

OFFICE OF THE CLERK
FOR THE SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543-9998

ISMAEL RUIZ,

APPELLANT,

U.S.D.C. Case No. 2:24-CV-00142-ABJ

VS.

U.S.C.A. Case Number: 24-8051

WYOMING DEPARTMENT

OF CORRECTIONS,. In his

official capacity, also known as Dan

Dated: 01-09-2025

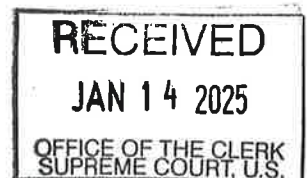
Shannon,

DEFENDANT.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI SEEKING REVIEW OF THE OCTOBER 28TH, 2024.

[ORDER BY THE TENTH CIRCUIT COURT OF APPEALS IN (No. 24-8051)]

COMES NOW, (Ismael Ruiz #32741 D3-116T), in accordance of the Rules of Supreme Court of the United States and the applicable statutes to allow a pro se litigant to be granted extension to file a petition for a writ of certiorari for move on appeal in this court. U.S. v. Lanier, 520 U.S. 259, 270 117 S.Ct. 1219, 1230, L.Ed.2d (1997) (the requirement that a violation must be of a “clearly established” law seeks to ensure that defendants “reasonably can anticipate when their conduct may give rise to liability,” by attaching liability only if “[t]he



contours of the right [violated are] sufficiently clear that a reasonable official would understand that what he is doing violates the right.”)

The critical points in this case all have by definition been satisfied as result of enumerated filings wrongfully disregarded in the United States District Court for the State of Wyoming and United States Court of Appeals for the 10th Circuit. Johnson v. Avery, 393 U.S. 483 89 S.Ct. 747, 21 L.Ed.2d 718 (1967) (prisoners have the right to petition the government for redress of Grievances, including a reasonable right of access to the courts). USAP10 No. 24-8051 >See above entitled case number(s) for referenced filings in these courts within the complaints docketed and filed for the record to be expanded by “factual” material enhancement according to the federal law and filed according to the rules of this court. Gluth v. Kangas, 951 F.2d 1504, (9th Cir. 1992) (“[L]itigation necessarily requires some means of accurate duplication because the court and parties need to refer to the same documents.... Photocopying is a reasonably sufficient and reliable means of providing the necessary copies of petitions, complaints, answers, motions, affidavits, exhibits memoranda and briefs, including attachments and appendices, material needed for discovery and investigation, including interrogatories and freedom of information requests.”) The Wyoming Department of Corrections has been engaging an obnoxious pattern of intentional retaliation to thwart my efforts to file this Petition for a Writ of Certiorari. This filing is legitimate and all actions to arbitrarily dismiss all adjudicative facts presented for challenging municipality’s custom of absolute unconstitutionality. Judicial notice standard of review for the totality of the circumstances in appeal courts failing to execute with Ethical Jurisprudence Ratio Decidendi challenge of the Final Judgment, by pro se fact trier in findable issues of legal injuries presented in direct evidence in the documentation provided to United States District Court for The State of Wyoming. Hahn v. Sargent, 523 F.2d 461, 463 (1st Cir. 1975). cert. denied 425 U.S. 904, 96 S.Ct. 1495, 47 L.Ed.2d 754 (1976) (an issue is “material” if it affects the outcome of litigation, and “genuine” when on the record is sufficient evidence supporting the claimed factual dispute... to require a jury or judge to resolve the parties’ differing versions of the truth at trial.) Procedure is required on petition for review of parole ineligibility Under W.S. 7-13-402(b) because of administrative disciplinary conviction and physical impossibility created by defendants named in this case filed in lower courts.

Verification has been provided from the submittal of the affirmative documentation in direct support for this review to find good cause to grant this motion for extension on time to file Petition for Writ of Certiorari. Good Cause based on the clear violations of the constitution and protections which are inviolable.. Constitutional Article III direction provided by this court in prior instructional guidance for appealing from the United States Court of Appeals for the 10th Circuit.

All three strikes pointed at issue of Judicial malice and this filing is of manifested necessity. *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d. 652 (1972) (pro se litigants' pleadings are to be construed liberally and held to a less stringent standard than pleadings drafted by lawyers; if a court can reasonably interpret pro se pleadings to state a cognizable claim on which litigant can prevail, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence structure, or litigant's unfamiliarity with pleading requirements: and unless it appears beyond doubt that a plaintiff can prove no facts in support of his claim, which entitle him to relief, a complaint or motion should not be dismissed). The Tenth Circuit Court of Appeals held the same stance in *Morgan*, *infra*, when it stated that pride and arrogance are the cause of men to inaccurately believe they are above the law. *Copper v. Pate*, 378 U.S. 546, 84 S.Ct. 1733, 12 L.Ed.2d. 1030 (1964) (a court must view all allegations as true).

See *Trump v. Vance*, 140 S. Ct. 2412; 207 L. Ed. 2d 907; 2020 U.S. Lexis 3552 (2020). "No man in this country is so high that he is above the law. No officer of the law may set that law with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it." *Nixon v. Fitzgerald* 102 SCT 2690, 73LED2D 349, 457 US 731 (1982); *United States v. Lee*, 106 US [196,] 220, [27 L Ed 171, 1 S Ct 240] [(1882)]." 438 US, at 506, 57 L Ed 2d 895, 98 Ct 2894. These enumerated issues of injuries are completely illegal incurring the inexplicably amassed damages, by affirmative corruption. *King v Beavers*, 148 F.3d 1031 (8th Cir. 1998) (all but the plainly incompetent government officer) agent who willingly violate the law are entitled to qualified immunity). The criminal law must supply a meaningful deterrent.

Once improperly charged and/or convicted the law demands that all persons- no matter their station in life-be held to account for their actions. This is all the more important involving affirmative political corruption, a serious offense which erodes the public's faith in the legitimacy of their government and its leaders. Mandatory accountability for such a serious offense calls for a significant punishment, particularly when wrongful misconduct is proven. *Carter v. Hutto*, 781 F.2d 1028 (4th Cir. 1986) (access-to-courts claim stated where prison officials confiscated or destroyed legal material).[Wyoming's actions make the discretionary function exception swallow the more general waiver and become the default doctrine. The Supreme Court has attempted to define what functions are discretionary and therefor not subject to liability; but Wyoming appears to have eliminated that definition and made every action a discretionary function. While seeking to address the difficulties that it had previously encountered in interpreting the exception the [United States] Supreme Court also has imposed a presumption that any action which statute, regulation or internal agency rules imbue with discretion will fall under this exception See; *United States v. Gaubert*, 499 U.S. AT 324-25.

Please move for the verification of the claims in this case for the purpose of definitively adjudicating in conference, for a favorable outcome required by constitutional protections implicitly articulated in the American Constitution. *Lee v. Washington*, 390 U.S. 333, _S.Ct._, _L.Ed.2d._ (1968) (per curiam) (equal protection of laws extended to the incarcerated).Thirty to Sixty days >30-60< is being requested in this application for the perfecting process of my Petition for Writ of Certiorari.

WHEREFOR, all the issues of legal injuries are from actions and inactions that have been thoroughly substantiated setting a complete malicious injustice supporting legal malice claim. I am respectfully requesting that this court grant this application for an extension of time to file a "Petition for Writ of Certiorari".

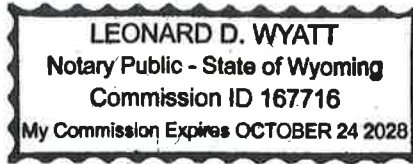
x 

X *Ismael Ruiz*

WITNESS TO THE HAND AND SEAL

Subscribed and sworn as being true under the penalty of perjury pursuant to W.S. §6-5-301; 28 USC §1746; and 18 USC §1621 by I, ISMAEL RUIZ #32741, before me this 9th day of January, 2025. Said individual solemnly affirmed that he has firsthand knowledge of the facts contained herein and that the facts are true, correct and complete to the best of his knowledge, understanding and belief.

State of Wyoming)
) s.s.
County of GOSHEN)



Leonard D. Wyatt
Notary Public

October 24, 2028
My commission expires

±
Certificate of Service

I swear under the penalty of perjury that I sent a true and correct copy of the enclosed filing to the Clerk of the District Court for third Judicial, Solicitor General of The United States, Supreme Court of The United States and Attorney General for the state of Wyoming at:

**UNITED STATES DISTRICT COURT
FOR THE STATE OF WYOMING
2120 CAPITOL AVENUE, ROOM 2141
CHEYENNE, WYOMING 82001**

**CLERK OF DISTRICT COURT
DONNA LEE BOBAK
P.O. BOX 430
GREENRIVER, WYOMING 82935**

**STATE OF WYOMING; ATTORNEY GENERAL
BRIDGET HILL>CRIMINAL DIVISION
109 STATE CAPITOL
CHEYENNE, WYOMING 82002**

**SOLICITOR GENERAL
OF THE UNITED STATES
ROOM 5614, DEP. OF JUSTICE
950 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C 20530-0001**

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK
BYRON WHITE UNITED STATES COURTHOUSE
1823 STOUT STREET
DENVER, COLORADO 80257**

**SUPREME COURT OF WYOMING
OFFICE OF THE CLERK
SUPREME COURT BUILDING
2301 CAPITOL AVENUE
CHEYENNE, WY. 82002**

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 28, 2024

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

ISMAEL RUIZ,

Plaintiff - Appellant,

v.

WYOMING DEPARTMENT OF
CORRECTIONS DIRECTOR, in his
official capacity a/k/a Daniel Shannon;
DANIEL SHANNON, individually;
WYOMING DEPARTMENT OF
CORRECTIONS MEDIUM
CORRECTIONAL INSTITUTION
WARDEN, in his official capacity a/k/a
Seth Norris; SETH NORRIS, individually;
WYOMING DEPARTMENT OF
CORRECTIONS MEDIUM
CORRECTIONAL INSTITUTION
GRIEVANCE MANAGER, in her official
capacity a/k/a Jennifer Emigh; JENNIFER
EMIGH, individually; WYOMING
DEPARTMENT OF CORRECTIONS
MEDIUM CORRECTIONAL
INSTITUTION CASE MANAGER, in her
official capacity a/k/a Tammi Harshberger;
TAMMI HARSHBERGER, individually,

Defendants - Appellees.

No. 24-8051
(D.C. No. 2:24-CV-00142-ABJ)
(D. Wyo.)

ORDER

This appeal is dismissed for lack of prosecution pursuant to Tenth Circuit Rules
3.3(B) and 42.1.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk