place a properly-directed administrative record of the concern before the correct office.

The Administrative Notice and its accompanying enclosures are provided herewith.

Respectfully,

A handwritten signature in blue ink, appearing to be 'TH' with a horizontal line above the 'H'.

Thomas Edward Humphrey
Constitutional Counsel of Choice for Mary Joanna Comer

Enclosures:

1. Administrative Notice, dated May 20, 2026 (re-addressed and re-transmitted herewith)
2. Record of Mailing and Return for the May 20, 2026 Administrative Notice (proof of mailing, delivery, the Office of the Clerk's stamped acknowledgment, and the Clerk's return letter dated June 12, 2026)

Thomas Edward Humphrey
Constitutional Counsel of Choice for Mary Joanna Comer
107 Middlesex Road, Apartment 5
Waltham, Massachusetts 02452
Telephone: (617) 835-9319
Email: ThyKingdomCome1322@gmail.com

May 20, 2026

The Honorable John G. Roberts, Jr.
Chief Justice of the United States
Presiding Officer, Judicial Conference of the United States
c/o Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, DC 20544

**Re: Administrative Notice Regarding Misuse of 28 U.S.C. § 1915(e)(2) to
Foreclose Federal Review of State-Court Constitutional Violations**

Dear Mr. Chief Justice,

I write to you today as both an advocate and a son. I have done everything within my power to protect my mother, Mary Joanna Comer, from a manifest and grievous injustice. I write not to request intervention in an active docket, which I recognize falls outside the immediate purview of the Judicial Conference, but to provide formal administrative notice of a systemic breakdown in federal procedural safeguards: specifically, the misapplication of the *in forma pauperis* screening statute (28 U.S.C. § 1915(e)(2)) to permanently insulate egregious state-level constitutional violations from federal scrutiny.

My mother is a 61-year-old widow with no prior criminal history, currently facing a felony charge in Wisconsin state court (Case No. 2026CF000023) that carries a maximum **sentence of forty years' imprisonment**. In an extraordinary departure from basic procedural fairness, the presiding state judge, Hon. Daniel J. Tolan, unilaterally struck my mother's sworn testimony and defense filings from the official record because she designated me as her Constitutional Counsel of Choice.

Before turning to the federal courts, my mother had reported the underlying constitutional violations through every available channel of accountability. These included the federal investigative and prosecutorial arms responsible for civil rights enforcement, and the Wisconsin body specifically charged with judicial oversight:

- FBI Civil Rights Unit

- FBI Minneapolis Field Office
- United States Department of Justice, Civil Rights Division
- United States Attorney's Office for the Western District of Wisconsin
- Wisconsin Judicial Commission

Each declined to act or failed to respond.

With every non-judicial avenue of constitutional accountability exhausted, and the ongoing erasure of her right to present a defense, my mother sought emergency equitable relief in the United States District Court for the Western District of Wisconsin (Case No. 3:26-cv-00268-wmc). She placed her faith in the federal court as the forum the Framers designed to vindicate constitutional rights when state institutions fail. It is the forum designed precisely for moments like this.

Instead, the presiding federal judge, Hon. William M. Conley, invoked the *in forma pauperis* screening process under 28 U.S.C. § 1915(e)(2) to **summarily dismiss** her civil rights complaint **with prejudice**. He did so without granting leave to amend and without addressing the merits of her pending Emergency Motion for Temporary Restraining Order. This sequence reflects a serial breakdown across both state and federal forums to uphold the constitutional mandate of the federal judiciary: a state court struck her defense, and a federal court refused to examine that conduct.

By using an administrative screening statute to permanently close the federal courthouse doors to a citizen facing decades of imprisonment stripped of her defense, the district court abdicated its essential role. When § 1915(e)(2) is used to permanently insulate state-level constitutional violations from federal scrutiny, such use erodes public confidence in the integrity of the federal courts.

The concern I respectfully bring before the Conference reaches beyond my mother's case. Section 1915(e)(2) exists to permit summary dismissal of a defined class of unmeritorious filings: those that are frivolous, malicious, fail to state a claim, or seek monetary relief against an immune defendant. **It was not designed to convert threshold review into a mechanism for foreclosing federal scrutiny of substantial constitutional allegations against judicial actors.** It was applied here without leave to amend, without consideration of whether the pleaded deficiencies were curable, without engagement with the pending Emergency Motion for Temporary Restraining Order, and without analytical engagement with five of the eight independently pleaded counts. When a screening statute is applied that way, against an indigent litigant whose state-court defense has already been stricken, public confidence in the federal courts as the constitutional backstop is not abstractly threatened: it is concretely diminished. That is the matter I respectfully submit for the Conference's administrative consideration.

A formal Complaint of Judicial Misconduct has been filed with the Judicial Council of the Seventh Circuit under 28 U.S.C. § 351, and the underlying dismissal is on appeal before the Seventh Circuit Court of Appeals as No. 26-1662. This correspondence is offered in parallel with those proceedings, in respect for the statutory framework, not in substitution for it. The enclosed materials are provided for the Conference's awareness of a matter whose systemic dimension reaches beyond this individual case.

Respectfully,



Thomas Edward Humphrey

Constitutional Counsel of Choice for Mary Joanna Comer

Enclosures:

1. Formal Complaint of Judicial Misconduct (filed with the Seventh Circuit)
2. Brief of Plaintiff-Appellant (Comer v. Tolan No. 26-1662 (7th Cir.))
3. Original Civil Rights Complaint (dismissed by the District Court; transmitted without attachments)
4. Emergency Petition for Writ of Habeas Corpus (Wisconsin Court of Appeals, District III), with Exhibits, and
 - a. Urgent Motion for Immediate Ruling (June 22, 2026)

The foregoing enclosures are provided in digital form on the accompanying USB drive and are also accessible at the following link:

https://drive.google.com/drive/folders/1DZy6nwEaH_vd8Z0xlBbWi98IU-nuuQwW

Notation regarding Enclosure 4. Enclosure 4 is the Emergency Petition for Writ of Habeas Corpus filed in the Wisconsin Court of Appeals, District III, in *State ex rel. Comer v. Winton-Roe et al.* Appended as Exhibit A is the Motion for Recusal of the Honorable Angeline E. Winton-Roe filed in *State v. Comer*, Polk County Circuit Court Case No. 2026CF000023. Appended to the Motion for Recusal as its Exhibit A is the Operative First Amended Complaint in *Comer v. Tolan et al.*, No. 3:26-cv-00268-wmc (W.D. Wis.), the pleading to be filed upon remand pursuant to Fed. R. Civ. P. 15(a)(2), which carries forward the factual allegations, constitutional theories, parties named, and principal relief sought in the Proposed First Amended Complaint appended to Appellant's Brief on April 17, 2026, in No. 26-1662 (7th Cir.), and incorporates updates arising thereafter, including the joinder of the Honorable Angeline E. Winton-Roe in her individual and official capacities, a corresponding increase in damages sought, supplemental Supreme Court authority, and targeted non-substantive corrections.

Because the Judicial Conference sits at the apex of the statutory review architecture established by 28 U.S.C. §§ 351–364, and this complaint is precisely the kind of matter the Conference is designed to reach, this administrative notice is offered as institutionally appropriate and fully within the disclosure permitted by Rule 23(b)(8).

No. _____

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

Mary Joanna Comer,

Petitioner / Applicant,

v.

ANGELINE E. WINTON-ROE, et al.,

Respondents.

PROOF OF SERVICE

I, MARY JOANNA COMER, do swear or declare that on this date, July 1, 2026, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, the accompanying DECLARATION IN SUPPORT, and the APPLICATION TO THE CIRCUIT JUSTICE FOR AN INJUNCTION AND STAY PENDING APPELLATE REVIEW on each party to the proceeding, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail, first-class postage prepaid, properly addressed as follows:

Names and addresses of those served:

Office of the Attorney General, Wisconsin Department of Justice, 17 West Main Street, P.O. Box 7857, Madison, WI 53707-7857 (counsel for the State of Wisconsin and the state respondents in their official capacities).

Office of the Polk County District Attorney, Polk County Justice Center, 1005 West Main Street, Suite 300, Balsam Lake, WI 54810.

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746.)

Executed on July 1, 2026

Mary Comer
Signature