

No. 21-6444

In the
Supreme Court of the United States

In re James Joseph Knochel,
Petitioner

Petition for Rehearing,
on 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

March 15, 2022

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Table of Contents

Table of Authorities..... i
Petition for Rehearing.....1
Intervening Circumstances of a Substantial or Controlling Effect.....2
 History and Techniques of Pharmacological Torture3
 Haloperidol in Jail Medicine3
 Questions on the Pharmacological Torture of US Citizens.....4
Other substantial grounds not previously presented5
 Video Proving Fraud on the United States Court5
 Additional Substantial Questions Presented Regarding Fraud on the Court5
 Substantial Ground: Make-Work Medicine5
 Petitioner’s Intervening Effort to Elicit Public Outrage7
 Substantial Ground: Make-Work Justice8
 The Tragedies of Curtis Bagley and Jared Loughner9
Conclusion10

Table of Authorities

Cases

Addington v. Texas, 441 US 418.....10

Other Authorities

14th Amendment to the US Constitution.....4

Petition for Rehearing

Petitioner files this Petition for Rehearing, pursuant to Supreme Court Rule 44, for “intervening circumstances of a substantial or controlling effect” and “other substantial grounds not previously presented”. To recap, in January 2018 Petitioner filed a habeas petition in the United States District Court for the District of Arizona on behalf of his friend, Emily Mihaylo (“Mihaylo”). This petition was dismissed without prejudice on the basis of a fraudulent ‘motion to dismiss’. Petitioner was declared vexatious by the district court in November 2020, after he asked for an evidentiary hearing to present further evidence proving the granted ‘motion to dismiss’ is fraudulent. The present petition, asking for a writ of mandamus ordering the court below hold the evidentiary hearing required by the case law, was docketed before the Court of Appeals issued its memorandum decision in December 2021. This petition was denied without comment by this court on February 22 2022. Petitioner is working on a petition for writ of certiorari for the same grievance: to question whether he may declared vexatious on the basis of a fraudulent filing.

The “intervening circumstances” regards Mihaylo’s latest attempt to escape. Petitioner previously alleged having videos proving his allegation of fraud on the United States District Court. The clerks who screened this petition presumably did not believe this to be the case, so Petitioner shares one of his exculpatory videos via the YouTube link below. This video, among others, substantiates the truth of Petitioner’s filings to the district court and court of appeals, and proves that Petitioner is NOT vexatious.

To summarize the ‘substantial grounds not previously presented’: Petitioner relates below that the allopathic medications commonly used by the modern mental health industry and by prison medicine are known as agents of torture in other contexts.

Petitioner hereby asks the Supreme Court of the United States to end the medical torture of US Citizens.

Intervening Circumstances of a Substantial or Controlling Effect

Petitioner's timeline of Mihaylo's experience trying to escape from her guardian in 2021/2022 proves fraud on the court. On January 5, 2022 Petitioner received a call from Mihaylo asking for assistance. She stated that she had fled her latest care home the day before. Petitioner received the following statements from Emily Mihaylo in February 2022, regarding her latest experience of being re-captured and 'stabilized' by the mental health industry (in January or February 2022):

At the crisis center they inject you with a combination of 3 drugs:
Haldol, Vistaril and one other thing
To make you pass out
UPC [Urgent Psychiatric Center]:
Needles in your arms
Next thing you know you're in a room with folding chairs
You don't know how many days it's been
Happens every time. Scary.
Why can't you leave them [Patients – her and others like her] awake
They hold you down, stick you with needles.
Animalistic.
CRU – Crisis Response Unit – is nicer [than UPC]
Stretcher, took... [??]
Stuck me four more times
threw away January 4th packet [of legal papers served on her]

Vistaril/hydroxyzine is FDA-approved as an antihistamine with the common side effect of sleepiness.

Haldol/haloperidol is an FDA-approved antipsychotic drug with the common side effect of 'agony'.

The agony caused by haloperidol was used by Soviet psychoprisons as their preferred tool for dissident re-education. Soviet dissidents sometimes feigned a 'mental disorder' to get transferred from a gulag to a psychoprison. The dissident's treatment with haloperidol helped them realize that the gulag was a much better place than the psychoprison. Dissidents rapidly cured themselves of their feigned mental disorder and were returned to the gulag.

Soviets were kinder to their dissidents than American mental hospitals are to their patients. Soviet dissidents' treatment with haloperidol was discontinued as soon as the patient had 'recovered' their senses. American psychiatrists tell their patients they'll have to take haloperidol and similar agony-inducing drugs for the rest of their lives.

History and Techniques of Pharmacological Torture

The book *Torture and Democracy*¹, published by Princeton University Press, describes the actual effects of haloperidol:

Soviet Pharmacological Torture

In this picture of overall decline in pharmacological torture, there is one very significant exception. In the USSR, doctors used "therapeutic drugs as a principle agent of punishment." Soviet doctors commonly favored haloperidol (Haldol). It creates intense restlessness, a condition where the patient cannot be still: "It is difficult to think, walk, or sit, and impossible to lie down." Haloperidol also slows body movement and induces symptoms similar to Parkinson's disease, including frequent licking, neck spasms, and mastication. While doctors can control these effects, Soviet doctors did not try. [...]

Haloperidol in Jail Medicine

This quote tells why haloperidol is selected for sedation of 'agitated' prisoners:

Antipsychotics for Sedation—Haloperidol

The best overall antipsychotic for rapid sedation of agitated patients in a correctional setting, in my opinion, is good, old haloperidol. Haldol has been safely used for this indication (probably) millions of times world-wide. It is "tried and true." It is Vitamin H. The Velvet Hammer.

The main advantage of haloperidol is that it is so safe. It does not cause respiratory depression and so can be given to intoxicated patients. It has no dose limit for safety reasons. This means that it can safely be given to patients who are already taking antipsychotics. The dose is the same whether po or IM, so if a patient changes his mind and accepts oral meds, it is easy to change course. It can be given IV as well as IM (though we would

¹ *Torture and Democracy*, Darius Rejali, Princeton University Press 2009, pg. 392.

seldom give haloperidol IV in a correctional facility as is done routinely in ERs).

“Haloperidol has been evaluated in a large number of clinical trials alone and in combination with benzodiazepines. These studies demonstrate that intramuscular haloperidol is both safe and effective in the treatment of agitation caused by virtually any etiology” Roberts: Clinical Procedures in Emergency Medicine, *5th ed.*

Any other antipsychotic that can be given IM can also be used for rapid sedation. Possibilities include Inapsine (droperidol), Geodon (ziprasidone), and Zyprexa (olanzapine). There is nothing wrong with any of these agents, and if you already use them and are comfortable with them, that is great. They offer no advantages to Haldol, however. None are more effective and none are safer.

*Involuntary Chemical Sedation—The Right Medications.*²

Petitioner is aware of better treatments for ‘agitation’ than Soviet torture medication. As illustrated by The Tragedy of Curtis Bagley (discussed on pg 9), sedating (torturing) inmates with haloperidol is counterproductive.

Questions on the Pharmacological Torture of US Citizens

Presented to the Supreme Court of the United States:

- May US Citizens be forcibly treated with haloperidol and other agony-inducing drugs, just like a Soviet dissident, even when the Soviet use of pharmaceutical agony was referred to as ‘torture’ by American Psychiatrists?
- Does the protection conferred by the 14th Amendment to the US Constitution preclude the possibility of medical torture of US Citizens, even if the medical professional does not intend to medically-torture their patient, or if it seems to be indicated for the medical sedation of agitated prisoners?

² <https://www.jailmedicine.com/involuntary-chemical-sedation-the-right-medications/>

Other substantial grounds not previously presented

Petitioner previously did not think it necessary to share his videos proving fraud on the court, but apparently the clerks who screened this petition did not believe that Petitioner actually has the videos he claims to have. Petitioner hereby presents his ace-in-the-hole.

Video Proving Fraud on the United States Court

Petitioner's November 9 2020 interview of his friend, proving that fraud was in fact perpetrated on the United States District Court in January 2018, can be viewed at the following YouTube link: <https://www.youtube.com/watch?v=CxWseFuHPWo> (Petitioner uploaded this to youtube as a backup copy, so a lightning strike would not destroy this evidence. The video's title is 20201109124015, from the camera's . time stamp).

Petitioner here notes that jailers usually have no financial interest in their prison inmates. The business that intercepted Mihaylo's legal mail and perpetrated fraud on the district court was charging Mihaylo \$9,000/month for their services when she absconded from their custody in July 2019.

Additional Substantial Questions Presented Regarding Fraud on the Court

- Is video evidence, presented to the Court of Public Opinion, the only way to substantiate a next friend's allegations of fraud on the court, when the United States Court refuses to hold itself to its own case law?
- Is the mental health industry actually above the law?

Substantial Ground: Precision Medicine vs. Make-Work Medicine

Petitioner graduated from high school with Matt Might, PhD. Dr. Might's first-born son, Bertrand Might, had a "constellation of symptoms: seizures, movement disorder, developmental delay and an inability to make tears. At eight months old,

Bertrand's developmental pediatrician concluded that something was wrong. It was the beginning of years of intensive medical evaluations."³

After another two+ years of intense consultation they figured out that Bertrand had a rare genetic condition, NGLY1 deficiency, whereby his cells did not produce adequate amounts of the NGLY1 enzyme. This prevented Bertrand's cells from removing degraded protein. Bertrand Might was the first diagnosed case of NGLY1 deficiency. Publicity resulted in the diagnosis of NGLY1 deficiency in other children with similar constellations of symptoms.

Dr. Might later became a "strategist in the Executive Office of the President at the White House for both the Obama and Trump administrations (March 2016 - January 2018)"⁴. His CV states "Advisor to the President's Precision Medicine Initiative", "Advisor to NIH's All of Us Million-Person Genomics Cohort Program", etc. In July 2017 Dr. Might transitioned from professor of computer science at the University of Utah to the Director of the Hugh Kaul Precision Medicine Institute at the University of Alabama.

Precision medicine is a concept reshaping the way we think about human health, diagnosis and treatment of disease. **It focuses on individual patients to understand how their lifestyles, behavior, environment and genetics interact to affect their health.** More importantly, this allows a systematic approach to integrate these factors into the prevention, diagnosis and treatment of disease tailored to the individual patient.

- Hugh Kaul Precision Medicine Institute, University of Alabama⁵ (emphasis added)

What Petitioner has witnessed of involuntary psychiatry is the exact opposite of Precision Medicine. The allopathic psychiatrists forced on Petitioner's friend, Emily Mihaylo, don't care about any of the reasons behind her supposed "mental disorder",

³ <https://bertrand.might.net/>

⁴ <https://matt.might.net/>

⁵ <https://www.uab.edu/medicine/pmi/>

they only care about getting her stabilized on palliative drugs. Petitioner believes these prescriptions actually cause the deterioration they supposedly treat.

If Emily Mihaylo were to be precisely diagnosed, her relatively-common genetic condition of not benefitting from the food fortification folic acid would certainly be considered as a foundational cause of the symptoms she experiences as “depression” and “anxiety”. If her doctors cared about causes, her symptomatic presentation of “psychosis” would be recognized as a consequence of a deranged metabolism caused by malnourishment, emotional stress and self-treating depression and anxiety with alcohol, opioids and stimulants.

Opioid-induced hypogonadism is commonly experienced by people who are addicted to opioids. Petitioner presented this symptom to the state court in Emily Mihaylo’s probate case, but this theoretical contribution to Mihaylo’s presentation was not addressed on account of Petitioner’s lack of credentials. This symptom would be trivial to treat, if only the doctors forced on Mihaylo cared enough to make an effort.

It’s one thing for patients to voluntarily accept palliative prescriptions for a condition because they don’t know what else to do. It’s quite another for the involuntary mental health system to force degenerative drugs on patients with orders of the court.

The district court’s vexatious litigant order against Petitioner, which is based on a provably-fraudulent filing, prevents Petitioner from helping his friend receive more precise medicine, and allows the mental health industry to continue to accidentally perpetrate medical violence against Emily Mihaylo and all similar patients.

Petitioner’s Intervening Effort to Elicit Public Outrage

Petitioner’s essay, *Malignant Do-Gooderism: The Tragedies of Allopathic Psychiatry*⁶, was posted on the Mad In America Foundation’s website on February 17, 2022:

⁶ <https://www.madinamerica.com/2022/02/malignant-gooderism/>

My personal struggle to stop my friend's court-ordered psychiatric deterioration has reached the Supreme Court of the United States. We'll soon know whether involuntary mental health patients are protected by the rule of law. If the Justices deny my petition, I will take this to mean the mental health industry can get away with anything, including lying to the federal court.

My friend was much more functional taking care of herself with methadone, cocaine, heroin and alcohol than she is under the modern psychiatric standard of care.

This essay stated that a denial by the Supreme Court probably would mean the petition did not resonate with the three clerks who read it, and that the petition was probably not discussed at your conference.

After submitting this petition for rehearing, Petitioner will work on a video to explain why his earlier videos (previously not shared publicly) prove his friend is innocent of the charge of having a chronic mental condition that can only be treated palliatively, and to make the case that Emily Mihaylo is being tortured, Soviet-style, by the mental health industry. Petitioner intends to advertise this video to find an attorney to help with the preparation of a petition for extraordinary writ to this court (as the Court of Appeals blew off Petitioner's petition for a common law writ of *qui tam*). In theory Petitioner shouldn't need an attorney's assistance, but in reality an attorney's assistance may be the only way for this forthcoming petition to be taken seriously.

Substantial Ground: Make-Work Justice

In December 2017 Petitioner met with Emily Mihaylo's father to attempt to enlist his assistance with filing in the District Court on behalf of his daughter. Petitioner said, "these [state court] judges and justices think they're doing important work, then I come along with petitions that say, 'you're actually hurting a lot of people'."

Party's father observed, "you said their baby's ugly."

Petitioner laughed. Mihaylo's father declined to help pay for an attorney to assist Petitioner with his habeas petition to the district court. Petitioner knows Mihaylo's father spent a substantial amount on his daughters' guardianship proceedings in October 2019, certainly vastly more than a habeas attorney would have cost.

Petitioner believes the mental health industry is an accidental make-work program for the judicial system: defective 'mental health' prescriptions compel some patients to seek relief from their pharmaceutically-induced agony with illegal drugs sold by the drug cartels. Drug cartels make work for the criminal justice system: drug mules and drug addicts are cannon fodder for attention-seeking elected prosecutors who are themselves trapped by conventional misunderstandings of substance abuse. The criminal justice system takes people who just need a little compassion (and precision medicine) and deteriorates their mental health by putting them in cages. Research has found that symptoms of PTSD develop after 7 days of confinement. Released prisoners are in need of help, but only get anti-treatments from the allopathic mental health industry. It's a vicious circle.

The Tragedies of Curtis Bagley and Jared Loughner

Curtis Lamont Bagley had many interactions with Arizona law enforcement and the criminal justice system, but he was presumably only subjected to the Soviet techniques of torture while in the custody of Maricopa County after his many arrests. Haloperidol and solitary confinement seem to be a common experience of psychotic prisoners around the country (e.g., quote from jailmedicine.com above). After being released to the streets of Phoenix in March 2018, on March 31 2018 Mr. Bagley broke into a random house and stabbed the husband to death. In the video of a jail interview released to the media⁷, Curtis Bagley said, "I beg people to shoot me

⁷ <https://www.azcentral.com/videos/news/local/arizona-health/2019/09/21/curtis-bagley-phoenix-police-after-arrest-charged-arson-aggravated-assault-burglary-homicide/2392026001/>

so I could die, because I don't want to kill myself [...]" In this video Mr. Bagley was shocked to learn he was charged with homicide.

Jared Loughner shot up Congresswoman Giffords' "Congress On Your Corner" event in Tucson Arizona on January 8 2011. Mr. Loughner had given clear signs of his 'mental' deterioration before this mass shooting, but his parents probably didn't know they could forcibly subject their son to the Soviet techniques of torture via a petition for court-ordered evaluation for court-ordered treatment. Petitioner assumes Jared Loughner is being forcibly treated with antipsychotics, Soviet-style, at Federal Medical Center, Rochester by the Federal Bureau of Prisons.

Curtis Bagley and Jared Loughner couldn't be "helped" because it's a very serious deprivation of liberty to be forced into treatment (*Addington v. Texas*, 441 US 418, 1979). Perhaps if the type of help forced on people who need help was something other than the Soviet techniques of torture, more people like Loughner and Bagley could be helped before they select victims at random from the general public.

Conclusion

The only way for the victims of involuntary allopathic psychiatry to escape from being professionally deteriorated by doctors trained at the "Theodoric of York⁸ School of Psychiatry" is with the assistance of family/friends who don't believe allopathic psychiatrists necessarily know what they're doing. Emily Mihaylo's best chance at living a normal torture-free life is through Petitioner James J. Knochel's assistance, but Petitioner is unable to help his friend because the district court has adopted fraudulent fictions to declare him vexatious.

The above YouTube video link evidences fraud on the district court. The Supreme Court's denial of this Petition is de facto endorsement of fraud on the court as a valid strategy for Article III judges to avoid dealing with the core systemic problem

⁸ Reference to the series of 1970's Saturday Night Live Skits:
https://en.wikipedia.org/wiki/Theodoric_of_York,_Medieval_Barber
<https://www.youtube.com/watch?v=edIi6hYpUoQ>

in the United States' judicial system: "mental illness" and known-harmful treatments that iatrogenically deteriorate both prisoners and patients.

Petitioner considers his treatment by the United States' entire judicial system as only appropriate for "Animal Farm America", and is asking his representative for congressional oversight of the federal judiciary.

Petitioner does not believe the Supreme Court actually wishes to endorse fraud on the court nor medical torture, and hereby requests the Supreme Court reconsider its denial.

March 15, 2022

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "James Knochel".

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**Certificate of Good Faith
on Petition for Rehearing**

As required by Supreme Court Rule 44, I certify that this Petition for Reconsideration is presented in good faith and is explicitly not for delay. Petitioner previously mailed an application for extension of time for a petition for writ of certiorari to the United States Court of Appeals for the 9th Circuit, and will be working on this petition next.

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