

No. 18-_____

IN THE SUPREME COURT OF THE UNITED STATES

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

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

MOTION FILING WRIT
OF CERTIORARI OUT OF TIME
FOR EXCUSABLE NEGLECT

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

Richard Rynn

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SUPREME COURT, U.S.

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Richard Rynn
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Maricopa, AZ 85139
520-510-6370
E-Mail: 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

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
FOR THE NINTH CIRCUIT

FEB 10 2020
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.

* 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.**