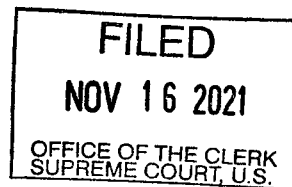


No. 21-6444

ORIGINAL

In the
Supreme Court of the United States



In re James Joseph Knochel,

Petitioner

Petition for Writ of Mandamus

**Federal Courts Below:
United States Court of Appeals for the Ninth Circuit
United States District Court for the District of Arizona**

November 22, 2021

James J. Knochel, pro se
P.O. Box 3499
Prescott, AZ 86302
602-842-2688
knochj@gmail.com

Petitioner presents the following questions regarding the United States District Court's order declaring him a vexatious litigant:

Questions Presented

1. May a next friend who is denied standing to petition for writ of habeas corpus be declared vexatious without considering evidence of fraud on the court?
2. How does a next friend establish standing for a habeas petition via the standards of "inaccessibility" or "mental incompetence"?
3. How does the party to a dismissed petition for writ of habeas corpus establish that her signature on the informal motion to dismiss was coerced, and that the sentiments of the letter are entirely false?
4. When a habeas petition details that the party has been stripped of their freedom of medical choice by the state court, may the district court dismiss the habeas petition filed on the party's behalf without evidentiary hearing, if the party to the habeas petition could be reasonably assumed to have possibly requested 'assistance' in asking for her habeas petition's dismissal?
5. Does a motion to dismiss subsequently evidenced as submitted to the district court by staff employed by the respondent to the Petition for Writ of Habeas Corpus qualify as "a scheme by which the integrity of the judicial process had been fraudulently subverted"?
6. When the subsequent state court record evidences fraud on the United States Court, how does the adversely affected next friend obligate the district court to consider the state court's record?

7. Does the Party to a habeas petition having a court-appointed guardian preclude a next friend from protesting the violation of Party's rights?

8. When a citizen of the United States witnesses involuntary or coerced medicine that is delusional, cruel, ineffective or clearly harmful, but cannot object because of lack of standing, and would not be taken seriously in any case because he has no formal medical or legal credentials, how may an observant citizen object to the institutionalized medical violations of other citizens' rights?

Parties to the Proceeding

Petitioner, attempted next friend in the district court, and appellant in the United States Court of Appeals for the Ninth Circuit, is James Joseph Knochel.

Respondents in this Court are the United States Court of Appeals for the Ninth Circuit and the United States District Court for the District of Arizona.

Party to Petitioner's next-friend petitions for writ of habeas corpus to the United States District Court is Emily Noelle Mihaylo, who has been informed of this petition but is inaccessible on account of Petitioner's inability to find an attorney to locate Party and secure her signature.

Compass Fiduciary Group LLC was appointed temporary guardian of Party, Emily Noelle Mihaylo, by the state court in December 2019, and permanent guardian in February 2020.

The petitions and appeals to the federal courts below were filed and considered ex parte; the respondents to the petitions filed in the courts below no longer have custody of the Party to those petitions.

Related Cases

Pursuant to Supreme Court Rule 14.1(b)(iii), Petitioner states that the following proceedings are related:

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 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. (extraordinary writ)

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

Table of Contents

Questions Presented	i
Parties to the Proceeding	ii
Related Cases	iii
Table of Contents	iv
Index to Appendices	v
Table of Authorities	vi
Introduction	1
Opinions Below	1
Jurisdiction	2
Sup Ct Rule 20.3 Statement	2
Relief Sought	2
Why the relief sought is not available in any other court	3
Constitutional And Statutory Provisions Involved	4
Statement of the Case	5
Statement of Facts Substantiating Fraud on the Court	7
Party [Mihaylo] repeatedly escapes from unlawful custody, and repeatedly contacts Petitioner for assistance	12
Reasons for Granting the Petition	14
Legal Hocus-Pocus	15
Medical Standards of Care Evolve Slowly	18
Summary of Evidence Not Considered by the Courts Below	19
Conclusion	21

Index to Appendices

- Attachment A – Order of Court of Appeals granting IFP on appeal of vexatious litigant order. June 25, 2021
- Attachment B – Order of Court of Appeals denying Petition for Extraordinary Writ. December 8, 2020.
- Attachment C – Order of district court declaring petitioner vexatious litigant. November 13, 2020
- Attachment D – Order of district court denying motion to reinstate, and order to show cause. September 09, 2020
- Attachment E – Order of Court of Appeals denying certificate of appealability. July 22, 2019
- Attachment F – Order of district court dismissing petition for writ of habeas corpus without prejudice. May 07, 2019
- Attachment G – Order of district court dismissing petition for writ of habeas corpus without prejudice. February 07, 2018
- Attachment H – Order of the Arizona Superior Court granting habeas corpus. September 22, 2015.

Table of Authorities

Cases

Whitmore v. Arkansas, 495 US 149	15, 16, 17
--	------------

Statutes

28 USC § 1254.....	2
28 USC § 1343.....	2
28 USC § 1651.....	2
28 USC § 2242.....	5
28 USC § 2254.....	5

Other Authorities

14 th Amendment to the United States Constitution	4
1st Amendment to the United States Constitution.....	5
8 th Amendment to the United States	5
Article I, Section 9, Clause 2 of the Constitution of the United States	4
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	5
International Covenant on Civil and Political Rights.....	5
Nuremburg Code.....	5

Introduction

Petitioner is declared a vexatious litigant by the United States District Court (Nov. 13 2020) on the basis of an informal letter (Jan. 2018) docketed as a motion to dismiss Petitioner's next friend petition for writ of habeas corpus. This letter is now evidenced as fraudulent by notarized filings, witnesses (Dec. 2018 to present), videos (Sept. 2019, Nov. 2020), the state court's public record (April 2021), and the county sheriff's arrest records (July 2021). The case law requires an evidentiary hearing before this type of dismissal, but no hearings have been held by the federal courts below. The present petition for Mandamus asks that the district court be ordered to abide by the controlling case law, conduct an evidentiary hearing on the supposed 'motion to dismiss', and reconsider whether Petitioner is vexatious.

An appeal of the district court's vexatious litigant order is pending.

Petitioner believes the fraud on the court was a petty case of pathological altruism: the perpetrator thought they were helping their involuntary client by 'getting rid' of their client's habeas petition. At her worst the Party to the habeas petitions is completely dysfunctional. While Petitioner agrees that Party needs some sort of help, Party's own medical and legal records clearly demonstrate that Party is gravely endangered by the obsolete palliative medical treatments forced on her.

The federal courts below base their rulings on three fictions: that the typed letter docketed as the "motion to dismiss" reflects the will of the Party to the habeas petition, that the Party's own notarized submissions to the courts below are of no concern, and their unstated holdings that the requirement of the cited case law for evidentiary hearing do not apply to Petitioner's cases.

Opinions Below

The orders of the U.S. Court of Appeals relevant to this petition for mandamus appear at Attachment A, B and E, and are unpublished.

The orders of the U.S. district court relevant to this petition for mandamus appear at Attachment C, D, F and G, and are unpublished.

The order of the Arizona Superior Court granting habeas corpus (Sept. 22 2015), appears at Attachment H (establishing Petitioner's standing as a next friend).

Jurisdiction

The U.S. District Court has jurisdiction for the original petitions for writ of habeas corpus pursuant to 28 USC § 1343(a)(3).

The Court of Appeals has jurisdiction under 28 USC § 1291. While the petitions in the district court were dismissed without prejudice, the district court's subsequent orders indicate that its dismissals are with prejudice with regards to Petitioner's efforts as a next friend to intervene on behalf of the party to the petitions.

28 USC § 1254 allows the Supreme Court to review Petitioner's case that is currently pending in the United States Court of Appeals.

The jurisdiction of the Supreme Court of the United States is invoked under 28 USC § 1651, as jurisdiction for Mandamus to the courts below.

Sup Ct Rule 20.3 Statement

Name and office or function of every person against whom relief is sought:

The United States District Court for the District of Arizona

The United States Court of Appeals for the 9th Circuit

Relief Sought

Petitioner seeks a writ of mandamus under 28 USC § 1651(a) ordering the district court hold an evidentiary hearing on the typed letter on business stationary docketed as a "motion to dismiss" (18-cv-08004-PCT-GMS-JZB, doc 8), and other relief as the Court determines to be just and proper.

In the alternative, Petitioner asks this court to treat this petition as a petition for writ of habeas corpus, for the Questions Presented above with special emphasis on Question #8 (delusional involuntary/coerced medicine).

In the alternative, Petitioner asks the United States Court of Appeals for the 9th Circuit be ordered to strike its denial in Case No. 19-16135, grant a certificate of appealability, and proceed on that appeal as justice requires.

In the alternative, Petitioner asks a special master be appointed to consider Petitioner's many grievances.

Why the relief sought is not available in any other court

The courts below looked the other way when Petitioner presented allegations and evidence of fraud on the United States Court. The case law requires evidentiary hearing to consider testimony and evidence that Party's notarized signatures on the documents filed to the United States District Court and United States Court of Appeals are genuine, and that her signature on the informal motion to dismiss was coerced. Petitioner has repeatedly asked the courts below for evidentiary hearing, but the district court's rulings do not explain why an evidentiary hearing is not necessary.

Petitioner was declared a vexatious litigant by the district court with regards to filings involving the party to the habeas petition (ATTACHMENT C) after Petitioner asked for an evidentiary hearing to present further evidence of fraud on the court. Petitioner's motion to set aside and to reinstate, and his response to the order to show cause, were filed before Party briefly escaped from illegal confinement on November 1 2020. Petitioner was able to video-interview his friend on November 9 2020 regarding the circumstances of her illegal confinement, but was not able to present this evidence to the district court before he was declared vexatious on November 13 2020. The district court's order specifically disallows Petitioner further filings in the district court on matters related to this specific Party: the

district court decrees that Petitioner cannot challenge judicially-accepted fraud on the court.

In his first appeal of an order from 19-cv-8086-PCT-GMS-JZB, Petitioner moved the Court of Appeals to file a motion to amend caption of 19-16135 under seal; the motion to file under seal was denied and Petitioner's motion to amend caption was stricken from the record (ATTACHMENT E). This order specifically states "No further filings will be entertained in this case".

Petitioner and Party jointly signed their petition for extraordinary writ to the U.S. Court of Appeals on November 12 2020. The petition asked the Court of Appeals to order an investigation into the breakdown in the rule of law experienced by Petitioner and Party. This petition was denied with a 2-page ruling that did not address any of the substance of the petition (ATTACHMENT B). The ruling also indicates the Court of Appeals does not believe genuine Party's notarized signature.

Petitioner's appeal of the district court's vexatious litigant order is pending. In its order granting in forma pauperis (ATTACHMENT A), the Court of Appeals notes the appeal is solely regarding the district court's vexatious litigant order: the U.S. Court of Appeals indicates that it will continue to accept fraud on the court.

As of April 2021, the state court record establishes fraud on the district court. The United States Court of Appeals has dug itself into a hole, and needs rescuing.

Constitutional And Statutory Provisions Involved

Article I, Section 9, Clause 2 of the Constitution of the United States:

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

The 14th Amendment to the United States Constitution:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall

abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The 1st Amendment to the United States Constitution protects freedom of association.

The 8th Amendment to the United States Constitution:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

28 USC § 2242 allows for application for habeas corpus by someone acting on behalf of the party to the petition.

28 USC § 2254(b)(1)(B)(i) and (ii) allow the federal courts to consider petitions for writ of habeas corpus for persons in state custody, even when state court remedies cannot be exhausted by the next friend because the state court will not consider the merits of filed petitions.

Article 7 of the International Covenant on Civil and Political Rights prohibits torture, cruel, inhuman or degrading treatment, and involuntary medical or scientific experimentation.

Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits “cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I”.

The Nuremburg Code requires voluntary consent of human subjects in medical experiments.

Statement of the Case

The immediate petition questions whether Petitioner may be declared vexatious by the district court solely on the basis of a provably-fraudulent filing. Petitioner believes that the district court desired to not ‘cut the gordian knot’ presented by

Petitioner, because there are countless other people who are similarly ensnared in the judicial-medical system that are similarly being accidentally harmed.

Petitioner has videos from August 2015 proving his friend, the Party to his petitions for writ of habeas corpus to the state and federal courts below, was misdiagnosed in September 2015, is 'actually innocent' of the charge of having a chronic mental disorder, and is being harmed by the involuntary mental health industry's efforts to help her. Petitioner observes that Party's supposed 'mental' condition is entirely caused by inadequate diet (aggravated by her genetic condition which requires specific food nutrients), substance abuse, and medications that are not indicated to treat malnourishment or substance abuse (i.e., prohibited medical experimentation).

Party was ordered to submit to involuntary psychiatry in November 2015, in a sealed case. Petitioner observed a steady deterioration of his friend, which he attributes to the treating psychiatrists' refusal to treat Party for substance abuse. Petitioner observes his friend, Party, is forced under the state court's order to submit to medical treatments that are specifically contraindicated for the documented causes of her condition.

Petitioner properly petitioned the Arizona state court for habeas corpus on behalf of Party. The state superior court thrice ruled (in 2016) that habeas corpus is not available to persons subjected to orders for involuntary mental health treatment, and that the involuntary treatment providers are the only entities which can accept and act upon a request for judicial review. The state appellate courts (in 2017) did not comment on the superior court's misquotation of statute, nor upon the certified mail return receipt provided as evidence to the superior court that a request for judicial review on behalf of Party was delivered to the involuntary treatment provider.

On January 11 2018 Petitioner filed a petition for writ of habeas corpus in the U.S. District Court for the District of Arizona on behalf of Party, docketed as

18-CV-08004-PCT-GMS(JZB). This filing precisely detailed how the state court had been properly petitioned but was derelict in its duty to justice.

The district court next docketed an informal typed letter on January 24 2018 as a motion to dismiss. This informal motion was printed on the business stationary of the treatment center with Party's custody pursuant to the state court's order.

Petitioner promptly filed to point out that the motion to dismiss was obviously fraudulent, and was most likely written by the respondent to the habeas petition. The supposed motion to dismiss was granted, and the habeas petition was dismissed without prejudice (ATTACHMENT G), without the evidentiary hearing required by the cited case law.

Petitioner specifically requested evidentiary hearing on the fraudulent "motion to dismiss", but the district court and court of appeals refuse to acknowledge this requirement of the case law. The evidence of the fraudulence of the motion to dismiss takes the form of Party's own notarized filings, witnesses, evidence, an interview of Party and other videos posted to YouTube, the state court's public record, and records of Party's subsequent arrest at Petitioner's home.

The remainder of this statement of the case will briefly cover the evidence that the "Motion to Dismiss", which the district court relies on for declaring Petitioner a vexatious litigant, was not just a little fraudulent, but defiles the temple of justice itself.

Statement of Facts Substantiating Fraud on the Court

In December 2018 the Party to the habeas petition absconded from her court-ordered dual-diagnosis treatment facility, arranged her own transfer to a helpful treatment program, and called Petitioner for assistance. Petitioner used this opportunity to help Party compose and mail a *notarized* hand-written letter to the district court regarding the actual circumstances of the fraudulent letter docketed as the Motion to Dismiss (18-cv-08004-PCT-GMS-JZB doc 8) by the district court, and of her ongoing friendship with Petitioner. This was docketed by the district

court as a Notice (18-cv-08004-PCT-GMS-JZB doc 14). No action was taken on this Notice.

Petitioner filed a second Petition for Writ of Habeas Corpus in the district court on March 25 2019, as 19-cv-08086-PCT-GMS-JZB. This petition listed specific witnesses to and evidence of fraud on the court. Petitioner subsequently went to Party's monthly court hearing to inform her of the new petition filed on her behalf. Petitioner's presence was noticed by Party's probation officer, who had Petitioner removed from the court room by the judge.

The district court dismissed this second habeas petition without prejudice on May 7 2019 (ATTACHMENT F), solely on the basis of the fraudulent motion to dismiss Petitioner's previous habeas petition. While the order of dismissal acknowledges Party's Notice (18-cv-08004, doc 14) to the district court, the district court did not share how it determined this notarized hand-written letter from the actual Party to the proceeding was of no importance. Petitioner properly appealed this dismissal to the United States Court of Appeals for the 9th Circuit. The Court of Appeals denied a certificate of appealability on July 22 2019 (ATTACHMENT E).

In early April 2019, Party was forced, by conspirators unknown to Petitioner, to file for an injunction against harassment against Petitioner. After escaping from these conspirators in July 2019, Party informed Petitioner that the magistrate who considered the petition for injunction against harassment told her that filing for habeas corpus and showing up at a public court hearing is not harassment, and instead issued an order of protection, on the basis of Party's recent inheritance. The Arizona statutes actually require that the petitioner for an order of protection must have experienced or have a reasonable fear of "domestic violence".

Petitioner properly removed the resulting order of protection to the federal court. The district court remanded the removed order of protection on the basis of the fraudulent "motion to dismiss" [18-8004-PCT-GMS (JZB) doc 8]. Petitioner properly

filed a notice of appeal, attempting to exercise the civil rights removal statute's appealability clause.

While this appeal was pending, Petitioner received a call from the Party to the petition, also on July 22 2019, asking to be picked up. Petitioner retrieved Party on the morning on July 23 2019, and began to accumulate further witnesses and videos to the fraud on the district court. Party did well for a few weeks before her treatment-worsened alcoholism re-emerged in September 2019. Petitioner attempted to enlist the local police to get Party sobered up. Petitioner was not prosecuted by the city police for having violated the supposed order of protection, presumably because the city police officer recognized that Petitioner's efforts on Party's behalf were genuine (the same police officer had previously cited Party for disorderly conduct, thus had personally witnessed Party's alcoholism). These police reports are evidence of fraud on the United States Court.

Party drank herself into guardianship proceedings in October 2019. Party's temporary guardian abandoned her in a care home for incapacitated adults in December 2019. Permanent guardianship was granted to this guardian in February 2020. Party mostly recovered by March 2020, and began to complain to her Guardian and her public advocate about her situation in April 2020. Party filed her own motion for status hearing in her own guardianship case on July 10 2020. This motion was never addressed by the state court.

Petitioner filed in the district court a Motion to Set Aside Judgement and to Reinstate on August 4, 2020, citing the further accumulation of evidence of fraud on the court. The Motion was denied on September 9, 2020 (ATTACHMENT D), and Petitioner was ordered to show cause as to why he should not be declared a vexatious litigant. Petitioner responded to the district court's order to show cause on October 8 2020, even though by this point he knew it was an exercise in futility.

Petitioner visited Party at the 24-hour care home she was housed at on October 15, 2020, and took a few selfies of himself with Party as evidence of fraud on the court.

The party to the habeas petitions below escaped from her illegal confinement on November 1 2020, and called Petitioner for assistance on November 2 2020: Petitioner and Party filmed a video interview on November 9 2020 as irrefutable evidence of fraud on the United States Court. Petitioner has uploaded this video to YouTube as an unlisted video.

Petitioner and Party signed and notarized their Petition for Extraordinary Writ to the United States Court of Appeals for the 9th Circuit on November 12 2020.

Petitioner was declared a vexatious litigant by the district court on November 13 2020 (ATTACHMENT C), on the basis of the single fraudulent letter it docketed on January 24 2018 and WITHOUT holding any evidentiary hearings. Petitioner's appeal of this order is pending in the United States Court of Appeals for the 9th Circuit. The Court of Appeals' order granting IFP says it is only considering the district court's vexatious litigant order (ATTACHMENT A).

The U.S. Court of Appeals denied Petitioner and Party's joint petition for extraordinary writ on December 8, 2020, with an order that indicates that it did not believe Party's notarized signatures are genuine (ATTACHMENT B).

Petitioner filed a petition to discharge Party's guardian in the state court on December 4 2020. Party separately wrote the state probate court requesting a new guardian; this was docketed December 14 2020. Party's guardian responded with a counter-petition for protective order against Petitioner.

As of April 7 2021, the Arizona State Probate Court's public record now fully establishes the fraud on the United States District Court for the District of Arizona in January 2018: the probate court granted Party's guardian's counter-petition for protective order, and notes this is *over the ward's [Party's] objection*. This action by the state court also ignored the clear violation of Party's rights as a ward, as documented in Petitioner's and Party's filings. The state probate court signed the Guardian-authored protective order on April 16 2021. The state probate court never addressed Party's own request for a replacement guardian.

Petitioner understands that Party called 911 for herself on about June 3 2021, as the guardian had taken away Party's ability to leave the care home around March 22 2021. Petitioner received a call from "Donald" (presumably Party's case manager) on June 5 2021. Donald said that Party claimed she was being held hostage. Petitioner confirmed this was the case. Petitioner believes that Party's psychiatric medications were stopped cold-turkey at this hospitalization, that Party was returned to the same care home, that Party escaped from this care home on about June 12 2021, that Party's guardian allowed her to live with her new boyfriend "D.C.", and that Party seemed to have done okay until she bought a bottle of liquor around June 27 2021.

Party was arrested at Petitioner's home on July 11, 2021, on an outstanding warrant for her failure to appear at a court hearing in October 2019. Petitioner contacted the Sheriff department because Party was "whacked out", and to create further witnesses to and evidence of fraud on the United States Court.

Party's backpack and wallet were left with Petitioner at this arrest. Petitioner searched this backpack for illegal substances, but only found Party's diary. The various entries reflect Party's sense of desperation at being caged in the care home. Party's diary entry after escaping from the care home (on the topic of having been off all psychiatric medications 'for a few weeks') display Party's lucidity and ability to self-reflect. The entries rapidly deteriorate after a note about a liquor store that carried the bottle of liquor featured in the picture sent to Petitioner on June 27 2021.

Petitioner believes Party is not doing well at the present time, as Party calls semi-regularly from borrowed phones and asks to be picked up. Petitioner is keeping a timeline of these calls, as the owners of these phones can substantiate fraud on the United States Court.

Quaker asylums fed their charges 4 meals per day. The patients mostly recovered from their 'episodes' while gently cared for in the asylums.

Party has been fending for herself in a state of diminished capacity since approximately June 27 2021. Petitioner believes that Party has no chance of not being taken back to a modern mental hospital. The psychiatrists at Party's next hospitalization will think that it was a mistake to allow Party off her palliative prescriptions, and will resume forcibly treating her with anti-psychotics. Party's actual recovery will be entirely due to being consistently fed an almost-adequate diet and her being kept away from alcohol and other substances.

Party [Mihaylo] repeatedly escapes from unlawful custody, and repeatedly contacts Petitioner for assistance.

Party's first escape from color-of-law confinement, after the January 24 2018 fraud on the district court, was in December 2018. After absconding from her court-ordered treatment center, Party contacted Petitioner for assistance and arranged to transfer her custody to a center that she felt she previously benefitted from. This transfer was not allowed by Party's probation officer, and Party was subsequently explicitly ordered by the state court to have no contact with Petitioner.

Party's second escape from unlawful confinement was in July 2019. She did well for a while, then fell back into uncontrolled alcohol consumption. Petitioner informed Party's father that Party was in a mental hospital in October 2019. Party's father filed for her guardianship. These proceedings did not consider Petitioner's video/photographic evidence of Party's alcohol abuse.

Party's guardianship was awarded to a private company, who abandoned Party in a 24-hour behavioral health care home. After recovering, and making no progress at removing herself from the care home by communicating with her attorney, public advocate and guardian, Party wrote her own "Motion for Status Hearing" to the state probate court (July 10 2020), which she mailed with her own envelopes and stamps. (For this motion Petitioner supplied Party with the clerk of the court's mailing address and provided guidance for the motion's title and first page.)

Petitioner filed his motion to reinstate in the district court on August 4, 2020. This was denied by the district court, on the fiction that Party [Mihaylo] wanted nothing to do with Petitioner, on September 9 2020 (ATTACHMENT D). Petitioner filed his response to the Order to Show Cause on October 8, 2020.

Party's third escape from color-of-law confinement was on November 1 2020, when she jumped the fence of the 24-hour care home. Party contacted Petitioner for assistance on November 2. Petitioner housed Party for the next 10 days. Party voluntarily returned to her guardian's custody on November 12 2020, immediately after notarizing, with Petitioner, our joint petition for extraordinary writ to the United States Court of Appeals.

Petitioner was declared vexatious on November 13 2020, almost two years after Party gave notice to the district court of the fraud perpetrated upon her, and 2 years 10 months after this crime was actually perpetrated.

Petitioner and Party separately filed in the State court to replace Party's guardian on December 4 and December 14 2020. Party's guardian retaliated against Petitioner by filing a counter-petition for protective order. Party's guardian misrepresented the orders of the federal courts below to the state court by saying the petitions were found "meritless". The Arizona state court adopted this defamation of Petitioner, and ordered Petitioner have no contact with his friend, Party. The Arizona state court acknowledged but never addressed Party's own request for a new guardian. (The district court simply denied Petitioner standing without addressing the merits of the filed petitions. The court of appeals found Petitioner's appeal of remand 'frivolous' in dismissing No. 19-16261; this court denied Petitioner's motion to file a petition for writ of mandamus to the court of appeals under seal: 19M102.)

Petitioner believes Party's fourth escape from color-of-law confinement, from the second care home, was on about June 12 2021. Party seems to have done okay living at her new boyfriend "D.C.'s" house for about two weeks. On June 27 2021 Party

sent Petitioner a picture of a liquor bottle, and thenceforth seems to have deteriorated rapidly. Party appeared at Petitioner's house on July 11, and was arrested at this location the same day. Petitioner informed Party's guardian of this arrest. Petitioner believes that, after released from the sheriff's custody, Party was not returned to the care home, but was released to boyfriend D.C.'s custody, and that Party did not stay at D.C.'s home for very long before she resumed running around the Phoenix metropolitan area in varying states of lucidity.

Petitioner believes that Party did not feel "safe" around D.C., especially while she was in a state of diminished capacity due to previous alcohol use and chronic emotional stress. (Petitioner has observed that it takes 2+ weeks of sobriety and adequate proper diet for Party to mostly recover from episodes of substance abuse.)

Reasons for Granting the Petition

The United States has a canon of law establishing individuals' rights. Petitioner's *experience* is that judges look the other way when the rights-violators are medical professionals who think they know what they're doing.

Petitioner attempts to assert the foundational privilege of habeas corpus to challenge the legality of his friend's medical custody by the state of Arizona, but is blocked by video-documented fraud on the United States court. Rather than consider Petitioner's evidence of fraud in an evidentiary hearing, the district court has declared Petitioner vexatious.

The privilege of habeas corpus is the only privilege mentioned in the United States Constitution itself. The case law notes that an important consideration is that those improperly restrained of liberty are often not capable of putting together a coherent habeas filing, and need the assistance of a next friend.

The Arizona state court and the federal courts below have suspended Petitioner's ability to apply for the Great Writ as next friend of Party. Party was not available to sign *most* of the petitions filed on her behalf because she is held hostage by do-

gooders who don't recognize the harm they are perpetrating. Party is also forcibly treated with medications that are known to cause compulsive behavior.

Ability to escape from unlawful custody should not be a requirement for filing a petition to challenge the legality of one's confinement. Even when the party to Petitioner's next friend petitions did escape, and did sign their joint petition to the court of appeals asking for an investigation of fraud on the district court, this petition was not considered by the United States Court of Appeals (Attachment B).

Party was only able to sign and notarize CA9 No. 20-73382 because she had escaped from her guardian's custody. Petitioner believes Party agreed to sign this Petition for Extraordinary Writ because she feared the 24-hour confinement she suffered at the previous care home would resume. Indeed, Party's guardian rescinded her ability to check herself out after about 4 months, on account of Party's untreated substance abuse problems.

Habeas proceedings are one of the few avenues for non-attorneys to protest the violations of rights suffered by friends in state custody.

The 14th Amendment was passed during the Reconstruction because states do not always adequately acknowledge and protect the rights of persons under their jurisdiction. The various reconstruction-era reforms gave the federal courts jurisdiction to consider cases of persons deprived of privileges or immunities by the states.

Legal Hocus-Pocus

The case law cited by the district court in its dismissals clearly requires an evidentiary hearing on the party's desire to proceed:

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 US 149 at 165 (1990)

The district court's various summaries of Petitioner's filings are almost fair, but also use subversive tactics to justify dismissals without abiding by the requirement of the case law. For example:

On March 25, 2019, Mr. Knochel filed, again as the purported "next friend" of Petitioner [Party/Mihaylo], the instant pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 2), as well as a Motion to Seal the Petition (Doc. 1). Therein, Mr. Knochel again alleges that the January 24, 2018 letter in case no. 18-08006-PCT-GMS (JZB) [sic] was not sent by Petitioner, but was rather a fraudulent document sent by the administrators of Petitioner's [Party's] mental healthcare facility. Mr. Knochel also provides a letter, which he purports to have been handwritten by Petitioner [Party/Mihaylo], stating that "the letter that I signed was not written by me. I was pressured into signing it by ViewPoint staff." (Doc. 2-1 at 1).

- Attachment F, pg 2, lines 14-19 (**bold**, underlines, and [Party] added)

The district court's various dismissals repeatedly acknowledge Petitioner's assertions that the January 24 2018 letter [18-08004-PCT-GMS (JZB), doc 8] is fraudulent. How did the court determine otherwise? The orders do not state.

Party's [Mihaylo] notarized handwritten letter refuting the authenticity of doc 8 is docketed as 18-08004-PCT-GMS (JZB), doc 14, December 17 2018. Petitioner subsequently filed an "affidavit" [sic, should have been "declaration"] to give the full sequence of events that led to doc 14 being sent to the district court, as 18-08004-PCT-GMS (JZB) doc 15, December 27 2018.

The district court nicely summarizes the requirements for next friend standing, then exercises legal hocus-pocus to justify dismissal:

A litigant demonstrates standing by showing that she has suffered an injury in fact that is fairly traceable to the challenged action and is redressable by a favorable judicial decision. [citation omitted]

The Supreme Court recognized in *Whitmore* that a habeas petitioner may demonstrate standing as a "next friend." 495 U.S. at 163. A next friend does not himself become a party to the habeas petition, "but simply pursues the cause on behalf of the detained person, who remains the real party in

interest.” *Id.* The Court set out “at least two firmly rooted prerequisites to ‘next friend’ standing”:

First, a next friend must provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf to prosecute the action. Second, the next friend must be truly dedicated to the best interest of the person on whose behalf he seeks to litigate and it has been further suggested that a next friend must have some significant relationship with the real party in interest. The burden is on the next friend clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.

Id. At 163-64 (citations omitted).

Here, however, given the conflicting accounts between Petitioner’s [Party’s] submissions to the court, and the numerous no contact orders against Mr. Knochel on Petitioner’s [Party’s] behalf in Yavapai state court, Mr. Knochel has again failed to establish that he should be allowed to bring this action as Petitioner’s [Party’s] “next friend.” Accordingly, the Court will dismiss the Petition and this action without prejudice. If Petitioner [Party] wishes to bring her own habeas action in the future, she remains free to do so.

- (Attachment F, pg 3, lines 5-26, underlines and clarification [Party] added.)

Is it not an injury in fact to be denied the fundamental freedom of association by the state court, without any justification whatsoever?

Re: “conflicting accounts between Petitioner’s [Party’s] submissions to the court”. The district court here acknowledges that it has received two “submissions” (plural) from Party [Mihaylo] that are in conflict: 18-08004-PCT-GMS (JZB) doc 8 and doc 14. Either doc 8 is fraudulent or doc 14 is fraudulent. The district court *assumes* doc 8 is genuine, and nothing will convince the district court to reconsider.

Re: “numerous no contact orders against Mr. Knochel on Petitioner’s [Party/Mihaylo] behalf in Yavapai state court”: the orders cited in this dismissal are by the state court prohibiting Party [Mihaylo] from communicating with Petitioner [Knochel], and establish that Party [Mihaylo] was “inaccessible” to Petitioner [Knochel], per *Whitmore*.

Elsewhere the district court acknowledges Party [Mihaylo] being in the state mental health court, which establishes prima facie evidence of “mental incompetence, or other disability”, per *Whitmore*.

Petitioner [Knochel] assumes the district court would not grant him standing to sue on behalf of Party [Mihaylo] because Petitioner asked the district court to declare the State of Arizona’s involuntary mental health treatment program unconstitutional, and the district court desired to not open that can of worms.

Medical Standards of Care Evolve Slowly

It’s one thing for the guilty to ‘get off on a technicality’. But Petitioner’s evidence is that Party is *actually innocent* of the charge of having a chronic mental disorder that can only be treated with forced palliative prescriptions. Party’s case, as documented in the public record of the courts below, falsifies the standard medical approach to the symptoms erroneously referred to as ‘mental illness’.

Psychiatric prescriptions are commonly forced because patients don’t appreciate the medications’ side effects. Psychiatry is the only medical specialty that has active resistance organizations. These are comprised of resentful patients and their advocates. The tragedy of Psychiatry is these doctors could be vastly more effective if the profession looked for the causes behind their patients’ symptoms.

Bloodletting was a commonly used harmful medical practice that persisted for 200+ years after physician William Harvey discovered and mapped the circulation of blood in 1628. An article in *The Fortnightly Review*¹ said of Harvey’s strategy to spread knowledge of his discovery:

There are times when one is forced to wonder how it comes to pass that the world was, intellectually, at least, born blind. And still more, how persistently, carefully, and successfully it elects to remain blind, more particularly in those matters which most nearly concerns itself. John Bull,

¹ The Fortnightly Review, July to December 1910, *Thou Shalt Do No Murder*, page 160
https://www.google.com/books/edition/The_Fortnightly/pDkJAQAAMAAJ?q=&gbpv=1&bsq=harvey

whom we all love and respect, is the same to-day that he was in the days of Harvey. This is that **Harvey who discovered the circulation of the blood, and who refused to publish his discovery until for twenty years he had taught the doctrine to his students in medicine.** "For," said he, "unless I send forth many disciples to join their voices with mine, no man will believe the truth.

(emphasis added. England's "John Bull" is similar to "Uncle Sam")

Modern conventional psychiatrists are in a similar predicament as Dr. Harvey's bloodletting contemporaries in 1628: their go-to medicines don't work, a few scientists know exactly why they don't work, yet the use of anti-therapies persists because the majority *believes* that this is the best treatment available.

Most mental health patients are incapable of objecting to the palliative prescriptions forced on them. Most mental health patients' families go along with what the medical professionals think best.

Party's continued treatment with palliative medications only persists because Petitioner was erroneously considered vexatious due to fraud on the court.

Summary of Evidence Not Considered by the Courts Below

Petitioner's August 2015 videos are irrefutable: Party [Mihaylo] to the habeas petitions to the courts below was misdiagnosed, and her supposedly-chronic condition is entirely explained as a metabolic condition caused by transient malnourishment, alcoholism and other substance abuse.

Events from September/October 2019 – as witnesses, photos, videos and police reports – prove that Party's deterioration, before she became a ward, was caused by uncontrolled alcohol consumption. These are also evidence of fraud on the United States Court.

Party allowed Petitioner to visit her at the care home on October 15 2020. Petitioner has a few pictures from this visit that evidence fraud on the court.

Petitioner's November 09 2020 video interview of Party is irrefutable evidence of fraud on the United States Court.

The Yavapai County Sheriff's record of Party's arrest at Petitioner's home on July 11 2020 is evidence of fraud on the court.

Phone company call records evidence that Party reaches out to Petitioner when she needs assistance, or someone to talk to. The owners of the borrowed phones would corroborate that someone generally matching Party's description asked to borrow their phone to call Petitioner, and are witnesses to fraud on the court.

The state court's record, as of April 2021, substantiates Petitioner's allegations of fraud on the United States Court.

Petitioner's YouTube videos are unlisted, and currently have 0 views. Petitioner has maintained his faith that the United States' justice system will work as it's supposed to. Petitioner has a standing offer to write for the Mad in America Foundation's website about his futile efforts to stop Party's iatrogenic deterioration. If the Court decides to avoid this petition, as it has 18M57 and 19M102 (Petitioner's previous motions to file under seal), Petitioner intends to invoke the public's help to demand congressional oversight using the evidence listed above.

//

//

//

//

//

//

///

Conclusion

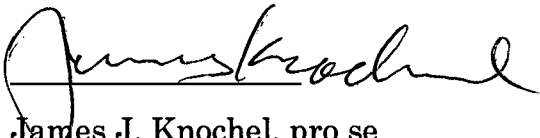
Petitioner observes that sometimes the courts below adopt convenience over principle. To paraphrase *Agent Smith* from the 1999 movie *The Matrix*: what good are rights, if no court will help you assert them?

The United States cannot allow the rulings of the courts below to stand.

For the foregoing reasons, Petitioner respectfully requests the Court grant this petition for writ of mandamus, and order the courts below hold evidentiary hearings.

November 22, 2021

Respectfully Submitted,



James J. Knochel, pro se
P.O. Box 3499
Prescott, AZ 86302
602-842-2688
knochj@gmail.com