

Supreme Court, U.S.
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Application No. A- _____
No. 21-1493

In the
Supreme Court of the United States

James J. Knochel and
Emily N. Mihaylo, Petitioners,

v.

*Amy Fackrell; John C. Morris; Unknown Party, named as Medical Director - West
Yavapai Guidance Clinic; Attorney General For The State Of Arizona*, Respondents

**On Petition for Writ of Certiorari to
the United States Court of Appeals for the 9th Circuit**

Application for Stay or Injunctive Relief

Directed to the Honorable Elena Kagan,
Associate Justice of the Supreme Court of the United States
and Circuit Justice for the Ninth Circuit

August 10, 2022

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Parties To The Proceeding

Applicant is James J. Knochel (“Applicant Knochel” or “Applicant”), who is the petitioner to this court on #21-1493, and who filed next friend petitions for writ of habeas corpus in the district court.

Party to the petitions below is Emily N. Mihaylo (“Habeas Party Mihaylo” or “Mihaylo”), who is now a ward of the State of Arizona.

Compass Fiduciary Group LLC was appointed temporary guardian of Emily N. Mihaylo by the Arizona State Court on November 14 2019 and permanent guardian on February 18 2020.

Amy Fackrell (“Fackrell”) was Executive Director of Viewpoint Dual Recovery, the business which formerly had custody of Mihaylo under color of law.

John C. Morris was head of Yavapai County, Arizona’s adult probation department while Mihaylo was on probation.

Unknown Party, named as Medical Director - West Yavapai Guidance Clinic, was formerly responsible for Mihaylo’s involuntary mental health treatment program.

The State of Arizona is the respondent to this petition.

Related Proceedings

In the United States District Court for the District of Arizona:

In Re Emily Noelle Mihaylo, No. 18-cv-8004-PCT-GMS--JZB, U.S. District Court for the District of Arizona. Judgment entered February 7, 2018 (habeas #1)

In Re Emily Noelle Mihaylo, No. 19-cv-8086-PCT-GMS--JZB, U.S. District Court for the District of Arizona. Judgments entered May 7, 2019, September 9, 2020 and November 13 2020 (habeas #2)

Mihaylo v. Knochel, No. 19-cv-08137-PCT-GMS--JZB, U.S. District Court for the District of Arizona. Judgment entered May 20, 2019. (notice of removal)

In the United States Court of Appeals for the 9th Circuit:

James Knochel, et al v. Amy Fackrell, et al, No. 19-16135, U.S. Court of Appeals for the 9th Circuit. Judgment entered July 22 2019. (habeas #2 appeal)

Emily Mihaylo v. James Knochel, No. 19-16261, U.S. Court of Appeals for the 9th Circuit. Judgment entered October 24 2019. (removal appeal)

James Knochel, et al v. USDC-AZP, No. 20-73382, U.S. Court of Appeals for the 9th Circuit. Judgment entered December 8 2020. (petition for extraordinary writ)

James Knochel, et al v. Amy Fackrell, et al, No. 20-17326, U.S. Court of Appeals for the 9th Circuit. Judgment entered December 20, 2021 (vexatious litigant appeal)

In the Supreme Court of the United States:

In re James J Knochel. No. 21-6444, Supreme Court of the United States.
Judgment entered February 22, 2022 and April 18, 2022.

James Joseph Knochel, et al v. Amy Fackrell, et al. No. 21-1493, Supreme
Court of the United States. Pending.

In the Arizona Superior Court:

In the Matter of the Guardianship of and Conservatorship for: Emily N
Mihaylo. Maricopa County Superior Court, Probate Division, No. PB 2019-
002031. Ongoing. Minute entry confirming fraud on the United States Court
was entered April 05, 2021.

In Re Emily N. Mihaylo. Maricopa County Superior Court, Mental Health
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**To the Honorable Elena Kagan, Associate Justice of the United States And
Circuit Justice for the 9th Circuit:**

Applicant James J. Knochel (“Applicant Knochel”) respectfully seeks a stay or other injunctive relief on the district court’s vexatious litigant order (Attachment C) challenged by this petition for writ of certiorari, and on a state court order which directly references the district court’s order (Attachment A & B). A copy of Applicant’s petition, #21-1493, is attached hereto as (Attachment I), and is incorporated herein by reference.

Applicant Knochel’s original petition to the district court was a next friend habeas petition, docketed on January 11 2018 as 18-CV-8004-PCT-GMS--JZB. The party to Applicant Knochel’s next-friend habeas filings to the U.S. District Court is Emily N. Mihaylo (“Habeas Party Mihaylo” / “Mihaylo”), who was and is restrained of liberty through various orders of the Arizona State Court. Applicant Knochel has videos proving Habeas Party Mihaylo was misdiagnosed by the doctors forced on her by the State of Arizona, and that fraud was perpetrated on the United States District Court in 18-CV-8004, but has thus far failed to get any court to consider these as exculpatory videos. Applicant’s November 9 2020 video interview of Mihaylo regarding the conspirators who perpetrated fraud on the United States Court is viewable by anyone:

<https://www.youtube.com/watch?v=CxWseFuHPWo>

After filming this video, Applicant Knochel now finds himself restrained of liberty by an Arizona State Court order of protection (Attachments A & B) which orders Applicant to have no contact with Habeas Party Mihaylo. The evidence that Habeas Party Mihaylo is gravely endangered by this order is overwhelming. This supposed ‘protective order’ was issued on a counter petition of Compass Fiduciary Group LLC (“Compass”), Mihaylo’s state court-appointed guardian. Compass leveraged the

district court's erroneous rulings to defame Applicant, and to deprive Applicant of his freedom of association with Mihaylo.

As detailed below, this state court minutes and order completely undermine the factual basis behind the district court's various rulings on 18-cv-8004, 19-cv-8086 and 19-cv-8137. In the district court's "Fantasy Court" rulings, Habeas Party Mihaylo wants nothing to do with Applicant Knochel. In the real world, Mihaylo uses her ongoing friendship with Applicant Knochel as a lifeline to help her survive the medical abuse perpetrated on her by Arizona's involuntary mental health industry.

Jurisdiction

The district court had jurisdiction under 28 U.S.C. § 1343. The Ninth Circuit had appellate jurisdiction under 28 U.S.C. § 1291. This Court has jurisdiction to consider Petitioner's petition for writ of certiorari under 28 U.S.C. § 1254.

Rules 22 and 23 of the Rules of this Court allow the court to consider applications for a stay or other injunctive relief. 28 U.S.C. § 1651 allows this court to provide appellate injunction of a directly-related state court order that cites the district court order challenged by this Petition.

Statement pursuant to Rule 23.3

Applicant has not sought a stay of the District Court's order (Attachment C) nor the state court's order of protection (Attachment A & B) in any other court. Rule 23.3 states: "Except in the most extraordinary circumstances, an application for a stay will not be entertained unless the relief requested was first sought in the appropriate court or courts below or from a judge or judges thereof". Applicant gives the following reasons why these circumstances are "most extraordinary", and why the requested relief not available from any other court:

- A) The United States District Court and Arizona State Court's orders are directly contradictory: either the state court fabricated its summary of the

proceedings in its minute and order (Attachment A & B), or the motion to dismiss (Attachment D), that the district court assumes genuine for all its rulings (Attachment C, et al), is fraudulent.

Applicant Knochel has repeatedly filed in the district court and court of appeals to ask for an evidentiary hearing, but these courts refuse to directly explain why an evidentiary hearing cannot be held on whether the supposed 'motion to dismiss' (Attachment D) is fraudulent.

The federal courts below have trapped themselves in a falsehood by overlooking the cited case law's requirement for evidentiary hearing, which should have held in February 2018.

- B) The state and federal courts below exercise "judicial sleight of hand" with their orders, apparently to avoid having to deal with Applicant Knochel's core grievance: the mental health industry's complete and total incompetence with regard to its diagnosis and care of Applicant's friend, Habeas Party Mihaylo. Some of the anti-treatments forced on Mihaylo are known as 'torture' in other contexts.
- C) The U.S. Court of Appeals for the 9th Circuit backed up the district court in Applicant's three appeals and a petition for extraordinary writ (related cases list above, commentary below). The Ninth Circuit has held, essentially, that facts and evidence don't matter when a next friend is protesting the violation of a third party's rights.
- D) The core issue of Applicant's petition for writ of certiorari is whether someone acting under color of law of the State of Arizona may perpetrate fraud on the United States Court. This is now pending in this court as Petition #21-1493. The acceptance by the courts below of 'fraud on the court' – obvious but overlookable because the victim is powerless – undermines the integrity of the United States' whole approach to Law.
- E) Applicant presented allegations of specific evidence of fraud on the court to the U.S. District Court and the U.S. Court of Appeals, but these courts did

not hold evidentiary hearings or otherwise share how they determined that there was not fraud on the court.

There is now nothing Applicant can do to convince the district court to consider the actual facts of his allegations of rights violations. These grievances were properly submitted according to the time-honored customs of habeas proceedings, but have not been addressed.

- F) The state court does not have authority to investigate filings in the district court, and must accept the U.S. Courts' various rulings. The state court erred by accepting the district court's ruling of Applicant as vexatious, even though this controversy was then pending in the U.S. Court of Appeals. The state court's rulings also misrepresents both Applicant Knochel's and Habeas Party Mihaylo's filings in the federal courts.
- G) The state court specifically notes on its April 5 2021 minutes:

"The Court also acknowledges that the Protected Person's [Habeas Party Mihaylo's] position through her Court-appointed Counsel is that she should continue to be able to contact Mr. Knochel. The Court is loathe to deny the Protected Person's wishes in this regard."

- [Attachment A, pg Att-9].

This single passage in the Arizona State Court's public record is enough to completely undermine all the federal courts' rulings on Applicant's petitions and appeals.

- H) The U.S. Court of Appeals' Memorandum (Attachment I, pg Att-62) specifically notes that a hypothetical state court order evidencing fraud on the district court is irrelevant to its affirmation of the district court's vexatious litigant order.
- I) Controversies can only be in one court at a time.
- J) Petitioner now requests of this court redress of his grievance of the mental health industry's having been placed above the law by the courts below.

Nature of the Proceedings Below

Applicant Knochel filed for habeas corpus on behalf of Habeas Party Mihaylo, as he was witness to the violation of Mihaylo's constitutional rights. Applicant believed the tranquilizing medications forced on Mihaylo, and her being held hostage by the state court, rendered her incapable of advocating on her own behalf.

Habeas Party Mihaylo was formerly on probation and subjected to orders for involuntary mental health treatment in Yavapai County, Arizona. Applicant Knochel first petitioned the state court for relief on behalf of Mihaylo, but the merits of these petitions and appeal were not considered by the state court. After the Arizona Supreme Court denied Applicant's petition for review, Applicant found someone who was strangely familiar with these proceedings: "[...] You're dealing with a rural judge who will never rule against the community's non-profit mental health service provider." [i.e., the state court system protected itself from having to declare Arizona's involuntary treatment statutes unconstitutional.]

Mihaylo is currently restrained of liberty through Maricopa County's mental health court (Maricopa County MH 2021-008091 [sealed]) and guardianship proceedings (Maricopa County PB 2019-002031)¹.

Summary of Applicant's Petitions to the U.S. District Court

After being ignored by the Arizona State Court, Applicant Knochel petitioned the district court for relief on Habeas Party Mihaylo's behalf on January 11 2018, as 18-CV-8004-PCT-GMS--JZB. Applicant next received electronic notification of a 'motion to dismiss' (Attachment D). Applicant filed a 'response' to point out the supposed motion to dismiss was typed, was printed on respondent Amy Fackrell's business letterhead, and was also suspicious in other regards. The district court

¹ This guardianship proceeding was initiated in October 2019 by Habeas Party Mihaylo's father, after a call when Applicant Knochel informed him that Mihaylo was 'back in a mental hospital'.

acknowledged Applicant's response in its order of dismissal without prejudice, dated February 7 2018 (Attachment I, pg. Att-107), without stating how it determined the supposed motion to dismiss was actually written and submitted by Habeas Party Mihaylo herself without assistance² or coercion.

Plain reading of the case law cited by the district court, *Whitmore v. Arkansas*, 495 U.S. 149, is that an evidentiary hearing on the veracity of this motion to dismiss was required, but the district court does not explain why it has not held an evidentiary hearing.

In December 2018 Habeas Party Mihaylo escaped from the custody of Respondent Fackrell's business, whose letterhead was used for the fraudulent motion to dismiss (Attachment D). Applicant Knochel used this opportunity to help Habeas Party Mihaylo provide Notice to the district court - as a notarized handwritten letter - of the crime that was perpetrated against her [Attachment E, December 17 2018]. No action was taken by the district court on Mihaylo's own Notice.

On March 25 2019 Applicant Knochel re-filed for habeas corpus on behalf of Habeas Party Mihaylo, as 19-CV-8086-PCT-GMS--JZB. 19-CV-8086 was denied on May 7 2019 [Attachment I, pg Att-101], solely on the basis of the previous fraudulent motion to dismiss.

Habeas Party Mihaylo escaped from the custody of Respondent Amy Fackrell's business in July 2019, and contacted Applicant for assistance on July 22 2019. Mihaylo was jailed for a few days in August 2019, and was released from probation by the Yavapai County Superior Court in September 2019. Applicant observed

² Compass, Habeas Party Mihaylo's guardian, claimed in a state court filing that Respondent Amy Fackrell's business "assisted" Mihaylo with the fraudulent 'motion to dismiss' (Attachment D), which was apparently a good enough explanation for the state court to ignore the obvious problem of a respondent acting as the attorney for the Party to a habeas petition.

Mihaylo's alcohol consumption promptly spiral out of control³. On October 16 2019 Applicant received a call from Stephen Mihaylo, who asked if Applicant knew where [Emily] Mihaylo was at that time. Applicant informed Mr. Mihaylo that his daughter, [Emily] Mihaylo, was 'back in a mental hospital'. Stephen Mihaylo thenceforth began the process of filing for guardianship of Habeas Party [Emily] Mihaylo.

Applicant Knochel filed a motion to set aside and to reinstate 19-cv-8086 on August 4 2020. The district court denied Applicant Knochel's motion to reinstate on September 9 2020 (Attachment I, pg Att-79). Applicant filed his response to the district court's order to show cause on October 8 2020.

Habeas Party Mihaylo allowed Applicant Knochel to visit her at her first care home on October 15 2020. Mihaylo escaped from the custody of Compass, her court-appointed guardian, on November 1 2020. Mihaylo contacted Applicant for assistance on November 2 2020. Mihaylo and Applicant filmed the youtube video linked above at Applicant's home on November 9 2020. Mihaylo and Applicant signed and notarized their joint petition for extraordinary writ to the U.S. Court of Appeals for the 9th Circuit (No. 20-73382) on November 12 2020. In this Petition Mihaylo declared to the United States Court of Appeals specific details of how her legal mail from the district court was intercepted by her former 'treatment' provider in January 2018 (Attachment F). This declaration additionally told how Mihaylo was coerced to sign the fraudulent motion to dismiss. This petition for extraordinary writ, #20-73382, was denied by the U.S. Court of Appeals on December 8 2020 (Attachment I, pg Att-63).

The district court declared Applicant vexatious on November 13 2020 (Attachment C), without Applicant having an opportunity to inform the district court of the

³ Applicant Knochel observed that Mihaylo didn't recover from her August 2019 incarceration until around April 2020, but had no authority to intervene in Mihaylo's alcohol-induced deterioration.

pictures and videos he took of himself with Mihaylo in October/November 2020. The U.S. Court of Appeals was informed of the state court proceeding and Applicant's photographic evidence of fraud on the district court. Applicant also quoted the actual text of *Whitmore v. Arkansas*, 495 U.S. 149. The U.S. Court of Appeals' memorandum order states:

“[...] The alleged developments in state court do not undermine the basis for the order, and the authorities Knochel cites do not support his claim that the district court erred by failing to hold an evidentiary hearing regarding those developments. AFFIRMED.”

- CoA9 No. 20-17326 (Attachment I, pg Att-62)

The court of appeals' timeline is off: Applicant Knochel's appeal clearly stated the state court record was created subsequent to the district court's vexatious litigant order. The district court failed to hold any evidentiary hearings. Applicant is barred from presenting the latest evidence of fraud on the court to the district court.

The Court of Appeals previously denied Applicant Knochel a certificate of appealability (CoA9 No. 19-16135 [Attachment I, pg Att-99]) on his earlier protestation of the district court's refusal to hold an evidentiary hearing.

Applicant's Summary Of The State Court's Protective Order

The circumstances which resulted in the state court's order, on which injunctive relief is sought (Attachment A & B), is summarized: Habeas Party Mihaylo escaped from her guardian's color-of-law custody on November 1, 2020. Applicant Knochel housed Habeas Party Mihaylo from November 2 2020 until November 12, 2020, when Mihaylo voluntarily returned to her guardian's custody. [Applicant was erroneously declared vexatious by the district court the following day, on November 13, 2020 (Attachment C).]

In December 2020 Applicant Knochel assisted Habeas Party Mihaylo to file in her own state court guardianship proceeding, whereby she asked for the replacement of

Compass as her guardian. Applicant concurrently filed in the same state court guardianship proceeding to petition that Mihaylo be assigned a replacement guardian.

Compass filed a counter-petition for protective order against Applicant on behalf of their ward, Habeas Party Mihaylo, as detailed in the state court's minutes (Attachment A). Compass' filings in this counter-petition leveraged the fraud on the United States District Court to advocate the state court issue an order of protection prohibiting Applicant further contact with his friend, Mihaylo. Compass' filing essentially says: *'Applicant Knochel is trying to file for habeas corpus on behalf of our ward. He tried this in September 2015 and was arrested and convicted of trying to do so. The Arizona State Court, the U.S. District Court and the U.S. Court of Appeals have denied his numerous petitions. Applicant Knochel is not an attorney, nor a medical professional, so he obviously doesn't know anything about the law or medicine. He says Habeas Party Mihaylo's substance abuse problems are the sole cause of her mental condition, but all the medical professionals say otherwise. Furthermore, when Habeas Party Mihaylo escaped from our custody, he did not tell us where she was so we could return her to the care home we force her to live at.'*⁴

The state court granted this counter-petition for protective order (Attachment A & B). This state court order prohibits Applicant Knochel from any contact with Habeas Party Mihaylo. Applicant Knochel's petition to the Arizona State Court for a replacement guardian for Mihaylo was dismissed. Mihaylo's own lawful request for a replacement guardian was ignored.

Summary of Applicant's Cert Petition

Applicant' Knochel's petition for writ of certiorari, #21-1493 (Attachment I), questions whether he may be declared vexatious by the district court on the basis of

⁴ This is emphatically NOT a quote from Compass' filings in the Arizona State Court, it is Applicant's effort to summarize the essence of the argument made against him by Compass.

a single fraudulent motion to dismiss (Attachment D), and whether the district court may ignore Applicant's requests for an evidentiary hearing on whether Habeas Party Mihaylo filed the supposed motion to dismiss herself without coercion. The U.S. Court of Appeals ruled (Attachment I, pg Att-61) that the state court record evidencing fraud on the United States Court and videos evidencing fraud on the United States Court are irrelevant when the district court declares a petitioner vexatious. #21-1493 links to the same youtube video as this Application (on pg #1, above): this is only a portion of Applicant's exculpatory evidence which the U.S. Court of Appeals says is inconsequential.

Applicant has not shared the links to his September/October 2019 videos of his interactions with Habeas Party Mihaylo. While these videos also establish fraud on the United States Court, they do not show Mihaylo at her best, and Applicant Knochel would prefer to only release these videos to a court-appointed attorney or a US Marshall's Service officer who is investigating these allegations of fraud on the United States Court.

Applicant Knochel has a timeline of Habeas Party Mihaylo's various escapes from her guardian's custody after the state court's minutes and order (Attachment A & B) were issued by the Arizona Superior Court in April 2021. These escapes start in June 2021. The specifics of Habeas Party Mihaylo's various escapes are not found in the Arizona State Court's public records, and provide additional evidence of fraud on the United States Court. One of these specifics is that Habeas Party Mihaylo was arrested at Applicant's home on July 11 2021.

Request for Stay or Other Injunctive Relief

Applicant Knochel requests stay of the district court's vexatious litigant order (Attachment C) and the Arizona State Court order of protection (Attachment A & B) while his petition for certiorari, #21-1493, is pending in this court.

In the alternative, Applicant Knochel requests an order that the State of Arizona be enjoined from enforcing the Arizona Superior Court's order of protection (Attachment A & B) in the Arizona State Court. If the State of Arizona desires to prosecute Applicant Knochel for allegedly having violated this order, Applicant requests such prosecution be automatically removed to the United States District Court.

In the alternative, Applicant Knochel requests the Court order the US Marshall's Service investigate Applicant's allegations of fraud on the district court.

In the alternative, Applicant Knochel requests this Application be treated as a petition for writ of habeas corpus, with Applicant Knochel as the party, and that an evidentiary hearing be held on the allegations of facts contained herein. If the evidence presented is clear and compelling that Applicant has only filed truthfully in the various courts, Applicant asks the case originating the protective order (Attachment A & B), Maricopa County Superior Court #PB 2019-002031, be removed to the United States Court for further proceedings.

Legal Standard for Stay or Other Injunctive Relief

The usual standards for injunctive relief are (1) irreparable injury in the absence of such an order; (2) that the threatened injury to the moving party outweighs the harm to the opposing party resulting from the order; (3) that the injunction is not adverse to public interest; and (4) that the moving party has a substantial likelihood of success on the merits. These standards are entirely met for granting Applicant's request for stay or injunctive relief.

Likelihood of Success on the Merits

The state court record which resulted in the minutes (Attachment A) and order of protection (Attachment B) cannot be reconciled with the District Court's rulings (Attachment C & I [Appendices to Cert petition]). Fraud on the Court is the only

possible explanation for the “motion to dismiss” (Attachment D), which the district court relies on for its rulings.

The evidence considered by the state court clearly established the violation of Applicant Knochel and Habeas Party Mihaylo’s constitutional rights, and that the controversy of Applicant’s allegations of fraud on the United States District Court was pending in the U.S. Court of Appeals, but the state court issued its order anyways.

In the real world (outside the district court’s rulings) there is overwhelming evidence that fraud was perpetrated on the U.S. District Court on January 24 2018, as the supposed “Motion to Dismiss” [doc 8] in 18-cv-8004-PCT-GMS--JZB (Attachment D). The evidence of the fraudulence of this filing is comprised of the state court’s record, the YouTube video linked in this Application & associated Petition, other pictures and videos, and various witnesses and phone records. These establish that Applicant Knochel and Habeas Party Mihaylo are still friends, and that the obviously-fraudulent-but-granted ‘motion to dismiss’ (Attachment D) is a textbook-perfect example of a respondent to a habeas petition ‘defiling the temple of justice’. The only question is whether the United States Court will continue to turn a blind eye to the fraud perpetrated upon it.

The case law cited by the district court, *Whitmore v. Arkansas*, 495 U.S. 149 at 165, seems to clearly require an evidentiary hearing before dismissing a next friend’s petition for writ of habeas corpus:

Without deciding whether a "next friend" may ever invoke the jurisdiction of a federal court absent congressional authorization, we think the scope of any federal doctrine of "next friend" standing is no broader than what is permitted by the habeas corpus statute, which codified the historical practice. And in keeping with the ancient tradition of the doctrine, we conclude that one necessary condition for "next friend" standing in federal court is a **showing by the proposed "next friend" that the real party in interest is unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability.**

That prerequisite for "next friend" standing is not satisfied where an evidentiary hearing shows that the defendant has given a knowing, intelligent, and voluntary waiver of his right to proceed, and his access to court is otherwise unimpeded.

- *Whitmore v. Arkansas*, 495 U.S. 149 at 164 (emphasis added)

Over the last 7 years, the only hearing Applicant has obtained was on his first habeas petition, which was granted (Attachment H). The hospital's law firm did not inform the E.R. staff they'd blown off the hearing they had actual notice of. Applicant was assaulted and arrested by the hospital's security guards when he tried to use the granted writ to free Habeas Party Mihaylo from unlawful confinement.

Habeas Party Mihaylo is now assigned a guardian by the Arizona State Court. Her guardian seems to be spending as much of Mihaylo's money as they can get away with – the exact amounts are sealed by the probate court. Nothing more needs to be said to establish a presumption that Mihaylo's is a textbook case of a person improperly restrained of liberty who needs the assistance of a next friend to initiate litigation of their cause. After Habeas Party Mihaylo's guardian secured the order of protection (Attachment A & B), they continued to keep Mihaylo locked in a hospice facility for the next two months. Mihaylo escaped from the hospice home on about June 12, 2021. Mihaylo's email to her guardian, subject "my rights" (Attachment G), was BCC'd to Applicant Knochel, evidencing the fraud on the court and that Mihaylo's treatment by her guardian is indefensible.

Habeas Party Mihaylo does not appreciate that she actually has no rights as a ward who is removed from the protection of the rule of law. She recovers from her transitory psychosis while being fed regular meals at the care homes, and becomes distressed about her predicament. Mihaylo is not actually "persistently"

incapacitated: she is able to easily escape from her illegal confinement, but seems to deteriorate due to the stress of being on the run and/or alcohol consumption⁵.

If Applicant could have afforded an attorney, AND if Applicant could have found a “competent attorney” interested in taking on the whole of the medical-industrial-legal complex, there would have been no need for Applicant to try to take advantage of the U.S. Constitution’s most fundamental protection of liberty by himself.

While this court has already denied Applicant’s petition for extraordinary writ, #21-6444 (which only asked for an evidentiary hearing) and petition for rehearing, applicant will allow that your clerks probably did not take those petitions seriously.

The public interest requires injunctive relief

By granting injunctive relief this court will indicate to the hundreds of thousands of other victims of the mental health industry that their distress calls (SOS) have been noticed.

Applicant Knochel pointed out to the district court (in 18-cv-8004 and 19-cv-8086) that the State of Arizona’s involuntary treatment statutes are ‘void for vagueness’. Applicant observes that Habeas Party Mihaylo is ordered to submit to whatever her involuntary mental health doctors want to do to her⁶. The mental health industry takes full advantage of the state court’s order by forcibly injecting Mihaylo with various prescription drugs. These are all specifically contraindicated for the known causes of Mihaylo’s symptomatic presentation. The agony imposed by one of these, Haloperidol, was used by the Soviet Psycho-Prisons for dissident re-education.

⁵ Alcohol is a temporary treatment for Mihaylo’s exhaustion, which itself is caused by the metabolic problems Mihaylo experiences due to her genetic condition of being malnourished by foods fortified with the provitamin folic acid

⁶ Some psychiatrists use the false authority granted on them by Arizona’s mental health courts to electrocute their patients’ brains. Fortunately, Mihaylo has NOT been involuntarily electrocuted.

The public interest requires haloperidol, and other agony-inducing medications and treatments (such as brain electrocution aka 'Electroconvulsive Therapy' / ECT), be removed from use as soon as possible.

There is no public interest for further persecution of Applicant Knochel, whose only interaction with the criminal justice system was for trying to use the Great Writ (Attachment H) to free Habeas Party Mihaylo from unlawful confinement in a wealthy politically-connected non-profit hospital.

All Applicant Knochel asks for is an evidentiary hearing on the facts of his claim that he and Habeas Party Mihaylo's have been removed from the protection of the rule of law by the courts below. If not even the Supreme Court has an interest in investigating Applicant's allegations of widespread medical torture of America's "mentally ill", what message will this send to the public?

Irreparable Injury

When he returned to the hospital's campus with a granted writ of habeas corpus (Attachment H), Applicant Knochel was assaulted and arrested by hospital security guards, and was prosecuted by the City of Glendale, Arizona for misdemeanor trespass and misdemeanor assault. Petitioner was traumatized by his night in jail, and his betrayal by Arizona's prosecutors and courts.

While progress has been made over the decades at making America's jails and prisons safer, these are still places where people are deteriorated with inadequate diets and a complete lack of comprehensive health care. Arizona's prisons were recently found to fail to provide even minimally adequate health care⁷.

Applicant Knochel has an undiagnosed neurological condition which he seems to be making some progress at resolving. Applicant might not survive a long stay in an

⁷ U.S. District Court for the District of Arizona, Jensen v. Shinn, 12-cv-00601, Order, doc 4335

Arizona jail, were he again prosecuted and convicted of trying to exercise fundamental rights.

The State of Arizona has no interest in Applicant's Petition

The Arizona Attorney General seems to have not initiated any investigation of Applicant's allegations of crimes against the rule of law by Arizona's mental health industry. The Arizona Attorney General's waiver of response in the associated petition, #21-1493, suggests its only interest in this case is hoping it will be denied without comment, so that Arizona's status quo – of systemic rights violations by Arizona's jails, prisons and mental health industry – may continue.

Additional Justification: Facts Subsequent To The Filing Of The Petition For Writ Of Certiorari Which Establish Fraud on the Court, and Which Establish the Necessity of Injunctive Relief.

As mentioned in the Petition (Attachment I, pg Att-58) Applicant was aware that Habeas Party Mihaylo had escaped from her guardian's custody on about May 8 2022. This was on the basis of Mihaylo's phone calls, from borrowed phones, where she requested Applicant's help.

Habeas Party Mihaylo latest escapes from her guardian's illegal custody were from about May 8, 2022 to June 15, 2022, before July 8 2022, and on about July 30 2022. Applicant's detailed knowledge of Mihaylo's escapes from her guardian's custody in May/June/July 2022 is additional evidence of fraud on the United States Court.

Applicant finalized Petition #21-1493 on May 17 2022; this was docketed May 19 2022. Subsequently Petitioner may now in be legal limbo, for having provided substantial assistance to Habeas Party Mihaylo during her 5.5-week long escape from her guardian's custody. As detailed below, if an evidentiary hearing were to be held, Applicant would provide specific details about Mihaylo's May 8 2022 escape

from her guardian's illegal custody in Maricopa County, and her being taken into custody by the Prescott Police Department (100+ miles away, in Yavapai County) on June 15 2022. These details are not found in the public record of Habeas Party Mihaylo's guardianship proceedings.

Applicant Knochel alleges the following specific facts dated May to August 2022:

1. Applicant Knochel may have provided financial support for Habeas Party Mihaylo's efforts to secure for herself a 'roof over her head' in Maricopa County, Arizona, while she was on the run from her guardian. This 'hypothetical' support would have been in violation of the State Court's protective order (Attachment A & B).
2. On about May 30, 2022, Habeas Party Mihaylo made it to Prescott Arizona. Applicant Knochel may have again provided financial support for Mihaylo's shelter. This financial support would also have been in violation of the State Court's order of protection.
3. Applicant Knochel may have been informed and witnessed Habeas Party Mihaylo securing a job at this motel, where she cleaned rooms. This was after Mihaylo's forced treatment with tranquilizers had lapsed. On June 12, 2022 Habeas Party Mihaylo had a very productive day at work, and reported that she was going to become a regular hourly employee.
4. Habeas Party Mihaylo was arrested at the convenience store at 1245 E. Gurley St, Prescott Arizona, on June 15, 2022, for both outstanding warrants and on a vulnerable person report filed by Compass (Mihaylo's guardian).
5. Applicant Knochel may have evidence that he was at the location of Habeas Party Mihaylo's arrest on June 15 2022.
6. Applicant Knochel may have photos and videos of himself cleaning up Habeas Party Mihaylo's motel room on June 16 2022. These are evidence of the actual cause of Mihaylo's rapid deterioration from June 12-June 15 2022.

7. Habeas Party Mihaylo was kept overnight in the Yavapai County Jail, and was (presumably) returned to Maricopa County on June 16 2022.
8. Applicant Knochel was informed that Habeas Party Mihaylo escaped from her guardian's custody after June 16 2022, but is not aware of the details.
9. On July 8 2022 Applicant Knochel received two calls from the Maricopa County Jail. The calls did not have the inmate's voice to announce who it was. Applicant checked the Maricopa County Jail's inmate information webpage, and learned Habeas Party Mihaylo was then incarcerated.
10. On July 9 2022 Applicant Knochel received another call from the Maricopa County Jail. Habeas Party Mihaylo was removed from the jail's online information portal around 10am.
11. On July 10 2022 Applicant Knochel received a call from Urgent Psychiatric Care. Habeas Party Mihaylo's voicemail message informed the psychiatrists were going to put her back on a high dose of "Abilify Maintena" injection. Mihaylo was not enthusiastic about the impending resumption of her chemical lobotomization. Applicant assumes Mihaylo was transferred from Urgent Psychiatric Care to the care home listed as her address in the state court's public record, but is not aware of when this transfer took place.
12. On July 30 2022 Habeas Party Mihaylo borrowed the phone of the Taqueria restaurant at 91st Ave and Van Buren in Tolleson, Arizona⁸ to call Applicant Knochel. Mihaylo asked Applicant to pick her up. ~40 minutes later, Mihaylo borrowed the phone of a nearby barbershop and again asked Applicant to pick her up.

⁸ Applicant notes this intersection is about 2 miles away from the last address provided by Mihaylo's guardian to the state court. It is at least a 2-hour drive for Applicant to get to that address. Applicant does not have anywhere to take Mihaylo, nor does he have the resources to pay for a motel for Mihaylo. Applicant sent Mihaylo's father, guardian and attorney an email to inform them of this escape. Applicant thought it better to allow Mihaylo to do the best she could on her own, rather than to call the Tolleson police who would presumably only return Mihaylo to her illegal captivity.

13. As of August 7 2022, the Arizona State Court's public record of Habeas Party Mihaylo's guardianship does not detail any of Mihaylo's various escapes from her guardian's custody.

Further Justification: "Missionaries Get Eaten By Cannibals"

The questions presented on petition #21-1493 are superficially about whether persons acting under color of state law may perpetrate fraud on the United States Court. But Applicant's petitions to the district court are fundamentally about whether the State of Arizona may use its courts to forcibly subject citizens to psychiatric pseudo-medicine, and how a next friend is supposed to object to their friend's video-documented misdiagnosis and iatrogenic deterioration.

Applicant has videos from August 2015 which prove Habeas Party Mihaylo was misdiagnosed by Arizona's involuntary mental health industry, and that she is harmed by the allopathic psychiatric medications forced on her by the State of Arizona. Mihaylo is further subjected to emotional distress by her guardian's having housed her at lock-down care homes in contravention to Arizona's statutory requirements for a guardian's care of a ward.

Petitioner specifically objects to his friend's medically-induced deterioration with haloperidol. This medication is FDA-approved as an anti-psychotic. The historical record clearly establishes that haloperidol was purposefully used by Soviet psychoprisons to induce agony in political dissidents. Western psychiatrists called this use of haloperidol 'torture', but still use the same and similar agony-inducing medications on their own patients.

A truism is that "missionaries get eaten by cannibals". Applicant Knochel is trying to point out that the United States' mental health industry is a make-work program. He has filed complaints with the Arizona Attorney General's office, the

FBI, the U.S. DOJ, and the Arizona Supreme Court's division for licensing. Some complaints were acknowledged, but all are ignored.

Systems have a tendency to protect themselves. Applicant feels exceedingly vulnerable for trying to fix our mental health system by himself.

Conclusion

Modern American Medicine has become a sacred cow, or at least a good make-work program for politicians to spend money on. Applicant Knochel's experience is the courts below have placed this sacred cow above the law.

The associated petition, #21-1493, is simply about whether the State of Arizona may perpetrate fraud on the United States Court. The judges at the courts below seem to have played fast & loose with the fundamental legal principles of Due Process and Equal Protection because they did not want to have to declare Arizona's system for involuntary mental health treatment unconstitutional.

As Applicant Knochel advocated previously (in #21-6444), the mental health industry is in desperate need of help. Doctors are trained to tell their patients little-white-science-lies about why the patient needs to take agony-inducing palliative psychiatric prescriptions. Psychiatry now knows their patients don't have "chemical imbalances" in their brains that are fixed by the prescriptions they're trained to prescribe. They don't know what else to do, so they keep prescribing the same old defective prescriptions.

Applicant Knochel likes to think the judicial derelictions of duty he's experienced were specifically to motivate Applicant to petition this court to begin the process of fixing the mental health industry. Or maybe Applicant has delusions of grandeur to think he can convince the Supreme Court to consider there are systemic rights violations in many of the United States' various judicial systems.

Applicant Knochel's first habeas petition to the Arizona State Court was granted (Attachment H), but the court's order was not fulfilled. Applicant may be the only person alive in America today who was convicted of the circumstances of an attempt to use a *granted* writ of habeas corpus to free someone from unlawful confinement.

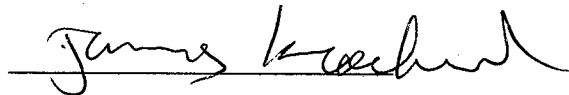
If this court affirms the case law requires the district court to hold an evidentiary hearing before dismissing a next friend's habeas petition on the basis of an obviously-fraudulent 'motion to dismiss', and that evidentiary hearing establishes that fraud was in fact perpetrated on the United States District Court by someone acting under color of state law, the district court's vexatious litigant order (Attachment C) will be vacated and the state court's order of protection (Attachment A & B) will have to be re-litigated by the United States Court.

There is no need to allow the breakdown in the rule of law experienced by Applicant Knochel to continue for months or years, when all it takes is an evidentiary hearing to begin the process of restoring Applicant Knochel, and his friend Habeas Party Mihaylo, to the protections of the rule of law.

Wherefore applicant prays for stay or injunctive relief.

August 10, 2022

Respectfully submitted,



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