

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 20 2021

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

JOSEPH LAMONT WILSON,

Plaintiff-Appellant,

v.

PHOENIX POLICE DEPARTMENT; et al.,

Defendants-Appellees.

No. 21-16428

D.C. No.

2:21-cv-00464-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, appellees 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 B

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.

PHOENIX POLICE DEPARTMENT; et al.,

Defendants-Appellees.

No. 21-16428

D.C. No.
2:21-cv-00464-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 20, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 5), *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 C

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

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

JOSEPH LAMONT WILSON,

Plaintiff - Appellant,

v.

PHOENIX POLICE DEPARTMENT;
et al.,

Defendants - Appellees.

No. 21-16428

D.C. No. 2:21-cv-00464-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: Rhonda Roberts
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX C

APPENDIX D

JL

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Joseph Lamont Wilson,
10 Plaintiff,

11 v.

12 Phoenix Police Department, et al.,
13 Defendants.

14 No. CV-21-00464-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 the Phoenix Police Department, Brian Jones, Anthony Fink, Dustin
18 Vigessa, Justin Painter, Mindy Brook, Sergeant Mesquita, and Nelu Podea. On March 18,
19 2021, Defendant Vigessa filed a Notice of Removal and removed the case to this Court. In
20 a March 23, 2021 Order, the Court concluded removal was proper and dismissed the
21 Complaint with leave to amend because it was not filed on a court-approved form. The
22 Court gave Plaintiff 30 days to file an amended complaint using the court-approved form
23 included with the Order.

24 On April 19, 2021, Plaintiff filed his First Amended Complaint. In an April 23,
25 2021 Order, the Court dismissed the First Amended Complaint with leave to amend
26 because it did not comply with the Federal Rules of Civil Procedure and the Local Rules
27 of Civil Procedure. Specifically, the Court noted that Plaintiff's allegations were entirely
28 vague and conclusory and were wholly devoid of any factual specificity; he made no

1 allegations at all against any particular Defendant; and it was impossible for the Court to
 2 determine the precise number and nature of Plaintiff's claims.¹ The Court gave Plaintiff
 3 30 days to file a second amended complaint that cured the deficiencies identified in the
 4 Order.

5 On May 21, 2021, Plaintiff filed a Second Amended Complaint. In a June 4, 2021
 6 Order, the Court dismissed the Second Amended Complaint with leave to amend because
 7 it again did not comply with the Federal Rules of Civil Procedure and the Local Rules of
 8 Civil Procedure.² The Court gave Plaintiff 30 days to file a third amended complaint that
 9 complies with the Local Rules of Civil Procedure and the Federal Rules of Civil Procedure
 10 and warned Plaintiff this would be his final opportunity to file a complaint that complies
 11 with the applicable rules.

12 On June 21, 2021, Plaintiff filed an "Order to Proceed to Trial" (Doc. 10), in which
 13 he purports to "order[]" this Court to "proceed with matters of scheduling trial." The Court
 14 is *required* to screen complaints brought by prisoners seeking relief against a governmental
 15 entity or an officer or an employee of a governmental entity. 28 U.S.C. § 1915A(a).
 16 Specifically, § 1915A(a)(b)(1)-(2) requires the Court to dismiss a complaint or portion
 17 thereof if a plaintiff has raised claims that are legally frivolous or malicious, that fail to
 18 state a claim upon which relief may be granted, or that seek monetary relief from a
 19 defendant who is immune from such relief. In addition, Plaintiff is required to comply with
 20 the Federal Rules of Civil Procedure, notwithstanding his detention and pro se status.
 21 Finally, Plaintiff is required to comply with the applicable Local Rules of Civil Procedure
 22 governing complaints filed by detained persons. Therefore, if Plaintiff wishes to seek relief
 23

24 ¹ The Court cited as an example of Plaintiff's deficient allegations the allegation in
 25 Count One that "[p]roper interrogation was not done leading up to arrest (many examples-
 26 'attorney-client privileged') leading to false imprisonment [and] daily har[assment from
 27 collaborated 'law enforcement officials.'"
 28 *Law enforcement officials since no law enforcement officer was doing their job!*

² As an example of the deficient allegations in the Second Amended Complaint, the
 Court cited Count Two, in which Plaintiff alleged that police officers, unprovoked, used
 unnecessary force without alleging when, where, how, or who used such force and
 "examples 'attorney-client' privilege, camera footage, photos, [and] witnesses available to
 support claims!"

*LOOK AT PLAINTIFF'S MOTIONS & SECND. MOT. A LITTLE
 DOCUMENTS & WITNESSES & CAMERA FOOTAGE & ANNOTATED ATTORNEY-CLIENT PRIVILEGE
 TO PROTECT BOTH UNTIL TRIAL, D.C.O.A. JUDGE WANTS TO TRY EVIDENCE BEFOLE MTL!*

1 for purported civil rights violations in this Court, the Court must screen any Complaint he
2 files, both for compliance with the applicable Federal Rules of Civil Procedure and Local
3 Rules of Civil Procedure, as well as whether the Complaint states a claim upon which relief
4 could be granted.³ Plaintiff cannot bypass the screening process.⁴ The Court will therefore
5 deny Plaintiff's Motion.

6 Plaintiff is reminded that he has until July 6, 2021 to file a third amended complaint
7 in compliance with the June 4, 2021 Order. Plaintiff should take note that if he does not
8 wish to pursue *federal* civil rights claims in this Court, he may voluntarily dismiss this case
9 by filing a notice of voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of
10 Civil Procedure.

11 **IT IS ORDERED** that Plaintiff's "Order to Proceed to Trial" (Doc. 10) is **denied**.

12 Dated this 28th day of June, 2021.

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15 
16 Honorable Diane J. Hupertewa
17 United States District Judge
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21 ³ Plaintiff appears to assert that the Court erred in dismissing his claims as vague
22 and conclusory because he had cited the attorney-client privilege, and presumably was not
23 required to allege facts that were supposedly covered by the attorney-client privilege. Rule
24 8 of the Federal Rules of Procedure "does not require 'detailed factual allegations,' but it
25 demands more than an unadorned, the defendant-unlawfully-harmed-me accusation. A
26 pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a
27 cause of action will not do. Nor does a complaint suffice if it tenders naked assertion[s]
28 devoid of 'further factual enhancement.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
(quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007)). Plaintiff's
suggestion that a sufficiently pleaded complaint would constitute a waiver of any attorney-client
privilege is unfounded.

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28 ⁴ As the Supreme Court has observed, the screening process "is designed largely to
discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits
that paying litigants generally do not initiate because of the costs of bringing suit and
because of the threat of sanctions for bringing vexatious suits under Federal Rule of Civil
Procedure 11." *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

APPENDIX E

I.L.S.
MAILED

JOSEPH LAMONT WILSON
1631214 4TH AVE JAIL (4B4.05)
207 W. JEFFERSON AVE
PHOENIX, AZ 85004

JUN 17 2021

06/16/21

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

JOSEPH LAMONT WILSON

PLAINTIFF

vs.

"MCSO"-Legal Liaison"

DEFENDANT

CV-2020-016569

CV-2021-00964-DJH-JFM

"ORDER to Proceed To
TRIAL"

PLAINTIFF, ORDERS "THE DISTRICT COURT OF ARIZONA",

to Proceed with matters of scheduling trial. Judge Flume-

zews careless filibustering of false claims of FED. Civ. Rules

P. Rule 8(A) violations, while unarbitrarily disputing...

(cont. pg 1)

(Cont'd)...

... PLAINTIFF CLAIMS as though she is Defendant's Counsel is outlandish.

(2). Review of Complaint on Court forms will show no such violations.

AS She (Judge Humerus) doesn't list specific examples to which

Issue could have been properly cleared up way earlier than this stage

of Amended complaint, this is ONE of 3 cases that she pushes 2.

Lack of Justice. Her dispute of claims are meaningless as this

process (dispute of claim) is to occur at trial surrounded by evidence

clerk & her desire for me to reveal specifics of evidence before...

(cont. pg 2)...

Cont pg 2)

... trial is unarbitrary & since evidence is expressed lawfully

As "Attorney-client" privileged - unlawful. Clearly Defendant

has wasted money on counsel since the Judge disputes

claims out of context & evidence!

(3.)

The very action of stating my claims are conclusive

& vague while also stating I make a clear enough claim to not

be considered available for counsel BEFORE THE TRIAL IS

Questionable. Order is for the court to carry on integral

processes in scheduling trial towards pursuit of justice, you...

(Cont pg 3)..

(Contpg3)

... know, what Court is intended for & not the bandying back & forth

according to one's handle of the law! Even scandalously! (No case law!)

Respectfully to the Court -

JOSEPH LAMONT WILSON 763224

Joseph Lamont Wilson

Mailing List:

PRESIDING JUDGE, OVER, DISTRICT COURT OF ARIZONA

& HONORABLE JUDGE JAMES F. METCALF

Leslie Steve Tuseki (Attorney for Defendant)

**MARICOPA COUNTY SHERIFF'S OFFICE
INMATE LEGAL SERVICES**

CERTIFICATION

I hereby certify that on this date June 17, 2021

In accordance with the instruction received from the inmate and the rules of this Court, I mailed the original and one (1) copy to the Clerk of the United States District Court, District of Arizona.

I further certify that copies of the original have been forwarded to:

Hon Presiding Judge United States District Court, District of Arizona.

Hon James F. Metcalf United States District Court, District of Arizona.

Attorney General, State of Arizona,

Judge _____ Superior Court, Maricopa County, State of Arizona.

County Attorney, Maricopa County, State of Arizona _____

Public Defender, Maricopa County, State of Arizona _____

Attorney Leslie S. Tuskai, City of Phoenix, 200 W. Washington St., Ste. 1300, Phoenix, AZ 85003-1611

Other _____



Legal Support Specialist Signature A7879 S/N

INMATE LEGAL SERVICES
Maricopa County Sheriff's Office
3250 W. Lower Buckeye Rd.
Phoenix, AZ 85009

APPENDIX F

JL

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

6
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9 Joseph Lamont Wilson,

10 Plaintiff,

11 v.

12 MCSO Legal Liaison, et al.,

13 Defendants.

14
15 No. CV-21-00038-PHX-DJH (JFM)

ORDER

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

24 On January 29, 2021, Plaintiff filed a Motion for Denial of Notice of Removal, and
25 on February 1, 2021, he filed his First Amended Complaint. Plaintiff subsequently filed a
26 Motion to Change Judge. On February 5, 2021, Defendant filed a Response to Plaintiff's
27 Motion for Denial of Removal. On February 22, 2021, Plaintiff filed a Motion requesting
28 that the Court consider additional arguments in support of his Motion for Denial of
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. On March 29, 2021, Plaintiff filed a Motion to Appoint Counsel,
 6 which the Court denied in an April 6, 2021 Order. The Court gave Plaintiff an additional
 7 30 days to file a second amended complaint in compliance with the March 1, 2021 Order.

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

12 On May 14, 2021, Plaintiff filed a Notice of Interlocutory Appeal. On June 15,
 13 2021, the Ninth Circuit Court of Appeals dismissed the Notice of Interlocutory Appeal for
 14 lack of jurisdiction. In a June 22, 2021 Order, the Court noted that Plaintiff's Notice of
 15 Interlocutory Appeal referred to non-appealable orders and therefore did not divest this
 16 Court of jurisdiction. The Court also noted that Plaintiff's failure to file a second amended
 17 complaint within the time specified in the April 6, 2021 Order warranted dismissal of this
 18 action for failure to comply with a court order. In the interest of justice, however, the Court
 19 gave Plaintiff 30 days to file a second amended complaint that cures the deficiencies
 20 identified in the March 1, 2021 Order.

21 On July 12, 2021, Plaintiff filed a Motion to Reconsider Denial of Order to Proceed
 22 to Trial (Doc. 22.) Plaintiff has not filed a Motion to Proceed to Trial in this case.¹ The
 23 Court will therefore deny as moot Plaintiff's Motion to Reconsider. Plaintiff is reminded
 24 that he has until July 22, 2021 to file a second amended complaint in compliance with the
 25 April 6 and June 22, 2021 Orders.

26
 27 ¹ Plaintiff did file a Motion to Proceed to Trial in his other pending civil rights
 28 proceeding in this Court, CV 21-00464, which the Court denied in a June 28, 2021 Order.
 (Docs. 10, 11 in CV 21-00464.) If Plaintiff wishes to seek reconsideration of the Court's
 denial of the Motion, he must file an appropriate motion for reconsideration in *that* case.

Clearly it was a motion for reconsideration & not to proceed with the case!

IT IS ORDERED that Plaintiff's Motion to Reconsider Denial of Order to Proceed to Trial (Doc. 22) is **denied as moot**.

Dated this 26th day of July, 2021.

Diane F. Hustedt
Honorable Diane F. Hustedt

Honorable Diane J. Hustedt
United States District Judge