

No. 19-5557

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUL 23 2019

OFFICE OF THE CLERK

Josiah English III — PETITIONER
(Your Name)

vs.

Theodore Campagnolo, et. al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Ninth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Table of Contents
is on page 4

Josiah English III
(Your Name) Pretrial Detainee #T337357
Maricopa County Jail
3250 W. Lower Buckeye Rd.
(Address)

Phoenix, Arizona 85009
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

- 1 Did The U.S. District Court ^{of Arizona} err by invoking the Younger Abstention Doctrine and not allowing Prose Plaintiff Josiah English III to state a claim in his Civil Rights action, in view of the extraordinary circumstances and irreparable loss presented to The U.S. District Court, by Plaintiff, as exceptions to the Younger Abstention Doctrine?
- 2 Did The U.S. ^{9th} Circuit Court of Appeals err by affirming The U.S. District Court's sua Sponte dismissal of Plaintiff's Civil Rights Complaint, without even acknowledging or considering any of the extraordinary circumstances, including irreparable loss, that Plaintiff articulated to The U.S. ^{9th} Circuit Court of Appeals, as exceptions to the Younger Abstention Doctrine under Younger v. Harris, 401 U.S. 37 (1971) (Supreme Court of The United States)?
- 3 Did The U.S. Circuit Court of Appeals err, by not, at a minimum, allowing Plaintiff Josiah English III to state a claim and proceed against those Defendants named in the Civil Rights Complaint in which Plaintiff is seeking monetary damages against, who do not enjoy absolute immunity?
- 4 ^{= detention for obtaining evidence of identifying physical characteristics"} IS Arizona Revised Statute 13-3905 Unconstitutional, in violation of Constitutional parameters established under The U.S. Constitution, on its face, and "flagrantly and patently violative of express constitutional prohibitions in every clause, sentence,

and paragraph, and in whatever manner and against whom ever an effort might be made to apply it.' ?

(Watson v. Buck, 313 U.S. 387, 402 61 S.Ct. 962, 967, 85 L.Ed. 1416 (1941) Supreme Court of The United States)

(Particularly the 4th and 14th Amendments to The United States Constitution)

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- [1] Theodore Campagnolo / Maricopa County Superior Court Judge
- [2] Tyler Kipper # 08151 / Detective - Phoenix Police Department
- [3] Joseph Newbern # 07390 / Detective - Phoenix Police Department
- [4] Unknown Party, Actually named as Unidentified Detective, tall - approx. 6'3, blue eyes, blond hair, Phoenix Police Department
- [5] City of Phoenix
- [6] Howard Pacifico "Howie" # 07180 / Detective - Phoenix Police Department
- [7] Alison S. Bachus / Maricopa County Superior Court Judge
- [8] Marischa Gilla / Prosecutor - Maricopa County Attorney's Office
- [9] Anndrea S. Kawamura / Assistant Arizona Attorney General
- [10] Huguens St. Jean / Arizona Department of Child Safety
- [11] Robert Vasquez # 5680 / Sergeant - Phoenix Police Department
- [12] Alexander Archuleta # 06176 / Detective - Phoenix Police Department
- [13] Michelle Cervantes # 08436 / Detective - Phoenix Police Department
- [14] Sergio Dominguez # 07285 / Detective - Phoenix Police Department
- [15] Kristy Blankenship # A5332 / Crime Scene Specialist - Phoenix Police Department
- [16] Cassandra Alves / Arizona Department of Child Safety
- [17] Gregory McKay / Director of Arizona Department of Child Safety
- [18] William Gerard Montgomery "Bill" / Maricopa County Attorney

Continued on page 3.1 →

(3)

List of Parties, continued

- [19] Rebecca Regal / Arizona Department of Child Safety
Supervisor
- [20] Eartha K. Washington / Maricopa County Superior
Court Judge
- [21] Douglas A. Ducey / Governor of the State of Arizona
- [22] Maricopa County
- [23] Robert O. Beardsley III / Prosecutor - Maricopa
County Attorney's Office
- [24] Kristen Kidd / Arizona Department of Child Safety
Supervisor
- [25] Jennifer Smith #07390 / Detective - Phoenix Police
Department
- [26] David Forbes #6550 / Detective - Phoenix Police
Department
- [27] Michael Walter #08360 / Detective - Phoenix Police
Department
- [28] Robert Durka #5503 / Detective - Phoenix Police
Department

* Forty Pages, including pages 2.1, 3.1, 7.1, and 8.1 through 8.27, excluding Appendices

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	pg. 7
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	pg. 7.1
STATEMENT OF THE CASE	pg. 8
REASONS FOR GRANTING THE WRIT	pg. 9
CONCLUSION.....	pg. 10

INDEX TO APPENDICES

- APPENDIX A → Order from The U.S. 9th Circuit Court of Appeals, filed on 4-25-2019, denying Appellant's Petition for Rehearing En Banc" (one page).
- APPENDIX B → Order from The U.S. 9th Circuit Court of Appeals, filed on 12-21-2018, affirming the Sua Sponte dismissal (without prejudice), of Appellant's Civil Rights complaint filed in the U.S. District Court, District of Arizona (two pages).
- APPENDIX C → Order from The U.S. District Court, District of Arizona, filed on 6-5-2018, Sua Sponte dismissing Plaintiff's Civil Rights Complaint under the PLRA. (five pages).
- APPENDIX D → A copy of Arizona Revised Statute 13-3905 "Detention For Obtaining Evidence of Identifying Physical Characteristics" (three pages).
- APPENDIX E → A copy of the "order For obtaining Identifying Evidence" used to detain Josiah English III on 1-31-2017. (three pages)
- APPENDIX F → (one page)
- A copy of the letter dated 4-5-2019 from Assistant Arizona Attorney General ^{Andrea Kawamura} to Pro Se Respondent and biological Father of ME and VE, ^{Josiah English III} advising Father that Arizona DCS is no longer alleging grounds for termination of the Parent-Child Relationship under ARS 8-533 (B)(2), and that now Arizona DCS is alleging grounds for termination based on the fact that Father has been detained in the Maricopa County Jail for more than nine months and fifteen months (ARS 8-533 (B)(8)(a) and (c)) (circumstances that the State of Arizona created). The domestic violence and murder allegations were false then, and they are false now. (4)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Younger v. Harris</u> , 401 U.S. 37 (1971) (U.S. Supreme Court)	Pg. 8.22
<u>Arevalo v. Hennessy</u> , 882 F.3d 763 (2018) (U.S. 9th circuit)	pgs. 7.1 and 8.23
<u>Afro-Lecon, Inc. v. U.S.</u> , 820 F.2d 1198 (1987) (U.S. Court of Appeals Federal Circuit)	Pg. 8.24
<u>Securities and Exchange Commission v. Dresser Industries, Inc.</u> 628 F.2d 1368 (1980) (U.S. Court of Appeals - District of Columbia Circuit) →	Pg. 8.25
<u>Mann v. Jett</u> , 781 F.2d 1448 (1986) (U.S. 9th Cir. Court of Appeals) →	Pg. 8.26
<u>Diamond "D" Const. Corp. v. McGowan</u> , 282 F.3d 191 (2002) (U.S. 2nd Circuit Court of Appeals) →	Pg. 8.26
<u>Watson v. Buck</u> , 313 U.S. 387 (1941) (U.S. Supreme Court) →	Pg. 8.26
<u>Terry v. Ohio</u> , 392 U.S. 1 (1968) (U.S. Supreme Court) →	Pg. 8.27
<u>U.S. v. Washington</u> , 387 F.3d 1060 (2004) (U.S. 9th Circuit Court of Appeals)	

STATUTES AND RULES

→ Pg. 8.27	
<u>United States v. Sharpe</u> , 470 U.S. 675, 685, 105 S.Ct. 1568, 84 L.Ed. 2d 605 (1985) (U.S. Supreme Court) →	Pg. 8.27
<u>Ganwich v. Knapp</u> , 319 F.3d 1115, 1122 (9th cir. 2003) →	Pg. 8.27
<u>Florida v. Royer</u> , 460 U.S. 491, 500, 504, 103 S.Ct. 1319, 75 L.Ed. 2d 229 (1983)) (U.S. Supreme Court) →	Pg. 8.27

Statutes and Rules

Arizona Revised Statute 13-3905 "Detention For Obtaining Evidence of Identifying Physical Characteristics" →	pages 8.8 through 8.21, 8.26 and 8.27
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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix 8 to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was December 21st 2018

[] No petition for rehearing was timely filed in my case.

[☒] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 25th 2019, and a copy of the order denying rehearing appears at Appendix A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

~~STATEMENT OF THE CASE~~

- [1] 4th Amendment to The Constitution of The United States
- [2] 5th Amendment to The Constitution of The United States
- [3] 14th Amendment to The Constitution of The United States
- [4] 42 U.S.C. § 1983 "Deprivation of Rights Under Color of Law"
- [5] 42 U.S.C. § 1985 "Conspiracy to Interfere With Civil Rights"
- [6] Arizona Revised Statute 13-3905 "Detention For Obtaining Evidence of Identifying Physical Characteristics" (please see Appendix D)
- [7] Arevalo v. Hennessy, 882 F.3d 763 (2018) (U.S. 9th Circuit Court of Appeals) at II A "younger abstention remains an extraordinary and narrow exception to the general rule [.] Cook v. Harding, 879 F.3d 1035, 1038 (9th Cir. 2018) (quoting Nationwide Biweekly Admin., Inc. v. Owen, 873 F.3d 716, 727 (9th Cir. 2017) (internal quotation marks omitted)). However, even if Younger abstention is appropriate, federal courts do not invoke it if there is a "showing of bad faith, harassment, or some other extraordinary circumstances that would make abstention inappropriate." Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 435, 102 S.Ct. 2515, 73 L.Ed. 2d 116 (1982). at II C "The younger abstention doctrine also does not apply because this case fits squarely within the irreparable harm exception. See World Famous Drinking Emporium, Inc. v. City of Temp, 820 F.2d 1079, 1082 (9th Cir. 1987) (holding that an exception to abstention applies "under extraordinary circumstances, where the danger of irreparable loss is both great and immediate"). It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury."

Statement of The Case
~~CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED~~

I am making most of the same Constitutional arguments in this petition that I made Pro Se, in "Appellant's petition for Rehearing En Banc", filed in Case # 18-16258 in The U.S. 9th Circuit Court of Appeals, on January 28th 2019.

My main argument is that Arizona Revised Statute 13-3905 "Detention for obtaining evidence of identifying physical characteristics", is unconstitutional because it circumvents the 4th Amendment requirement of The U.S. Constitution, that a law enforcement officer must establish probable cause in order to acquire a warrant, from "a neutral and detached magistrate", before seizing the person, property, or biological samples, of any person (Please see a copy of ARS 13-3905 attached to this Petition as Appendix C).

ARS 13-3905 gives a Police officer, or any peace officer in the State of Arizona, an order to "detain" a person for up to three hours (which I argue operates as a de facto arrest warrant) for an alleged felony offense, based only on "reasonable cause" that "a felony has been committed", by "an identified or particularly described individual residing in or found in the jurisdiction over which the magistrate presides."

During that three hours, the Arizona peace officer may take "the fingerprints, palm prints, footprints, measurements, handwriting, handprinting, sound of voice, blood samples, urine samples, saliva samples, hair samples, comparative personal appearance or photographs of an individual". (See 6. of ARS 13-3905 attached as Appendix D)

see page 8.1 → ⑧

I respectfully argue that this three hour detention

far exceeds the limitations laid out in Terry v. Ohio

392 U.S. 1 (1968) (Supreme Court of The United States),
because the detention is not "substantially brief" nor

minimally intrusive, nor is it based on reasonable

suspicion to believe that criminal activity may be afoot" (please

see United States v. Sokolow, 490 U.S. 1, 7, 109 S.Ct. 1581,

104 L. Ed. 2d 1 (1989) (Supreme Court of The United States).

I respectfully argue that judicially authorizing any Arizona

peace officer to go round up "an identified or particularly

described individual" (or numerous individuals who merely

fit a particular description), forcefully transport them to a

police station and detain them for up to three hours, then take

their finger prints, their palm prints, their blood, their saliva,

their hair samples, and carry out numerous other bodily

intrusions, while alleging any felony offense (including

murder), based on "reasonable suspicion" (not probable cause),

flagrantly violates the 4th Amendment to The Constitution

of The United States.

This is what happened to me on January 31st 2017 (please

see the "order for obtaining Identifying Evidence" issue

on January 31st 2017 attached to this petition as Appendix D).

On the morning of January 31st 2017, the mother of two of

my four children (Blanca Calzancit) was shot and killed in

the parking lot of her apartment complex in Phoenix Arizona. (8.1)

by an unknown assailant, reportedly while putting our daughter and our son in her vehicle. The first 911 call came in at 5:51 A.M. (I did NOT Kill Blanca Calzoncit)

Our son VE was two years old, and our daughter ME was three years old at that time (January 31st 2017). According to witnesses our son VE was strapped into his car seat at the time that Blanca was shot and killed. Witnesses also said that our daughter ME was going "in and out of the car". Following are quotes from the Phoenix Police Department report:

"Heather detached the boy from the car seat and handed him off to her neighbor."

"Amanda said she could see the little boy inside the corolla and the girl coming in and out of the car."

At that time, Blanca and I had not lived together for over two years and six months, our divorce had been finalized a year and five months earlier, and I was living with my girlfriend and our six month old daughter SE in my apartment in Scottsdale, Arizona. I had my court ordered parenting time with my daughter ME and my son VE, three weekends every month, holidays, and in the summertime, and I called and spoke to ME and VE over the phone two times per week. I very faithfully exercised my parenting time with ME and VE. (8.2)

Sometime during the hour of six A.M. on the morning that Blanca Calzoncit was shot and killed (January 31st 2017), Phoenix detectives saw some family court documents inside Blanca's apartment with my name on them (from our family court case) and decided that they were going to plant this murder charge on me by any means necessary (which is exactly what they did and is what they habitually do to people here in the state of Arizona, with impunity).

On the morning of January 31st 2017, my children ME and VE were forensically interviewed sometime around 10:00 A.M. My son VE was two years old and my daughter ME was three years old. In her report, the interviewer (Joy Lucero) stated:

"Summary of the interview with ME:

ME made no disclosure. She answered a few neutral questions and nothing else. No further details were forthcoming at this time."

"Summary of the interview with VE: VE said his mommy fell and made no other disclosure. No further details were forthcoming at this time."

Around 7:30 p.m. on the evening of January 31st 2017, an Investigator from Arizona Office of Child Welfare Investigations ^{Julie Favila} was transporting my children ME and SE in her vehicle. In her report to Arizona Department of Child Safety, she stated that during that car ride my three year old (8.3)

daughter ME said "a monster shot mommy".

Just a few minutes after Phoenix Police officers arrived to the apartment complex on January 31st 2017, my daughter ME spoke to a witness by the name of Amanda Kelley. Amanda Kelley gave an audio-recorded statement to Phoenix Detective Howard Pacifico. The following two pages are excerpts from a transcript of the audio-recorded interview that witness Amanda Kelley had with Phoenix Detective Howard Pacifico on the morning of January 31st 2017. In the interview Amanda Kelley recited the conversation that she and a male Phoenix Police officer had with my three year old daughter ME just minutes after the first 911 call came in at 5:51 A.M. on the morning of January 31st 2017, starting at line 385:

361
362 A: 'Cause one time they busted a window and it was - it was cheaper to buy a
363 whole replacement door than just the glass.
364
365 A1: Yeah.
366
367 A: So we just leave 'em unlocked.
368
369 A1: I mean there ain't - is maybe \$40 worth of tools in there and they can have it.
370 It's cheaper than a window.
371
372 Q: Okay. So have you ever talked to her before? Just waves? Just...
373
374 A1: Wave and...
375
376 Q: D- do her kids play with your kids? Has that ever happened before?
377
378 A1: I think.
379
380 A: I think my older boy said that, um, they have played with the little girl a little
381 bit out at the playground and that the little boy had come out and they tried to
382 talk to him but he didn't - you know, like, ask him his name but he didn't, um,
383 reply.
384 ✓
385 Q: The kids speak English?
386 ✓
387 A: The little girl did 'cause I was talking to her this morning she told me her
388 name was (Melanie), um, and she's between 3 and 4 but she speaks both
389 English and Spanish. The little boy did not say a word all morning and when I
390 brought them blankets, I draped the one over the little boy that my neighbor
391 was holding and then I had the little girl stand up and I wrapped it around her
392 and she just kept saying, "And you'll hold me now?"
393 ✓
394 Q: That's what (Melanie) was saying?
395 ✓
396 A: Yeah, and I'm like, "Yeah, yeah, I'll hold you. Hold on."
397 ✓
398 Q: Did she say anything? Did you ask her anything?
399 ✓
400 A: We did, um, your other - another cop was...
401 ✓
402 Q: A Hispanic detective that was here?
403 ✓
404 A: He looked white but...
405

406 Q: Okay.

407
408 A: Um, dark hair, um, he had asked her if he wanted to sit in his truck and she
409 said no and, um, I - I told her, you know, "It's okay. Look, you know, look at
410 his badge. He's good people." And she just wasn't having it and then I said
411 "What's your name?" And she said, "(Melanie)." And I said, "Do you know
412 what happened to Mom?" And she just shook her head and, um, the detective
413 asked her or the cop asked her, um, "Did Mom say anything?" And she said,
414 "She was fighting." And so he said, "Well, who was she fighting with?" And
415 then the girl looked away and I'm like, "Who was - who was Mommy arguing
416 with?" And, um, she said, "I don't know. Herself." And so the cop was like,
417 "Was she on the phone?" And she was done talking. Oh, he did ask her if she
418 - any - if she saw the person or saw anything and I think she said yes and then
419 he said, "Do you know who it was?" And she said no.

420
421 Q: Did he ask her, did you - did you see, like, who?

422
423 A: Yeah, it was like, "Did - did you know - did you know who - who mom was
424 arguing w- did you see anybody? Did you see - did you know who it was?"
425 And she just said, "I don't know." But she was in - the little girl was in and
426 out of the car. She was - she was the one crying and - and saying, "Mom,
427 Mom." And - and she was right with her mom. You know, she was in and out,
428 in and out so I don't really know how much she saw.

429
430 Q: In the past have you seen her speaking with anybody? Have you seen any -
431 anybody coming and going, talking with her, going in to her apartment,
432 anything like that?

433
434 A1: I vaguely remember seeing her with a guy but this is - this had to be, like, at -
435 at least a year ago when she had that little tiny blue car.

436
437 A: Mm-hm.

438
439 A1: But that was the only time I ever sent and I couldn't tell you if it was - I - I
440 don't know anything about her so I don't know what it was.

441
442 A: Sh - I w- to be honest I don't know if she talked to anybody here. I never -
443 like, um, in the courtyard area where the playground is a lot of those moms
444 will pull out their lawn chairs and sit out there with their kids. And I'm
445 friendly with them so when we send the kids over, we know that our, you
446 know, our friendships with them, they'll keep an eye out. Um, but I've never
447 seen her out there with the other moms or with her kid. I - it's - it's literally
448 you see her with the kids and you al- you typically see her with groceries. You
449 don't see a whole lot of other interaction.

450

8.6

According to the Phoenix police report, there was only one witness who was reported to have been outside in the apartment complex when Blanca Calzoncit was shot and killed on the morning of January 31st 2017. Again the first 911 call came in at 5:51 A.M. The witness's name is Rigoberto Rodriguez, who lived at the "Paradise Greens Apartments" in Phoenix with his wife Marisol Mercado Barraza.

In two separate audio-recorded statements that he gave to Phoenix Detective Sergio Dominguez, Rigoberto never said he saw any suspects, he never said he saw the person who shot Blanca, he never said he saw anyone shoot a gun, he never said he saw Blanca Calzoncit get shot, and he said he was walking his dog in the apartment complex that morning and that he did not even hear any gunshots. Rigoberto made the following audio-recorded statements to Detective Dominguez on January 31st 2017 and February 2nd 2017:

Rigoberto Rodriguez: "I was walking my dog at this hour,"
"It was dark", "It was dark, I did not see anything,"
"I could not see anything", "It was dark so I could not see very well".

Detective Dominguez: "Did you hear gunshots?"

Rigoberto Rodriguez : "No, I did not hear any because I was over there."

ARS 13-3905 "Order For Obtaining Identifying Evidence"

Outside my apartment in Scottsdale, Arizona on the morning of January 31st 2017, I had two or three brief conversations with two Phoenix Police Detectives. This was around 10:30 A.M. I was a Licensed Security Guard at that time. I told the Detectives that I had five years of experience as a Private Investigator and that I was audio-recording our conversations for accuracy. Following are excerpts (not always in succession) of the conversations that I had with Phoenix Detective Joseph Newbern and an unidentified Phoenix Detective, outside of my apartment in Scottsdale on the morning of January 31st 2017. They never fully explained why they were there. They just kept saying that there was a "situation with Blanca", and that my two kids ME and VE were "fine". My girlfriend was inside my apartment with our daughter SE who was six months old at that time:

paragraph
#6

~~I am alleging "Fabrication of Evidence" and "Actual Misrepresentations" against my rights protected under the 4th and 14th Amendments to The U.S. Constitution, committed by Phoenix Detective Joseph Newbern, the unidentified Phoenix Detective that was with him on the morning of January 31st 2017, and Phoenix Detective Tyler J. Kipper, for fabricating statements that I never made in the Phoenix police report, to intentionally make my statements sound inculpatory to the reader.~~

paragraph
#7

Following are quotes from the audio-recorded two or three short conversations that I had with these Phoenix Detectives on the morning of January 31st 2017. The Detectives just said there was a "situation" with my ex-wife Blanca Calzoncit and that my children were "fine", and that they wanted me to "go downtown to talk to detectives" and they tried to make me believe that the only choice I had was to talk to the detectives. At first I told them that I would go, and then I told them that I would not go downtown to talk to detectives, but the detectives were welcome to come and speak to me at my patio (downstairs):

paragraph
#8

Josiah English III: "This woman, man, she just, she tells so many lies and stuff" "You're saying a situation, you say my kids are ok, but I don't know what to expect from this woman" "She makes up all these fake domestic violence" "seems vague and stuff"

(8.9) (23)

Detective Joseph Newbern: "There's been a situation with your wife" "Your kids are totally fine, physically, mentally, emotionally, their fine"

Josiah English III: "I don't know what she's talking about, what she's doing now"

Detective Joseph Newbern: "I'm asking you to go down and be interviewed by the detective"

Unidentified Detective: "We can have the detectives come here if that would be easier for you" "I mean it has to happen" "You're willing to have them come out here and talk to you?"

Josiah English III: "Yeah if they want to come talk to me, we'll talk like this." (at my patio)

"People go, oh I'll go down there and talk to em', and they come out twenty five years later exonerated"

Paragraph
9

"I just, I've seen this, you know what I mean, I was a Private Investigator for years and I worked criminal defense cases, and I would get, I'm not saying y'all are like this man, I'm telling you, I would get police reports, the offense report, and they would say man we got an eye witness, this and that, and you know to the assault or (8.10) whatever, I'd go talk to the witness and they would (2.4)

be like, I didn't tell the police that, I didn't say that "

"I've seen people go downtown and come out twenty five years later, innocent, exonerated by DNA "

Detective Joseph Newbern: "That's less than one percent"

Paragraph
#10

I then went inside my apartment with my girlfriend and our six month old daughter for approximately seven hours until it was time for me to go to work (I worked as a Security Guard at that time).

Paragraph
#11

While I was inside my apartment, ^{on January 31st 2017} Phoenix Detectives Joseph Newbern and the Unidentified Detective manipulated my words and submitted fabricated statements (that I did not make) that were designed to sound inculpatory into their Phoenix Police Report. These statements are recited below:

(Referring to me, Josiah English III)

Detective Joseph Newbern: "He also explained that when people go downtown for an interview they look at going to prison for 25 years." (That is not what I said)

Then just a few lines down on the same page, Detective Joseph Newbern states: "He explained he has experience with investigations and law enforcement and knows ^(8.11) police will use ruses on people for an interview and they ~~(2.8)~~

come back 25 years later." So here Detective Newbern is even more dishonest and manipulates my words to make them sound even more inculpatory.

I never once claimed to have "experience with law enforcement" and I don't think that I have ever used the word ruses in my entire life.

paragraph
#12

Shortly after this, in the phoenix police report (and over five hours before I had ever even spoken to him in my entire life), lead Detective Tyler J. Kipper dishonestly manipulated my words to make them sound even more inculpatory by writing:

*phoenix Detectives used this fabricated statement in numerous affidavits to acquire search warrants and my ultimate arrest for murder, with no warrant.

→ "Josiah refused to leave his house and said something to the effect of I don't want to talk because cops uses ruses to get DNA and I end up in handcuffs and spend the next 25 years in Jail."

paragraph
#13

Detective Kipper's statement sounds completely absurd, it is flagrantly dishonest, it is NOT what I said, and it is not something that I would ever say or consider saying. Detective Kipper's fabricated statement was used in his affidavit (perjury) to have me arrested and charged with murder on January 31st 2017. Detective Kipper's fabricated statement above is malicious, and it was made with a reckless disregard for the truth.

(8.12) (26)

After this encounter with the Detectives, I went inside my apartment with my girlfriend and our daughter for approximately seven hours. No other Detectives ever came to speak to me at my apartment during this time (even though the two Detectives said they would).

During the time that I was inside my apartment, lead Phoenix Detective Tyler J. Kipper drafted an affidavit with several fabricated statements in it, to acquire the "order for obtaining identifying evidence" that was later used to detain me (a copy of that three page Detention order is attached to this petition as Appendix D). It was time stamped at the top at 2:16 p.m. on January 31st 2017. The other stamps at the top of the page are from The U.S. 9th Circuit Court of Appeals.

I was a licensed Security Guard and I had to be to work at 6:00 p.m. that day (January 31st 2017). The following four pages are from my original complaint in this Civil Rights case filed ^{on 9-18-2017} in the U.S. District Court, District of Arizona. It details what happened next and how ARS 13-3905 is manipulated by Arizona Peace officers to act as a de facto arrest warrant, in violation of the 4th Amendment to The United States Constitution.

For the sake of not having to re-write everything by pencil which is a lengthy and cumbersome process (Respectfully),

Case# CV-17-03221 - PHX - GMS (JZB)

The detectives that my ex-wife Blanca Calzoncit has made up false claims about me in the past. At first I agreed to go with them downtown but then I decided not to and I told them that a Detective was welcome to come and speak to me outside of my apartment. However, no Detective ever showed up. At this time I lived in my apartment with my girlfriend and our six month old daughter S.E. I went back in my apartment with my girlfriend and our daughter for several hours. I had to be to my job by 6:00 p.m. where I worked as a Licensed Security Guard. At approximately 5:45 p.m. I was walking outside of my apartment with my girlfriend and I was carrying our daughter who was strapped inside her car seat. My girlfriend was going to the grocery store with our daughter and I was going to work. I was walking towards my girlfriend's car with my girlfriend and our daughter when several Phoenix Police Detectives approached me. They told me to set my daughter down. (She was strapped in her car seat), so I complied. While a Detective was handcuffing me I asked out loud "what am I being arrested for?". Then Detective Jennifer Smith responded and told me "you are being detained." I asked her if she had a court order for that and she told me "yes". Then as he was putting my property into a long, clear plastic bag, Detective Joseph Newbern said out loud "we could have done this the easy way but you wanted to do this the hard way." This sounded like retaliation to me. I took this to mean that because I exercised my constitutional right to NOT "go downtown to talk to detectives", these Phoenix Police officers decided that they were going to make me "go" (8.14) 37

Case # CV-17-03221-PHX-GMS (JZB)

downtown to talk to detectives." My girlfriend was standing there with our daughter watching this whole episode. While I was in handcuffs, Detective Jennifer Smith thanked me for being cooperative with them. She then put her hand on my shoulder and told me that they were going to take me downtown and that I could "either decide to talk to the detectives or not talk to the detectives". Detective Jennifer Smith said this out loud in front of everyone (At this time the sun was still out, it was not dark outside). So after I was "detained" in handcuffs outside of my apartment in Scottsdale, Arizona, Phoenix detectives confiscated my backpack, and they were putting my other property from my person into a long, clear, plastic bag, such as my cell phone, my audio-recorder (the same audio-recorder that I used to record my conversations with Detective Joseph Newbern and the Unidentified Detective that same morning), my black security jacket, my belt, my cell phone case which I used to carry my audio-recorder in, my keys, and my wallet and all of its contents. I was "detained" under an "order for obtaining Identifying Evidence" pursuant to Arizona Statute ARS 13-3905 (which I allege is unconstitutional). This episode is corroborated on page AR0035 of the Phoenix Police Report when Detective Newbern states "At this point I took up a surveillance position and waited for further information." "I was informed later that there was a Physical Characteristics Court order for Josiah. I was told if he left the apartment I was to contact him and take him into custody per the Court order." "At approximately 1745 hours, Josiah and a baby exited the apartment and walked towards the..." (8.15) (3)

Case# CV-17-03221-PHX-GMS (JZB)

Detectives Smith, Forbes, Walter, Sergeant Durka and I approached Josiah and took him into custody without incident. He was transported by Detective Forbes to 620 W. Washington per Court order. Lead Detective Tyler J. Kipper authored the Affidavit to acquire the order to detain me under ARS 13-3905. I contend that ARS 13-3905 was designed to circumvent the requirement that there be sufficient probable cause to support that a crime has been committed to authorize an arrest under the 4th Amendment to The United States Constitution. With this detention order that I allege is unconstitutional, I contend that Detective Tyler J. Kipper, Detective Joseph Newbern, the Unidentified Phoenix Detective Detective Jennifer Smith, Detective Forbes, Detective Walter, and Sergeant Durka, on January 31st 2017, all violated my right to be free from unreasonable searches and seizures protected under the Fourth Amendment to The United States Constitution. I contend that each of these Defendants named above unlawfully "detained" me much longer than any detention authorized under the 4th Amendment. My detention on January 31st 2017 carried out by these Defendants was not "minimally intrusive" nor was it "minimally invasive", but to the contrary it was egregiously intrusive and egregiously invasive in violation of the 4th Amendment. I also allege that the request for the detention order was predicated by bad faith from the Phoenix Detectives because ① Phoenix Detective Tyler J. Kipper acted with a reckless disregard for the truth in his affidavit to acquire the detention order (Judicial Deception) ② The motive for the Phoenix Detectives to acquire the detention order was revealed when I was being detained and ⑧:16 Detective Newbern stated out loud "we could have done this the ~~the~~

Case # CV-17-03221-PHX-GMS (JZB)

easy way but you wanted to do this the hard way" (^{Harassment and} Retaliation).

③ The Phoenix Detectives clearly intended to force me to "go downtown and talk to the detectives" because I had declined to "go downtown and talk to the detectives" earlier on the morning of January 31st 2017. At approximately 5:45 p.m. when Phoenix Detectives "detained" me outside of my apartment in Scottsdale, Arizona, Detective Jennifer Smith placed her hand on my shoulder and told me out loud in front of everyone that they were going to take me downtown and that I could "either decide to talk to the detectives or not talk to the detectives." I was then transported to Phoenix Police Headquarters downtown, located at 620 W. Washington St. Phoenix, Arizona 85003, by Detective Forges, handcuffed in the back seat of a police vehicle after all of the property that I had on my person had been unreasonably seized. At Phoenix Police Headquarters I was interrogated by lead Detective Tyler J. Kipper. However, the 4th Amendment and ARS 13-3905 prohibit police from "detaining" someone by force and then transporting that person to a police station so that person can be interrogated by detectives when that person had already informed the police that they did not wish to go to the police department to speak to the detectives. To wit: State v. Vignia, 146 Ariz. 108 (1985) "Third, the defendant in Dunaway, unlike the instant case, was subjected to interrogation. The statute at issue does not provide for interrogation of the person detained. The importance of this distinction was made clear in Davis v. Mississippi, 394 U.S. 721, 727, 89 S. Ct. 1394, 1398, 22 L. Ed. 2d 676, 677 (1969), where the court differentiated between interrogation and fingerprinting: "The order used to detain (8.17) 3/4

Also, I was detained much longer than the three hours permitted by the detention order and ARS 13-3905

I also allege that these defendants unlawfully seized my property in violation of the 4th Amendment.

After I was seized and transported to Phoenix Police headquarters in downtown Phoenix, Arizona on the night of January 31st 2017, Phoenix Detectives took my saliva samples and my finger prints.

This is on audio and video recording. → Then lead Phoenix Detective Tyler J. Kipper tried to coerce me to speak to him without an attorney present on numerous occasions. On that night, I told Detective Kipper eight different times that I did not wish to speak to him without an attorney present, but he still insisted on questioning me. Detective Kipper never explained to me why I was there.

Finally, after he kept trying to coerce me, I told Detective Kipper "Detective, I have invoked my right to Counsel several times now". Detective Kipper got upset and then left the room. Approximately forty five minutes to an hour later, Detective Kipper charged me with murder, but not with a warrant signed by a Judge. Detective Kipper charged me with murder in the first degree, based on an affidavit in which he made several fabricated statements about me, and a law here in Arizona that allows any peace officer in the State of Arizona, to arrest any person, accused of committing any felony offense (even murder), without a warrant from a Judge, as long as the peace officer believes that he or she has probable cause to arrest a person for any alleged felony offense. That law is Arizona Revised Statute 13-3883 (A)(1).

ARS 13-3883 (A.)(1.) / Arrest By Officer Without Warrant

States:

A. "A peace officer, without a warrant, may arrest a person if the officer has probable cause to believe:

1. "A felony has been committed and probable cause to believe the person to be arrested has committed the felony."

As soon as the perpetual deprivation of my constitutional right to self-representation comes to an end, and I am allowed to proceed pro se in my criminal case, I intend to argue that ARS 13-3883 (A.)(1.) is flagrantly unconstitutional and that it violates the 4th and 14th Amendments to the United States Constitution, in my criminal case (Maricopa County Superior Court Case Number CR2017-105183-001).

I have been arbitrarily detained in the Maricopa County Jail for over two years and five months now, and I currently have no trial date set.

In summary, I argue that Phoenix Detectives manipulated ARS 13-3905 "Detention For Obtaining Evidence of Identifying Physical Characteristics" as a de facto arrest warrant, to force me "to go downtown and talk to the detectives", and to take my saliva and my fingerprints. All Detective Kipper had to do was submit a few false statements in his affidavit to the Judge and he was able to acquire an order to detain me by force, for 8.19

up to three hours, and to take my saliva and my fingerprints. I contend that this was done in retaliation for my refusal to "go downtown and talk to the detectives".

Then, after being seized and forcefully transported to Phoenix Police headquarters downtown, and telling Detective Kipper eight different times that I did not wish to speak to him without an attorney present, he charged me with murder, without probable cause, and without a warrant. I contend that this too was done in retaliation for invoking my constitutional right to refrain from speaking to him without an attorney present.

I respectfully argue that ARS 13-3905 should not even be available for an Arizona Peace Officer to usurp as a weapon of retaliation for invoking rights, and as a means to circumvent the 4th Amendment requirement that probable cause be established in order for a peace officer to acquire an arrest warrant from a "neutral and detached magistrate" (especially for a crime as serious as murder).

Also, any Arizona Peace officer, who happens to have a corrupt mind, could take the saliva, blood, fingerprints, hair samples, palm prints, and other "evidence" acquired as (8.20)

The Juvenile trial regarding

Termination of the

Parent-child Relationship starts on August 6th 2019

Arizona Department of Child Safety and the Maricopa County Juvenile Court

completely ignored all of my family members in the United States who tried to get possession of my daughter ME and my son VE and sent my two U.S. citizen children to stay in Mexico, the country with the highest rate of kidnapping for ransom in the world with their maternal Aunt until the final disposition of the Juvenile proceedings. The lives of my youngest daughter and son are in grave danger in Mexico.

Fruits of the ARS 13-3905 Detention order and do who know what with it, to fabricate probable cause in support of a subsequent felony arrest (including a murder charge).

I respectfully argue that, because ARS 13-3905 is flagrantly and patently unconstitutional, that alone should qualify as an extraordinary circumstance that will allow me (the plaintiff) to state a claim in this Civil Rights action, without the Federal Courts invoking the Younger Abstention Doctrine. Therefore, I respectfully ask this Honorable Court to rule that ARS 13-3905 is unconstitutional, because it violates the 4th Amendment (Search and Seizure), and the 14th Amendment (Due Process Clause), of The Constitution of The United States, and that said ruling be applied to all people who are currently effected by ARS 13-3905 "Detention For Obtaining Evidence of Identifying Physical Characteristics," in the future, and retroactively to all people who have been effected by ARS 13-3905 in the past. I respectfully ask that I am allowed to state a claim against the Defendant.

see ARS 8-533 (B)(8)(a) and (C) which I also allege are unconstitutional

I am no longer arguing that ARS 8-533 (B)(a) is unconstitutional because the Arizona Attorney General's office has dropped that allegation, and is now seeking the termination of my relationship with my two children ME and VE, whom I love so dearly, based on the fact that I have been detained in the Maricopa County Jail for longer than 8 months and 15 months (see Appendix E). The balance of my arguments are the same as what I argued in my Petition for (8.a1) Rehearing En Banc in the U.S. 9th circuit, which is included in the next six pages.

internal quotation marks omitted))."

"We do not consider arguments and allegations raised for the first time on appeal. See *Padgett v. Wright*, 587 F. 3d 983, 985 n.2 (9th Cir. 2009)."

→ My argument is that the Younger Abstention Doctrine (and its progeny) based on *Younger v. Harris*, 401 U.S. 37 (1971) (U.S. Supreme Court), says that the Federal Court should not abstain from invoking its injunctive powers against ongoing state criminal or civil proceedings, if the Plaintiff can demonstrate that the state proceedings levied against the Plaintiff were brought in "bad faith", for purposes of harassment, or if the Plaintiff faces "irreparable loss", or if an applicable state statute is "flagrantly and patently unconstitutional", or that "other extraordinary circumstances" exist, and that I made these arguments in my opening Brief in this Appeal, and the Panel did not address or consider any of my arguments in their Memorandum. I admit that I made some arguments for the first time on appeal, but the arguments that I did make in the District Court regarding "extraordinary circumstances" (in my Second Amended Complaint) were not addressed or considered by the Panel in its Memorandum filed in this Appeal on December 21st 2018.

In response, and with the utmost of respect and Sincerity, I am asking that my opening Brief is reheard (8-22) (6)

En Banc, and that my arguments asserting "extraordinary circumstances" are considered by this Court, and that subsequently I am granted the relief requested. In my opening Brief in this Appeal, I argued that "extraordinary circumstances" exist that make abstention inappropriate in this case (starting on page 3) "and that intervention from the Federal Judiciary is warranted in this case because my children and I face 'irreparable loss both great and immediate', and that other 'extra-ordinary circumstances' exist that make Younger Abstention inappropriate, such as 'bad faith and harassment' by phoenix police officers and Arizona DCS employees and Maricopa County Prosecutors." (page 3 of my opening Brief)

In my opening Brief I asserted the "extraordinary circumstances" argument on the following pages: "Bias" (pg. 3.1 to pg. 3.8), "Bias from the Judiciary in the Juvenile Court" (pg. 3.8 to 3.9), "Unconstitutional Statutes" (pg. 3.9 to 3.10), "Bad Faith and Harassment by Phoenix Police officers" (pg. 3.10 to pg. 3.13), "Sliced up Surveillance Videos" (pg. 3.13 to pg. 3.14).

In support of my "extraordinary circumstances" argument, I offer the following case authorities: Arevalo v. Hennessy, 882 F.3d 763 (2018) (U.S. 9th Circuit Court of Appeals) at II A

"[A] federal court's 'obligation' to hear and decide a case is 'virtually unflagging.'" Sprint Communications, Inc. v. ~~AT~~ 8.23

Irreparable
Loss

my children's
names have
previously
been released
in numerous
State and
Federal
Court
documents.

5th and
14th

Amendments

please

See
Jantovsky
v. Kramer
455 U.S.
745 (1982)

and
Stanley
v. Illinois
405 U.S. 445
(1972)

Also, in my second ^{attached} Amended Complaint filed in the District Court, I argued that me and my children face "irreparable loss both great and immediate" because Arizona Department of Child Safety is attempting to terminate the Parent-Child relationship that I have with my daughter Melani English (age 5) and my son Victor English (age 4), just based on a false and manufactured homicide accusation (a homicide that I did NOT commit), an accusation in which I have not yet been to trial to address. I also argued that if I am forced to go to trial in the Juvenile Court to address the same accusations that are being made in the criminal court, before I go to trial in the Criminal Court (in order to salvage my relationship with my two children whom I love so dearly), I will be forced to choose between my constitutional right to remain silent until I choose to testify at my criminal trial and my constitutional right to have association, a relationship, and companionship with my two children protected under the 14th Amendment to The U.S. Constitution, and I will also be forced to expose and divulge my defense in the criminal case to prosecutors and police detectives who have been "sitting in" at my Juvenile court proceedings to see what they can "use" for the criminal case, causing irrevocable prejudice to my defense in the Criminal case. See Afro-Lecon, Inc. v. U.S., 820 F.2d 1198 (1987) (United States Court of Appeals - Federal Circuit) "we agree with the (X) 8.29"

I should be allowed to proceed with monetary damage claims

Court's assessment in *Dresser* that parallel proceedings may result in the abuse of discovery. "It has long been the practice to "freeze" civil proceedings when a criminal prosecution involving the same facts is warming up or under way." "This Court is not approbatory of the prosecutions utilization of the ploy of having a criminal investigator "sit in" on and participate in a non-criminal conference or interview when criminal prosecution was, as here, eminently predictable and without advising the "target" of the investigator's role and purpose. "Also see Securities and Exchange Commission v. Dresser Industries, Inc., 628 F.2d 1368 (1980), United States Court of Appeals - District of Columbia Circuit. Stating: "The noncriminal proceeding, if not deferred, might undermine the party's Fifth Amendment privilege against self-incrimination... expose the basis of the defense to the prosecution in advance of criminal trial, or otherwise prejudice the case." "... in practice the IRS holds all civil action in abeyance until the criminal proceeding is completed." (also see numerous Juvenile court exhibits attached to my opening Brief in this Appeal). Also, in my second Amended Complaint in the U.S. District Court of Arizona, I asserted that I also face irreparable loss because in July of 2017 the Maricopa County Attorney's office announced that they intend to seek the death penalty in my criminal case. They did this to keep me arbitrarily detained in the jail longer under Rule 8.2 of the Arizona Rules of criminal procedure: Trial "No later than 24 months after the date the State files a notice of intent to seek the death penalty..."

Also, I do not understand why The U.S. District Court of

8.25
18

Arizona and this court did not allow me to proceed against the Defendants with my claims for monetary damages. I contend that I should be able to proceed with my claims for monetary damages because they do not "have the practical effect of enjoining - ongoing state proceedings," and the officials for whom I seek monetary damages do not enjoy absolute immunity. To the contrary of Mann v. Jett, 781 F.2d 1448 (1986) (U.S. 9th Circuit), I am citing Diamond "D" Const. Corp. v. McGowan, 282 F.3d 191 (2002) (U.S. 2nd Circuit Court of Appeals), at Footnote #2 "We deal herein only with the claim for injunctive relief, it being well established that Younger abstention is inappropriate on a claim for money damages. See, e.g., Rivers v. McLeod, 252 F.3d 99, 101-02 (2d Cir. 2001) "[A]pplication of the Younger doctrine is inappropriate where the litigant seeks money damages for an alleged violation of §1983..." I do not know what the 9th Circuit equivalent is to the Diamond "D" case above. Also in my Second Amended Complaint filed in the District Court I argued that state statutes ARS 13-3905 and ARS 8-533.02 are unconstitutional. In my opening Brief in this appeal I argued that ARS 13-3905 "Detention for obtaining evidence of identifying physical characteristics" is "flagrantly and patently unconstitutional" pursuant to Watson v. Buck, 313 U.S. 387 (1941) (U.S. Supreme Court), because it authorizes detentions that are not "minimally invasive, nor minimally intrusive", and it circumvents the Fourth Amendment requirement that "Probable Cause" be established to secure an arrest warrant, and it allows someone to be detained much longer (three hours) than any detention (14)

State
Statutes
Unconstitutional

Request for Relief

Certificate of Service

Declaration of Inmate

Filing is Attached

authorized under the 4th Amendment to The U.S.

Constitution (Please see Terry v. Ohio, 392 U.S. 1 (1968), U.S. Supreme Court). Also see U.S. v. Washington, 387 F.3d 1060 (2004) (U.S. 9th Circuit Court of Appeals) at *1069 "A seizure premised on

reasonable suspicion, such as a Terry-stop, is not per se unconstitutional under the Fourth Amendment, so long as it is sufficiently brief and minimally intrusive." See United States v.

Sharpe, 470 U.S. 675, 685, 105 S.Ct. 1568, 84 L.Ed.2d 605 (1985) "Here, Washington's detention by the six RPD officers violated the Fourth Amendment because it was not sufficiently brief and

not minimally intrusive." See Gannick v. Knapp, 319 F.3d 1115, 1122 (9th Cir. 2003) ("A seizure becomes unlawful when it is

'more intrusive than necessary.' The scope of a detention may be carefully tailored to its underlying justification." (quoting

Florida v. Royer, 460 U.S. 491, 500, 504, 103 S.Ct. 1319, 75 L.Ed.2d 22

229 (1983)). "Thus, the officer's extended seizure of Washington

was beyond the scope of any permissible detention under the Fourth Amendment. "I respectfully request that this Court grant

Appellant's Petition for Rehearing En Banc and considers my arguments asserting extraordinary circumstances, bad faith, harassment, "Irreparable loss", and that ARS 13-3905 and ARS 8-533.B are "flagrantly and patently unconstitutional" (all arguments that I made in this Appeal and in the District Court), and allow me to state a claim against all Defendants in the District Court or at minimum, if the Court denies equitable relief, allow me to state a claim and proceed against each Defendant of which I have requested monetary damages against. (P. 27) I certify that I mailed this document to the clerk of this court for filing on January 18th 2019. 2/11/19

Respectfully Submitted, Jose Appellant, Josiah English III, I certify that I mailed this document to the clerk of this court for filing on January 18th 2019. 2/11/19

REASONS FOR GRANTING THE PETITION

I am respectfully requesting this Honorable Supreme Court of The United States to grant this petition for Writ of Cerciorari, because it addresses issues of first impression and of nationwide importance.

I am respectfully asking this Honorable Court to recognize my "extraordinary circumstances", including "irreparable loss", as exceptions to the Younger Abstention Doctrine, because they were not even considered by the lower courts. Numerous cases published by this Court, and by the Circuit Courts, say that if extraordinary circumstances are demonstrated, the Federal Courts will not invoke the Younger Abstention Doctrine. If the U.S. Circuit Courts and the U.S. District Courts are allowed to arbitrarily disregard exceptions to the Younger Abstention Doctrine, like they did in my case, that means the language within the cases mentioned above has no force, and that there are no exceptions to Federal abstention, because the lower courts will be allowed to disregard them as if they do not exist. The citizens of Arizona (including myself), especially in Maricopa County, are in dire need of Federal intervention to protect ^{us} from the egregious acts of tyranny that are habitually carried ^{out} by government officials against the citizens of this state.

Generally speaking, government officials in Maricopa County Arizona do not respect The U.S. Constitution, and they flagrantly disrespect it with impunity. Also, after being arbitrarily detained in this Maricopa County Jail for over two years and five months ^{now} on an unconstitutionally excessive one million dollar cash only bail bond, I ^{have} come to realize that the Arizona Legislature has crafted many many laws ^{like APS 13-3905} that are currently on the books, that are completely violative of parameters set by our U.S. Constitution. These unconstitutional laws are allowing police officers in Arizona and other state agencies like Arizona Department of Child Safety to destroy the lives of Arizona citizens, their children, and their families. I have asked many times, how could this abuse of our U.S. Constitution be allowed to continue within the purview of these United States? We are supposed to be united, but the state of Arizona violates with impunity and they act as if they are a sovereign nation. Please allow Federal intervention in this case to enforce nationwide compliance with our United States Constitution. Respectfully Requested, prose petitioner, Josiah English III 9

In conclusion, and with the utmost of respect and sincerity, I ask this Honorable Supreme Court of The United States to grant my petition for Writ of Certiorari, allow Federal intervention, allow me to state a claim in this case against all Defendants, or at minimum, allow me (Pro Se Plaintiff - Josiah English III) to state a claim against these Defendants in which I seek monetary damages, and who do not enjoy absolute immunity, recognize my "extraordinary circumstances", including "irreparable harm", as exceptions to the Younger Abstention Doctrine, and render Arizona Revised Statute 13-3905 "Detention For Obtaining Evidence of Identifying Physical Characteristics" as unconstitutional, in violation of the 4th and 14th Amendments to The Constitution of The United States,

CONCLUSION

and that such finding be applied retroactively to anyone who has been effected by ARS 13-3905 in the past. Also, I have encountered several detainees in this jail who were able to state a claim in their civil Rights action, which implicated their pending criminal case, without the U.S. District Court, District of Arizona, invoking the Younger Abstention Doctrine.

Respectfully submitted,
Pro Se Petitioner,

Josiah English III

J III

Date: July 23rd 2019

Respectfully,
Josiah English III
J III

* Inmate Legal Services is very dishonest and hostile with the Pro Se detainees in this Lower Buckeye Jail, and they tamper with the detainees' documents by removing pages of our pleadings or our exhibits, or waiting several days or weeks before filing our pleadings with the clerk, which has an adverse effect on the timeliness of our filings. I am afraid to send this petition through ILS so I am sending it by U.S. mail. The officials in this Lower Buckeye Jail will not make any photocopies of documents for the pro se pretrial detainees, so I am unable to provide any copies. In addition to the denial of photocopies, I was told by The U.S. 9th Circuit Court of Appeals that I did not need to serve anyone copies because this appeal resulted from a Sua Sponte dismissal under the Prison Litigation Reform Act, so I did not serve copies on any defendants. (10)