

No. 18-\_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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RICHARD RYNN, next friend  
and parent of MR, a minor,  
Petitioner

V.

George A Mckay, in his official  
capacity as Director of the Arizona  
Department of Child Safety, and personally,  
et al  
Respondents

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals  
for the Ninth Circuit

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MOTION FILING WRIT  
OF CERTIORARI OUT OF TIME  
FOR EXCUSABLE NEGLECT

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Petitioner resubmits a copy of Writ of Certiorari to the United  
States Supreme Court today November 13, 2020 to file it out of  
time.

Sincerely,



Richard Rynn

**RECEIVED**

**NOV 18 2020**

**OFFICE OF THE CLERK  
SUPREME COURT, U.S.**

No. 18-\_\_\_\_\_

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FOR EXCUSABLE NEGLECT

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Richard Rynn  
44997 West Sage Brush Drive  
Maricopa, AZ 85139  
520-510-6370  
E-Mail: [richardrynn@yahoo.com](mailto:richardrynn@yahoo.com)

IN THE SUPREME COURT OF THE UNITED  
STATES

No. \_\_\_\_\_

(No. 18-17426, Ninth Circuit

No. 2:18-cv-00414 JJT USDC AZ-Phoenix

RICHARD RYNN, next friend and parent of MR, a  
minor,

Applicant and Petitioner

V.

GEORGE A McKay, in his official capacity as  
Director of the Arizona Department of Child  
Safety, and personally, et al

Respondents

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PETITIONER ASKS THIS COURT FOR AN  
EXCUSABLE NEGLECT FOR UNTIMELY FILING  
A PETITION FOR A WRIT OF CERTIORARI FOR  
THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

Petitioner mailed first class mail on August 28, 2020  
requesting permission from all defendants for an  
excusable neglect on filing an untimely writ. As of  
September 9, 2020 Plaintiff has received only a  
response from Arizona State on September 8 by  
phone with no objection all other defendants did not

respond. Without further delay and not knowing if other Defendants will ever respond. Petitioner has writ ready and mailing writ to court certified mail today.

1. Missed calendar filing, Petitioner with the support of a legal assistant misunderstood because of COVID-19 Court wrote an Order for an extended deadline to file a certiorari 150 days after the required 90 days to file. Court did not extend 150 days as understood written in Court order but extended only 60 days. Petitioner two times previously asked for an extension of time to file in which both times was returned and referred to COVID -19 court extension order of March 19, 2020. If extended the date would have been October 7, 2020.
2. Legal assistant promised will have writ done on time and failed to finish documents and ended up refunding money back to Plaintiff.
3. Difficulties in legal assistance from COVID-19 causing court legal facilities and libraries being closed.
4. Due to being unable to find legal aid after legal assistant was paid and failed to help file the certiorari because he had health issues including family health issues as surgery and health and hospitalization issues of Petitioners family including difficulties in legal assistance from Coronavirus causing court legal help and libraries being closed.

5. Plaintiff has multiple Defendants involved in this case and is involved in multiple court cases at the same time while working full time employment.
6. Based on the merits of harm and injuries including pain and suffering done to a father and his child being kidnapped by for profit individuals by help of the State of Arizona and considering another class action case involving Plaintiff No. 19-765 U.S. Supreme court with same Defendant and this court sent back to trial.
7. Petitioner appears pro se in this matter, is not an attorney or legally trained, and is employed in an essential industry in the current pandemic. He is a mechanic for a municipal bus company and is required to work as an essential employee.
8. Because of Covid -19 many public law libraries have been closed to do legal research, and have been unavailable, including stores out of stock and without ink or printers.

9. Unless this excusable neglect is granted, he will lose his right to seek review and hearing by this court from the Ninth Circuit Opinion

10. Jurisdiction exists in this court under 28 U.S.C 1254(1)

11. Substantively, petitioner had a minor child kidnapped or stolen by a company for the state. When he was advised by the staff and doctor that she was to be released to him per a doctors order, and went to the institution to pick her up the staff did not release child and started a false argument with parent and then used a false argument to DCS to imprison child, which had nothing to do with the minors medical release order and had nothing to do with Plaintiff and child.

12. No imminent danger, abuse or neglect existed and State of Arizona did not get a warrant to allow a company or person to imprison a 16 year old girl.

11. Plaintiff sued for himself and for his daughter as next friend, for the State of Arizona putting his child in imminent danger by giving child to for profit strangers and a loss of being able to protect his child, loss of access, love and devotion from and for his child, and a lack of due process in illegal prolongation of her civil detention, the punishment inflicted upon her by of her denial of liberty and the fathers loss of consortium type injury in not having her with them in their residence, including claims

under 42 U.S.C. 1983, by the institution and the failure to release her upon medical order.

12. The trial court dismissed Plaintiffs case with prejudice causing an irreparable injury, not giving discovery of evidence and with false information that did not happen, and that decision, on appeal under civil rights claim, was wrongly affirmed by the Ninth Circuit in a memorandum opinion, finding that the harm and improper prolongation of civil incarceration was not done by a person acting under the color of state law.
13. U.S District court Judge Tuchi failed to reveal his financial ties and involvement with Defendant as Tuchi received income from Defendant as the Judges wife worked for Defendant as an Attorney General Assistant and his wife admitted it was the best day of her life when kids are taken from their parents the same harm done by Defendants.
14. **BIRAIR v. KOLYCHECK** No. CV-15-01807-PHX-DJH WO. US DISTRICT another case the same as Plaintiff in which court sent to settlement and DCS settled \$ 900,000 for kidnapping kids without court order and without abuse or neglect and without imminent danger.

15. The state of Arizona does not follow federal law and takes and keeps thousands of kids yearly illegally from parents without court orders and without supporting facts, based on someones opinion and denies civil rights to parents.

Wherefore, petitioner prays that this court find good cause to accept excusable neglect for a writ of certiorari to this court considering the hardship conditions and injury of Plaintiff and his family.

Dated this 9 day of September 2020



Richard Rynn

44997 W. Sage Brush drive

Maricopa, AZ 85139

520/510-6370

Applicant Petitioner



NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 10 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

RICHARD RYNN, next friend and parent of  
MR, a minor person; next friend of M.R.,

Plaintiff-Appellant,

v.

GREGORY A. McKAY, in his official  
capacity as Director of Arizona Department  
of Child Safety and personally; et al.,

Defendants-Appellees,

and

RENEE MILLER; et al.,

Defendants.

No. 18-17426

D.C. No. 2:18-cv-00414-JJT

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
John Joseph Tuchi, District Judge, Presiding

Submitted February 4, 2020\*\*

Before: FERNANDEZ, SILVERMAN, and TALLMAN, Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. See Fed. R. App. P. 34(a)(2).

Richard Rynn appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims arising out of defendants' removal of his minor daughter from his custody. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal under Federal Rule of Civil Procedure 12(b)(6). *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1040 (9th Cir. 2011). We affirm.

The district court properly dismissed Rynn's claims against defendant Frontera Arizona Empact-SPC because Rynn failed to allege facts sufficient to state a plausible claim. *See West v. Atkins*, 487 U.S. 42, 48 (1988) ("To state a claim under § 1983, a plaintiff must . . . show that the alleged deprivation was committed by a person acting under color of state law."); *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are liberally construed, a plaintiff must allege facts sufficient to state a plausible claim); *see also* Ariz. Rev. Stat. §§12-2603, 13-3620.

The district court did not abuse its discretion in dismissing Rynn's claims against the State Defendants and the Quail Run Defendants pursuant to Arizona Local Rule of Civil Procedure 7.2(i) for Rynn's failure to file an opposition to the motions to dismiss. *See Bias v. Moynihan*, 508 F.3d 1212, 1223 (9th Cir. 2007) (setting forth standard of review and explaining that this court gives "[b]road deference" to district court's application of its local rules); D. Ariz. Loc. R. 7.2(i).

**AFFIRMED.**

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