

# APPENDIX A

I.L.S.  
MAILED

JOSEPH LAMONT WILSON  
1631214 4<sup>TH</sup> AVE JAIL (48485)  
201 W. JEFFERSON AVE  
PHOENIX, AZ 85004

JUL 08 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

JOSEPH LAMONT WILSON

PLAINTIFF

VS.

"MCSD"-Legal Liaison

DEFENDANT

CV:2020-016567

CV:2:21-00038-DJH-JFM

"Motion to Reconsider Denial  
of ORDER TO PROCEED TO TRIAL"

PLAINTIFF, motions "District Court of Arizona" to reconsider

"ORDER TO PROCEED TO TRIAL" based on Judge Hume's purposeful

presumption at attempting to use her "office" as a means to obstruct

from the pursuit of Justice to a lawfully filed & legitimate complaint.

(Cont on 1)

cont pg 1) ...

... Judge Huntewas is presumptuous in her blatant negligence at a

"GOOD FAITH & COMMON SENSE" effort in screening the properly executed

complaint which lists torts, Statute violations, damages, & what is

sought for in relief. Furthermore she violates openly "hard core"

truth of these components being there as required by diversionary scheme

of seeking to try evidence before trial, as if screening process which is

to ensure all technical points of making allegation formal can be used to

blind side the issues of complaint. Judge (Britishly) repeats same "supposed TULF-

FICTITIOUS" of technical violations based on what she considers is to be...

Contingent

... A Flagrant Show of what she believes is impressive according to case law which

leads only to philosophical blunders that undermine the process of obtaining Justice

against torts! I am not impressed with this "blatant" tactic! Putting up

& meandering with technical difficulties according to case law used to

undermine the very structure & purpose of the causes she claims to support.

She is not an advocate to maintain balance or perseverance of civil rights but

Instead the cheerleader who wants the Game trophy; Never Once does she

State the points she needs clarified (insufficiently) but alludes to some gen-

eral error on my part as the plaintiff, while she claims predominantly that...

(Const. pg 3)

... screening process to make ready for trial should be used to try facts of

evidence (which is to occur at trial) & whines about my right to keep detailed

evidence for trial from open disclosure properly exercised by another Federal

statute she seeks to argue (whether on behalf of herself "trying to make her mark" or

on behalf of defendant in a blanketing fashion). She violates & argues Federal statutes of

Due process & Rights to Protect evidence claiming she can't do her job of screening

allegation for "technical flaws" because she wishes to try evidence before trial, & be-

cause she can't she pretends to use case law to refute allegation with no evidence

to support her refutation (a historical fact to support her dispute which should only occur...

(cont'd)

... at this stage as an administrative error which is all she may claim without evidence

to dispute allegation (where she should not be trying to dispute allegation at all) which

is to occur at trial between the two parties involved. ENOUGH! OF LAME PLEA

MISSON THEATICALS & FILIBUSTERING! PROCEED TO TRIAL BASED ON ALL NECESSARY

components are provided (to can be proven) & that this case should have been

with others in trial a long time ago. Philosophize about case/ask on your

time Judge Hume & stop making a farce out of the pursuit for justice!

IN HOUSE OF THE FOUNTAIN OF JUSTICE -

Joseph Samuel Williams

Dated this 30<sup>th</sup> day of June, 2021

"COVER LETTER"

TO: "9th Circuit Court" (Court Clerk)

"District Court of Arizona" Judge James F. Metcalf

Leslie Steve Tusker (PHX Police Dept.)

Joseph James Branco (PHX Police Dept.)

"Motion to Reconsider ORDER to PROCEED to TRIAL"

Joseph Lambert Wilson  
SIGNATURE

06/30/21  
DATE

FROM: JOSEPH LAMBERT WILSON (7681214)

(484.05) 4th AVE SAZL

201 W. JEFFERSON AVE,

PHOENIX, AZ 85004

# CERTIFICATION



## APPENDIX B

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
8

9 Joseph Lamont Wilson,  
10 Plaintiff,  
11 v.  
12 MCSO Legal Liaison,  
13 Defendant.  
14

NO. CV-21-00038-PHX-DJH (JFM)  
  
JUDGMENT OF DISMISSAL IN A  
CIVIL CASE

15 **Decision by Court.** This action came for consideration before the Court. The  
16 issues have been considered and a decision has been rendered.

17 IT IS ORDERED AND ADJUDGED that pursuant to the Court's order filed June  
18 22, 2021, judgment is hereby entered and this action is dismissed without prejudice.  
19

20 Debra D. Lucas  
21 District Court Executive/Clerk of Court

22 August 16, 2021

23 By s/ S. Strong  
24 Deputy Clerk  
25  
26  
27  
28

JL

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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Joseph Lamont Wilson,  
10 Plaintiff,

11 v.

12 MCSO Legal Liaison,  
13 Defendant.  
14

No. CV-21-00038-PHX-DJH (JFM)

**ORDER**

15 On December 16, 2020, Plaintiff Joseph Lamont Wilson, who is confined in a  
16 Maricopa County Jail, filed a Complaint in the Superior Court of Maricopa County,  
17 Arizona, against Defendant "MCSO-Legal Liaison." On January 11, 2021, Defendant filed  
18 a Notice of Removal and removed the case to this Court. In a January 13, 2021 Order, the  
19 Court concluded removal was proper because Plaintiff alleged in the Complaint, among  
20 other things, that Defendant violated his rights under the First, Fourth, and Fourteenth  
21 Amendments. The Court dismissed the Complaint with leave to amend because it was not  
22 filed on a court-approved form and gave Plaintiff 30 days to file an amended complaint.

23 On January 29, 2021, Plaintiff filed a Motion for Denial of Notice of Removal, and  
24 on February 1, 2021, he filed his First Amended Complaint. Plaintiff subsequently filed a  
25 Motion to Change Judge. On February 5, 2021, Defendant filed a Response to Plaintiff's  
26 Motion for Denial of Removal. On February 22, 2021, Plaintiff filed a Motion requesting  
27 that the Court consider additional arguments in support of his Motion for Denial of  
28 Removal. In a March 1, 2021 Order, the Court denied Plaintiff's Motions and dismissed

1 the First Amended Complaint with leave to amend because Plaintiff had failed to comply  
2 with the Local Rules of Civil Procedure and the Federal Rules of Civil Procedure.

3 On March 11, 2021, Plaintiff filed a Motion to Reconsider Change of Judge and a  
4 Motion to Reconsider Complaint Count. In a March 16, 2021 Order, the Court denied  
5 Plaintiff's Motions.

6 On March 29, 2021, Plaintiff filed a Motion to Appoint Counsel, which the Court  
7 denied in an April 6, 2021 Order. The Court gave Plaintiff an additional 30 days to file a  
8 second amended complaint in compliance with the March 1, 2021 Order.

9 On April 26, 2021, Plaintiff filed a Motion for Reconsideration of the Order denying  
10 his Motion to Appoint Counsel. In an April 30, 2021 Order, the Court denied the Motion  
11 for Reconsideration. The Court reminded Plaintiff that he had until May 6, 2021, to file a  
12 second amended complaint in compliance with the March 1, 2021 Order.

13 On May 14, 2021, Plaintiff filed a Notice of Interlocutory Appeal. On June 15,  
14 2021, the Ninth Circuit Court of Appeals dismissed the Notice of Interlocutory Appeal for  
15 lack of jurisdiction.

16 Although the filing of a notice of appeal generally divests the district court of  
17 jurisdiction over those aspects of the case involved in the appeal, the district court's  
18 jurisdiction is not affected when a litigant files a notice of appeal from an unappealable  
19 order. *Estate of Connors v. O'Connor*, 6 F.3d 656, 658 (9th Cir. 1993). "When a Notice  
20 of Appeal is defective in that it refers to a non-appealable interlocutory order, it does not  
21 transfer jurisdiction to the appellate court, and so the ordinary rule that the district court  
22 cannot act until the mandate has issued on the appeal does not apply." *Nascimento v.*  
23 *Dummer*, 508 F.3d 905, 908 (9th Cir. 2007). In such a case, the district court "may  
24 disregard the purported notice of appeal and proceed with the case, knowing that it has not  
25 been deprived of jurisdiction." *Ruby v. Sec. of the U.S. Navy*, 365 F.2d 385, 389 (9th Cir.  
26 1966).

27 Plaintiff's Notice of Interlocutory Appeal referred to non-appealable orders and  
28 therefore did not divest this Court of jurisdiction, and his failure to file a second amended

1 complaint within the time period specified in the April 6, 2021 Order warrants dismissal  
2 of this action for failure to comply with a court order. In the interest of justice, however,  
3 the Court will give Plaintiff 30 days from the filing date of this Order to file a second  
4 amended complaint that cures the deficiencies identified in the March 1, 2021 Order.

5 **Warnings**

6 **A. Address Changes**

7 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
8 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
9 relief with a notice of change of address. Failure to comply may result in dismissal of this  
10 action.

11 **B. Possible Dismissal**


12 If Plaintiff fails to timely comply with every provision of the March 1, 2021 Order  
13 and this Order, including these warnings, the Court may dismiss this action without further  
14 notice. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court  
15 may dismiss an action for failure to comply with any order of the Court).

16 **IT IS ORDERED:**

17 (1) Plaintiff has **30 days** from the filing date of this Order to file a second  
18 amended complaint in compliance with the March 1, 2021 Order.

19 (2) If Plaintiff fails to file a second amended complaint within 30 days, the Clerk  
20 of Court must enter a judgment of dismissal of this action without prejudice and without  
21 further notice to Plaintiff and deny any pending unrelated motions as moot.

22 Dated this 22nd day of June, 2021.

23  
24   
25 Honorable Diane J. Humetewa  
26 United States District Judge  
27  
28

## APPENDIX C

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 21 2021

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

JOSEPH LAMONT WILSON,

Plaintiff-Appellant,

v.

MCSO LEGAL LIAISON, named as  
MCSO-Legal Liason,

Defendant-Appellee.

No. 21-16293

D.C. No.

2:21-cv-00038-DJH-JFM

District of Arizona,  
Phoenix

ORDER

A review of the record reflects that this appeal may be frivolous. This court may dismiss a case at any time, if the court determines the case is frivolous. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

- (1) file a motion to dismiss this appeal, *see* Fed. R. App. P. 42(b), OR
- (2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. *See* 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to Federal Rule of Appellate Procedure 42(b). If appellant submits any response to

this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice.

If the court dismisses the appeal as frivolous, this appeal may be counted as a strike under 28 U.S.C. § 1915(g).

If appellant files a statement that the appeal should go forward, appellee may file a response within 10 days after service of appellant's statement.

The briefing schedule for this appeal remains stayed. The motion for appointment of counsel will be addressed, if necessary, following resolution of this order.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, and (2) a form statement that the appeal should go forward. Appellant may use the enclosed forms for any motion to dismiss this appeal or statement that the appeal should go forward.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Allison Taylor  
Deputy Clerk  
Ninth Circuit Rule 27-7



# APPENDIX D

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

NOV 9 2021

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

JOSEPH LAMONT WILSON,

Plaintiff-Appellant,

v.

MCSO LEGAL LIAISON, named as  
MCSO-Legal Liason,

Defendant-Appellee.

No. 21-16293

D.C. No.

2:21-cv-00038-DJH-JFM

District of Arizona,  
Phoenix

ORDER

Before: IKUTA, OWENS, and BENNETT, Circuit Judges.

Upon a review of the record and the response to the court's September 21, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 6), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot. No further filings will be entertained in this closed case.

**DISMISSED.**

# APPENDIX E

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

DEC 01 2021

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

JOSEPH LAMONT WILSON,

Plaintiff - Appellant,

v.

MCSO LEGAL LIAISON, named as  
MCSO-Legal Liason,

Defendant - Appellee.

No. 21-16293

D.C. No. 2:21-cv-00038-DJH-JFM  
U.S. District Court for Arizona,  
Phoenix

**MANDATE**

The judgment of this Court, entered November 09, 2021, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Nixon Antonio Callejas Morales  
Deputy Clerk  
Ninth Circuit Rule 27-7

## APPENDIX F

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

Form 4. Motion and Affidavit for Permission to Proceed in Forma Pauperis

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form04instructions.pdf>

9th Cir. Case Number(s)

N/A

Case Name

2:21-00038-DSH-JFM

Affidavit in support of motion: I swear under penalty of perjury that I am financially unable to pay the docket and filing fees for my appeal. I believe my appeal has merit. I swear under penalty of perjury under United States laws that my answers on this form are true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Signature

*Joseph Lambert J. Gilman*

Date

5/25/21

The court may grant a motion to proceed in forma pauperis if you show that you cannot pay the filing fees and you have a non-frivolous legal issue on appeal. Please state your issues on appeal. (attach additional pages if necessary)

Judge Humes shows gross neglect to honoring of "Attorney-Client" privileged materials properly enclosed.

Judge Humes shows gross neglect to honoring SIX Amendment Right to Counsel to represent Plaintiff Party!

Judge Humes shows gross neglect to Honoring the truth of Plaintiff's filing Complaint on District Court of Arizona court approved form (even as both inmate as the Plaintiff & "L.S." have proof those instructions were certified as properly).

Judge Humes shows gross neglect to Honoring "Allowed Chances" at stating claim (with no factual basis of law) with case law inappropriately - stating "Second Amended Complaint" supersedes "Original" & "First" Amended Complaint - out of context as if case law was not different to the previous claim & been "correctly" towards the claim, while the judge used the case law maliciously as a bar to the claim (with no basis) to block growth efforts to state claim.

Judge Humes shows (having been assigned to all 3 of my District Courts having come to District Court of Arizona) a deliberate inconsistency as magistrate Judge Rostrom Judge to file to remove Plaintiff to state court - both parties are bound to go to trial by Plaintiff using case law to dispute claim with case law as if claim is on trial (instead of on Plaintiff's trial Judge with comments uttered to her as tangible evidence to be "advised" during trial).

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)