

22-5209
No. Appeal: 20-17321

I.L.S.
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Dist. Ct. No: 2:19-CV-00227-MTL

IN THE
SUPREME COURT OF THE UNITED STATES
of America

Supreme Court, U.S.
FILED
APR 27 2022
OFFICE OF THE CLERK

Adam Paul Blomdahl — PETITIONER
(Your Name) "Mr. B."

vs.

Dr. Jaffe (Chs) MCSO et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Adam Blomdahl T727047
(Your Name)

MCSO) 3250 W. Lower Buckeye rd.
(Address)

Phoenix, AZ 85009
(City, State, Zip Code)

(In Custody)
(Phone Number)

QUESTION(S) PRESENTED

(1) Did the 9th Cir. Court of Appeals err, when it issued its Mandate but it did not address "Mr. B." - Appellants claim of County Appellees w/ holding of disclosure evidence, while litigating in the district court during summary judgment and the issue was raised in Appellants Opening Brief?

(2) Has Mr. B.'s 14th amendment, federal due process rights been violated, since the filing of this lawsuit in 2019 to the present time, based on underlying related elements already claimed in this case?

* Note: For more detailed information, please see attached (36) page (LS) Innate Legal Services Petition. Page (16) explains the above question more thoroughly.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

X All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

(1) Dr. Jaffe, County Health Services (CHS) Staff;

(2) Sgt. Shamrock, (MCSO) Maricopa County Sheriff's Officer;

* see page (32) of 36 for full original list of parties, from "ILS" Petition.

RELATED CASES

(Pg. No.)
[4 of 36 in ILS Petition]

Blondahl v. Jaffe et al. No. 2:21-CV-00227-MTC(DMF), U.S. Dist. Ct. for Ariz. Judgment entered Nov. 5th, 2020; Reconsideration denied Nov. 19th, 2020

Blondahl v. Jaffe et al. App. No. 20-17321 U.S. Ct. of Appeals (9th cir.) Judgment entered Jan. 27th, 2022; Mandate filed Apr. 11th, 2022

Blondahl v. Jones et al. No. 2:20-CV-01207-MTC(DMF), U.S. Dist. Ct. for Ariz. Motion to Add parties to Jaffe denied, scheduled for trial.

Blondahl v. Shinn No. 2:21-CV-01863-MTC(DMF), U.S. Dist. Ct. for Ariz. Dismissed for failure to State a Claim Feb. 23rd, 2022
Appealed No. 22-15463, currently on App. in U.S. Ct. of Appeals for (9th cir.)

Blondahl v. Pelizone et al, No. 2:22-CV-00094-MTC(DMF) U.S. Dist. Ct. for Ariz.

State v. Blondahl 2021WL1184315 Ct. App. AZ. Div. I. (Col. estoppel due process)

* Cases are referenced by relation on pg's 6 & 7 of ILS Petition

TABLE OF AUTHORITIES CITED

CASES	(PAGE NUMBER)
Doe v. Roe, 955 P.2d 951, 964 (Ariz. 1998)	(4), line 29
Hallett v. Morgan, 296 F.3d 732, 751 (9 th Cir. 2002)	(5), line 13
Padgett v. Wright, 587 F.3d 983 (9 th Cir. 2009)	(5), line 17
Parsons v. Ryan, 754 F.3d 657, U.S. Ct. App. (9 th Cir. 2014)	(5), line 31
Ross v. Blake, 578 U.S. 632, 638 (2016)	(4), line 31
STATUTES AND RULES	
16A A.R.S. Rules of Criminal Procedure (11, 2)	
Examination of a Defendants Competence to Stand Trial	(5), line 6
42 U.S.C.A. §1983, Civil Action for Deprivation of Rights	(3), line 25
42 U.S.C.A. §1997e(b), Suits by Prisoners	(4), line 9
ARS §12-502, Effect of Minority or Insanity	(4), line 18
ARS Const. Art. 2 §4 & U.S.C.A. Const. Amend. XIV	(3), lines 1 & 2
Due Process of Law and Equal Protections Clause	
Doe U.S. Sup. Ct. Rule 10, Considerations Gov. Review on Certiorari	(3), line 18
OTHER	
The 9 th Cir. *Memorandum citing most of these cases starts on pg. 19 of 36, to 22 of 36, in the ILS Petition.	
Other related statutes & cases, can be found referenced on pg.s 3 and 4 of (36), of the ILS Petition.	

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Attached, (36) thirty-six pages "ILS Petition" mailed (Apr. 27th 2022)

as INDEX TO APPENDICES

- APPENDIX A Mandate & Memorandum; starting on pg. 18 - 22 of ILS Petition (9th Cir. Ct. App.)
- APPENDIX B "General Docket", U.S. Court Appeals for 9th Cir.; starting on page 31 - 36 of ILS Petition.
- APPENDIX C Mr. B's Motion to Stay FRAP 41; start on pg. 24 - 29 of ILS Petition.
- APPENDIX D Mr. B's Motion to Recall Mandate; & Petition for Panel Rehearing; start on pg. 11 - 17, of ILS petition.
- APPENDIX E Mr. B's "Brief of Petitioner"; start on pg. 1 - 10, of ILS Petition.
- APPENDIX F * Referred here-in as (ILS) Inmate Legal Services, Original Writ - "Petition for Certiorari," w/ 36 pages attached.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at Blondahl v. Taffe 9th Cir. 2022 WL 260862; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is found on pg. 35 of ILS petition, DK# No. 28, (referenced)

☒ reported at Blondahl v. Taffe U.S. Ct. Ariz. 2020 WL 6509089; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix to the petition and is (cited as a reference)

☒ reported at State v. Blondahl Ct App Ariz (2021 WL 1184315)
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was Jan. 27th, 2022.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

Mr. B. filed a Petition for rehearing on 4/20/22, see: pg. (41) of 36 in the ILS Petition, also a Stay was requested, see: pg. (24) of 36, filed 2/8/22. The 9th cir. ct. of Appeals did not address either issue.

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Writ Petition is of National importance because it centers on A.R.S. Const. Art. 2 §4, Due Process of Law & U.S.C.A. Const. Amend. XIV (14th and.), §1. Equal Protections, as such "nor shall any state deprive any person of life, liberty or property w/o due process of law," or to "deny any person within its jurisdiction the equal protection of the laws." County defendants, Jaffe & Shamrock, on behalf of the State & in their individual capacities had done just that.

The original claim against Jaffe was a threat to safety and Shamrock was a claim of excessive force, violating Mr. B's 14th and. federal rights, to due process of the law. What had occurred amounts to punishment before a jury is even selected in an alleged criminal trial, and a trial should be scheduled in a civil court. see pg. 10 of 36, in the ILS Petition. To reiterate, the original claims themselves were a violation to Mr. B's due process rights but also, during the course of litigating the matter on record, Mr. B's due process rights continued to be violated.

By making a disclosure in court of declarations from Jaffe & Shamrock & also an identifying video of Shamrock, while excessive force was being used against Mr. B, but ultimately not giving full access of the disclosure at the time of the litigation, to Mr. B., is a violation of due process of law. Also, Pursuant to U.S. Sup. Ct. (Rule 10) Considerations Governing Review on Certiorari, the "U.S. Ct. of Appeals has entered a decision in conflict w/ the decision of another U.S. court on the same important matter." see: pg. 113 of 36 in Mr. B's ILS Petition, line 18, citing Gonzalez v. Wany (2011). Also, the court of app. decision is "so far departed from usual course."

Mr. B's claim is simplified, the U.S. Dist. Ct. for Ariz. should not have granted summary judgment to County defendants for statute of limitations under Jaffe and for failure to exhaust admin. remedies under Shamrock, citing (PLRA). Pursuant to 42 U.S.C.A. §1997e, Suits by prisoners, & by Jaffe, and Shamrock with-holding disclosure declarations & a tape identifying Shamrock, contradicted what was in the declarations. Also, a diagnosis that was made by Jaffe but continued to be with-held throughout litigation, until the Ct. of Appeals, goes to unsound mind doctrine evidence. Under §1997e(b) Failure of State to adopt or adhere to administrative griev. procedure "shall not constitute the basis for an action under §1997a or (c) of this title," including "Dismissal."

By Jaffe & Shamrock w/holding declaration evidence by illegal tactics, prevented Mr. B. to return an affidavit in court & this was a breach to administrative remedies, whereby, under these circumstances, the U.S. Dist. Ct. was in error to dismiss this case.

STATEMENT OF THE CASE

Mr. B. Appealed to the 9th Cir. in this case and during litigation in the Ct. of Appeals was the declarations finally disclosed, and by the time a confirmation of Shamrock's identity could be made from the tape, the U.S. Dist. Ct. already dismissed the case, granting summary judgment in favor of county defendants, for statute of limits regarding the claim against Taffe & failure to exhaust adm. remedies for Shamrock. While including these claims in Mr. B.'s Opening Brief the 9th Cir. Ct. of App. affirmed without addressing the issues. Mr. B. now asks to reverse that decision and remand to the U.S. Dist. Ct. for an evidentiary hearing about w/held exhibits/declarations & a tape affirmatively identifying Shamrock, pursuant to §1983.

Under §1997e(b) the county defendants failed to adopt or adhere to adm. grievance procedure. "Effectively the administrative remedies were not available & Ct was in error to dismiss. After being wrongfully convicted in the underlying CR case & sent to ADC Mr. B. returned to MCSO for an restriction hearing, was subsequently assaulted again and not able to retain his case file. Mr. B.'s unsound mind claims stem from forced incompetence w/o having access to ILS, a lawbook app. on tablet, overcrowded housing unit & general court impediment. Mr. B. rebates the 9th Cir. Memorandum, also (w/hold diagn. med. info.)

The 9th Cir. Ct. cites Doe v. Roe (1998), but fails to address Mr. B.'s claim under A.R.S. §12-502, where a w/holding of diagnosis mental health info, goes to evidence under "unsound mind doctrine." At the time Mr. B. was not familiar w/ the exhaustion requirement, or statute of limitations. Under synopsis(4) of "Roe", (unsound mind sufficient to toll statute of limitations may be shown by either inability to manage daily affairs or "inability to understand legal rights." Mr. B. was diagnosed ASPD but was not told of his mental condition, prevented from access of legal materials & ineffective lawyers appt. as counsel, could not help in this civil case. Mr. B. was not able to present all of his evidence w/held by county defendants, during disclosure in the U.S. Dist. court, on record.

During the time Mr. B. was denied medical diagnosis info & court access info, is an "inability to understand legal rights", whereby adequate tolling should be made for statute of limitations and failure to exhaust adm. remedies as effectively unavailable. see: "Discovery Rule" in Doe v. Roe (Ariz. 1998) cited by 9th Cir. Ct. Tolling was for years or repressed memory but in this instant case, it should made for repressed medical diagnosis information. The court also cites Ross v. Blake (2016), but in the last P, ultimately remand was required & the "limited circumstances in which administrative remedies are unavailable," are also the circumstances in this instant case, see: pg. (6) of 36 in ILS Petition detailing relevant "substantial federal rights."

REASONS FOR GRANTING THE PETITION

To deny Mr. B.'s Appeal is a miscarriage of justice, & could potentially negatively effect hundreds or thousands of prisoners. There is a liberty interest involved, Mr. B. had been wrongfully convicted in the underlying CR case. While a pretrial detainee, & Jaffe w/held diagnosis medical info., this caused a serious prejudice in his competency (rule 11) evaluation, & was found competent w/o all the required medical screening, pursuant to 16A A.R.S. Rules of Crim. Proc., Rule 11.2(b) Medical & Criminal History Records. This evaluation, at the time, ~~may have been~~, probably would have been different, if Mr. B. was made aware of Jaffe's diagnosis report.

Jaffe & Shamrock were more apt. to use illegal tactics to deprive of basic needs and/or use excessive force as a means to misclass & force transfer Mr. B., ultimately impeding his court access and denying due process, causing serious physical injuries, to Mr. B.'s back, wrist & knee, "severe joint pain," also TBI.

The 9th Cir. Court's Memorandum cites, *Hallett v. Morgan* (2002), but ironically was remanded anyways, stating in the conclusion, "the court shall consider the merits of Plaintiff's contention that defendants failed to substantially comply w/ the medical services provisions of the judgment." Hence Mr. B.'s related diagnosis claim. The Court of App. for the 9th Cir. also cites *Padgett v. Wright* (2013). "We do not specifically & distinctly consider matters not raised and argued in the Opening Brief." Mr. B. did specifically raise these disclosure issues, regarding the withheld diagnosis/declarations from Jaffe & Shamrock and the tape affirmatively identifying Shamrock, impeaching his declaration, stating he was not at work that day. Ultimately, the *Padgett* case that was cited by the 9th Cir. went to trial & there was an award of damages in the case.

Mr. B. believes that the 9th Cir. Court has a heavy docket case load and is trying to rid the docket w/ as many cases as possible and as such becomes a casualty w/ limited visitation on Mr. B.'s actual claims for Appeal. Mr. B. has underlined the main cases cited in the 9th Cir. Court's Memorandum that have a majority significant relevance to this instant case. The memorandum/ the Mandate are the actual documents that officially dismiss this case, but it does not adequately address these issues about disclosure raised in Mr. B.'s Opening Brief. Although a class action case, *Parsons v. Ryan* (2014), describes on an individual level most of the issues & claims Mr. B. raises against Jaffe and Shamrock, within the overall Arizona jail-prison system, in addition to excessive force and court access obstruction, in regards to due process violations effect. (please see: attach. ILS Petition 36pg's) [5.]

1 At this very moment, that Mr. B. prepares this petition, there continues to be
2 a miscarriage of justice on these same issues. Since the original incident of
3 the threat to safety claim against Jaffe in Oct. 2016, there continues to be
4 an unconstitutional policy within MCSO, in regards to denial of basic needs, excess-
5 ive transfers, overcrowding in dangerous conditions of confinement, (involving race
6 based gangs) and an overall custom for officers to abuse their authority using ex-
7 cessive force & violence to enforce its current policy. In *Canales V. Lumpkin*,
8 U.S. Supreme Court, 2022 WL 2347581, a Texas syndicate gang member was
9 on death row for killing a rival gangmember. Section (A), of the proceedings des-
10 cribe a gangland-prison environment, where the killer's cellmate ordered the Murder.
11 Jaffe had used a deprivation tactic to force Mr. B. into that type of jail environment, MCSO
12 will continue to deprive medical needs in segregation units and/or force inmates into
13 larger population units, w/ reckless disregard of safety & security unless this
14 U.S. Supreme Court grants this petition.

15
16
17 **CONCLUSION**

18 This honorable United States Supreme Court should reverse the 9th Cir. Court
19 of Appeals decision that dismissed this case.

20 The petition for a writ of certiorari should be granted.

Respectfully submitted, Pro-Se "Mr. B.", Adam Paul Blomdahl



Date: July 4th, 2022

BLONDAH INMATE LEGAL REQUEST

Petición Legal Para Recluso

4B 208

OF PAGES ATTACHED:

36 (thirty six)

Last Name (Apellido) Blondahl First Name (Primer Nombre) Adam
Booking # (Numero de Registro) T727047 Date of Birth (Fecha de Nacimiento) 7-19-81
Jail (Cárcel) H+one House (Casa) & Cell (Celda) 4B2.8 Current Date (Fecha de Hoy) 4/22/22

☐ PRO-PER☒ PRO-SE

Criminal CR # _____
(# Del Caso Criminal)

Civil Action/AZ Superior Court CV # Appeal 20-17321
(# Del Caso Civil/AZ Tribunal Superior)

Justice/Municipal Court # _____
(# Justicia/Tribunal Municipal)

Civil Rights/USDC # D.C. No. 2:19-CV-00227-MTL
(# Del Caso De Derechos Civiles)

CR Attorney _____
(Abogado Defensor Del Caso Criminal)

Child Support Case DR/FN/FC # _____
(# Del Caso De Manutención De Los Hijos)

CHECK APPROPRIATE BOX (MARQUE LA OPCIÓN APROPIADA)

Inmate Legal Request (Petición Legal para Recluso):

- | | |
|---|--|
| ☐ Court Filings (Archivar) | ☐ Legal Forms (Formularios Legales) |
| ☐ Delivery of Documents (Entregar) | ☒ Mailing (Envío Por Correo) |
| ☐ Legal Supplies (Artículos Legales) | ☐ Notary-specify type of document _____ (Notario) |
| ☐ Legal Research (Investigación Legal) | |

I.L.S.
REC'D APR 26 2022
RET'D APR 27 2022

PRINT ONLY (IMPRIMA SOLAMENTE) AND PRINT CLEARLY (ESCRIBA CLARAMENTE)

Please explain your request or questions (Por favor de explicar su solicitud o preguntas). No more than five (5) requests per request form (No más de cinco (5) peticiones por forma de petición para recluso).

- 1) I/M has made a Petition for Certiorari w/ attachments,
- 2) Please make copies, mail to the U.S. Supreme Court and also,
- 3) forward to the U.S. Ct. of Appeals 9th Circuit, then return to
- 4) Inmate. Thank you.
- 5)

Inmate's Signature (Firma del Recluso)



Officer's Signature & Serial #

Margaret Brink

Time and Date Rec'd

4/25/22 0740

DO NOT WRITE BELOW THIS LINE - FOR I.L.S. USE ONLY
(NO ESCRIBA DEBAJO DE ESTA LINEA - PARA USO EXCLUSIVO DE LA OFICINA DE ILS)

Action	Mailed 37 pages, 20-17321/2:19-CV-00227
Document	Petition for Certiorari + Certification
Where	Clerk of the Court of Supreme Court of United States 1 First Street, NE, Washington, DC 20543
Parties Copied	U.S. District Court of Appeals, 9th Circuit, P. O. Box 193939 San Francisco, CA 94119-3939 Inmate

Thank you, B5188

APR 27 2022

Adam Blomdahl 727047
Maricopa Co. Sheriff's Office
3250 W. Lower Buckeye rd.
Phoenix, AZ 85009

(United States)
U.S. Supreme Court

1 Adam P. Blomdahl

2 Plaintiff - Appellant 19th Cir. Court Appeal No. 20-17321

3 V. ID.C. No. 2:19-CV-00227-MTL

4 Dr. Jaffe (Pls) MCSO et al.)

5 Defendants - Appellees) Appellant's Petition for Certiorari
Brief of Petitioner

6
7 Pro-se Plaintiff-Appellant, "Mr. B.", makes this Petition
8 in good faith, for Certiorari, to recall the 9th circuit's
9 court Mandate affirming the U.S. District Court's dec-
10 ision granting Summary Judgment in favor of Defend-
11 ants - Appellees, "Dr. Jaffe et al." Mr. B. had made a Petition
12 for Panel Rehearing asking to reverse judgment of the dis-
13 trict court's affirmation of Defendant's Summary Judgment.
14 See: "Motion to Recall the Mandate", filed 4/20/22 & "Appellant's
15 Petition for Panel Rehearing. Also, see: attached Mandate & Memo-
16 randum, filed on 4/11/22 & 1/27/22. (Mr. B. now req.) jurisdiction

Mr. B.'s claims for Review

17
18 (1) The district court was in error to grant summary
19 judgment in favor of defendants, when Mr. B. was deprived
20 exhibits & diagnosis/statements attached to defendant's
21 summary judgment motion.

22 (2) The 9th Cir. Court of Appeals was in error to issue
23 their Mandate without first denying Mr. B.'s Motion to Stay
24 the Mandate, Pursuant to Fed. Rules of App. Proc. Rule 41(b).

25 (3) A combined effect is a miscarriage of justice to Mr.
26 in this case, because while the 9th Cir. court issued the Mandate
27 Mr. B. was w/out his case file documents, relating to def. policy.

(pg) Table of Contents

- 1 Petitioners Brief & Claims for Review
- 3 Relevant Rules & Statutes
- 4 Related Case Law
- 5 Attached Referenced Documents
- 6 Summary of Arguments); U.S. Dist. Court was in error
- 8 9th Cir. Court was in error pursuant to FRAP R 41(b)
- 9 The 9th Cir. Court Mandate is a Miscarriage of Justice
Attached Referenced Documents
- 11 Motion to Recall the Mandate for Panel Rehearing Petition
- 12 Appellants Petition for Panel Rehearing
- 18 Mandate filed Apr. 11th, 2022
- 19 Memorandum* filed Jan. 27th, 2022
- 24 Plaintiff's Motion to Stay the Mandate filed Feb. 8th, 2022
- 25 Second Motion to Extend Time to File for Panel Rehearing
Petition filed Feb. 28th, 2022.
- 31 "General Docket" of the U.S. Court of Appeals for
the (9th) Ninth Circuit, printed on Nov. 18th, 2021

(pg) Relevant Rules & Statutes24 9th Cir. R. 40-124 9th Cir. R. 41-1

26 Federal Rules of Evidence 103(A)(1)(A)(B)(2)

26 Fed. Rules of Evidence 401(4)(b)

12 Fed. Rules of Civ. Procedure 37

29 FRAP Rule 40

18 FRAP Rule 41(a)

11 FRAP Rule 41(b)

25 Fed. Rule of Appellate Procedure Title V.

16 Habeas Corpus

27 Post Conviction Relief

13 Rule 11; Rules of Crim. Proc.

10 U.S.C.A. (14th amd.)

(pg) Related Case Law * Table of Authorities

25 Backus V. State 220 Ariz. 101, 203 P.3d 499 (2007)

25 Bell V. Thomson 545 U.S. 794 (2005)

25 Brown V. Reckhow 2018 WL 2435395

6 State V. Blomdahl CR2016-000575

7 *Blomdahl V. Jaffe, App. No. 20-17321, D.C. No. 2:21-CV-01863-MTL ⁰⁰²²⁷

7 Blomdahl V. Jones, 2:20-CV-01207-MTL-DMF

7 Blomdahl V. Shinn, App. No. 22-15463, D.C. No. 2:21-CV-01863-MTL

7 Blomdahl V. Penzone, 2:22-CV-00094-MTL-DMF

26 Dobs V. Zant, 506 U.S. 357 (1993)

9 Fouch V. Louisiana 504 U.S. 71 (1992)

13 Gonzalez V. Wong, 667 F.3d 965 Ct. App. (9th Cir. 2011)

13 In re Pima Co. Mental Health No. MH20060113318
2019 WL 1417432

9 Larez V. City of Los Angeles 946 F.2d 630 (1991)

8 Mangiaracina V. Penzone 849 F.3d 1191 (9th Cir. 2017)

8 Nordstrom V. Ryan, U.S. Ct. App. 856 F.3d 1265 (9th Cir. 2017)

16 Shatwell V. Donahoe 207 Ariz. 287 (2004)

16 Solis V. County of Los Angeles 514 F.3d 946 (2008)

11 U.S. V. Crawford, 422 F.3d 1145 Ct. App. 9th Cir. (2005)

26 Wilson V. Seiter, 501 U.S. 294, 115 Ct. 2321 (1991)

(pg.) Attached Referenced Documents

11 Motion to Recall the Mandate for Panel Rehearing
filed Apr. 20th, 2022

12 Appellants Petition for Panel Rehearing
filed Apr. 20th, 2022

18 Mandate
filed Apr. 11th, 2022

19 Memorandum*
filed Jan. 27th, 2022

24 Plaintiff's Motion to Stay the Mandate
filed Feb. 8th, 2022

25 Second Motion to Extend Time for Panel Rehearing
filed Feb. 28th, 2022

31 "General Docket" U.S. Court of Appeals for 9th Circuit
printed 11/18/21

Summary of Argument(s); (U.S. Dist. court was in error)

(1) Mr. B.'s Petition has been simplified, due to a long standing policy of defendants basic needs and property deprivation, including his file documents in this case, impeding obstructing court access. Also, simplified to prevent confusing the issues, Mr. B.'s overall argument centers on the fact that defendants, "Dr. Jaffe et al." abused their positions of authority to prejudice Mr. B. while subject to brutal conditions of confinement.

Defendants had known their conditions of confinement policy forced on Mr. B. could be used as a tactic for the state government to wrongfully convict, discrediting Mr. B. & maliciously prosecuting while a pretrial detainee in the custody of (MCSO) and the overall prison system in Arizona. Starting w/ Mr. B.'s CR case, w/ liberty implications & with all Mr. B.'s CV cases, including this instant case, is a claim connecting defendants w/ a custom and policy liability. See: *Mellick*, 436 U.S. at 640, 98 S. Ct. (2018), "local government entities" can be sued directly under §1983... when the action is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted & promulgated by that entity's officers.

In Mr. B.'s CR2016-000575, case is currently under review for (PCR) Post Conviction Relief, but in this instant case a collateral liberty interest is preserved on new evidence found based on the claimed withholding of diagnostic medical declarations and (exhibits), by defendants. While undergoing a rule 11 evaluation, Mr. B.'s diagnosis was withheld.

Mr. B. has preserved all claims for damages against the state government and its agencies. see: attached page 2 of 6 of the General Docket U.S. Ct. of App. for 9th Cir... listing Penzone (MCSO), Phoenix Police Dept. & Maricopa County (Attorney's Office).

In *Blondahl v. Jones*, 2:20-cv-01207-MTL (DMF) is a claim for deprivation of medical, (deliberate indifference), along the lines of threat to safety claims and deliberately with-holding medical info in this case.

Although an (ADC) ARIZ. Dept. of Corrections lawsuit, Mr. B connects an overall policy, (statewide claims), against conditions of confinement depriving basic needs and causing severe illnesses. see: "Mr. B.", *Blondahl v. Shinn*, Appeal No 22-15463, D.C. No. 2:21-cv-01863-MTL.

Last but not least, a recent excessive force claim connected to policy as well, like in this instant case, also w/ evidence of an unavailable grievance process & deliberate indifference too. see: *Blondahl v. Penzone*, 2:22-cv-00094-MTL (DMF). Mr. B. has been left w/ no choice but to pursue all his claims, proving on record, indeed a policy of obstruction of due process. Also see: Mr. B.'s Petition for Panel Rehearing, page 4, lines 10-21 citing these civil cases. In Mr. B.'s motions to stay & to extend time, (attached), references the elements and relates to defendants tactics to evade these addressed issues on policy.

Centered on Mr. B.'s with-holding of documents/exhibits claim, arises a number of related prejudices that negatively affect Mr. B.'s condition of confinement & court access.

9th Cir. Court was in error pursuant to FRAP R41(b)

(2) In Mr. B.'s Opening Brief, see: Document 22 filed (4/14/21), on pg. 5 of the attached "General Docket," for the U.S. Ct. App. 9th Cir, in his Op. Brief cites in detail the exact location referencing the missing exhibits/documents (diagnosis declarations). But the 9th Cir. Ct. of Appeals does not address this claim in their Memorandum*.

Mr. B. asked to stay the mandate to prepare his Petition for Panel Rehearing but did not have his case file retained from ADC, to cite where in Mr. B.'s opening brief it references the missing exhibits & documents. It's assumed a stay was made but the 9th Cir. court never made an order actually denying Mr. B.'s Motion for Stay. If there ever was an order, Mr. B. never actually received it in the mail. See: Nordstrom v. Ryan, U.S. Ct. App. 856 F.3d 1265 (9th Cir. 2017), & Mangiaracina v. Penzone 849 F.3d 1191 (9th Cir. 2017) "Legal mail policy violates the First Amendment." These were the elements involved that deprived Mr. B. from exhibits that were supposed to be included in his ADC mail from the beginning, while litigating & opposing summary judgment by defendants. Also, this issue was cited in Mr. B.'s opening Brief.

In the alternative, Mr. B. pleads this Court, if Certiora is granted, to order a reversal of the 9th Cir. mandate, so Mr. B. can retain his exhibits/documents from ADC & amend this petition citing the detail of the with-held diagnosis evidence. see: Mr. B.'s Petition for Panel Rehearing, pg. 2, in 16, citing Gonzalez v. Wong (2011), reversing citing the same issue.

The 9th Cir. Court. Mandate is a Miscarriage of Justice

(3) In the U.S. district court record, Mr. B. cites in detail, defendants continuing policy to deprive, excessive transfers, robbery/theft, misclassifications, obstruction of court access and excessive force, this is also part of the case file Mr. B. has not been able to retain. To be sure, it is this record in which the court of appeals documents cite see: *Larez v. City of Los Angeles*, 946 F.2d 630 (1991), cited in relation to policy, "evidence was sufficient to hold police chief liable in his individual and official capacity," & "evidence was sufficient to support award of punitive damages against police chief." "reversed in part & remanded."

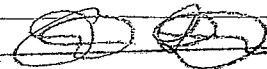
Mr. B. was not able to litigate in the district court fairly without the named exhibits/declarations & medical diagnosis information. No reasonable jury would agree that statute of limitations would apply & that Mr. B. had an available grievance process at the time considering the circumstances. The missing declaration by Dr. Jaffe was a diagnosis of (ASPD), Anti-Social Personality Disorder. In a related case on this issue see: *Foucha v. Louisiana*, 504 U.S. 71 (1992), (Certiorari was granted) Supreme Court, Justice White, held that Louisiana statute allowing continued confinement of insanity acquittee on basis of anti-social personality, after hospital review reported no evidence of mental illness, violated due process." Mr. B's rule 11 evaluation was not constitutional, and was apart of unsound mind doctrine,

1 not by the type of medical diagnosis made, per se,
2 but the fact that there was a medical diagnosis
3 report/declaration, with-held from Mr. B.'s knowledge,
4 at the time, see: Document 32, filed 6/29/21, where Mr. B.
5 is first made aware of the with-held exhibits, missing
6 diagnosis declaration, on page (6) six of the "General
7 Docket", U.S. Court of Appeals for the 9th Circuit. The
8 Touche V. Louisiana case was reversed by the U.S. Sup-
9 reme court on a due process U.S.C.A. "Constitutional
10 14th amendment claim. Mr. B.'s lack of these exhibits
11 prevented him from fair hearings in the district & 9th
12 Cir. courts, but the legal effect regarding his liberty
13 interests is still keeping confined based on his coller-
14 alateral estoppel claims for new evidence.

15 Conclusion

16 The U.S. District Court and 9th Cir. Court of Appeals was in
17 error regarding these proclaimed with-held exhibits
18 and diagnosis information by defendants, therefore, this
19 court should reverse the 9th Cir. Court of App. Mandate
20 and the U.S. Dist. Court's order granting defendant-App-
21 plee's Summary judgment, motion.

22
23 Respectfully submitted on: 4/22/22; By: Pro-
24 se Plaintiff-Appellant "Mr. B." Adam Paul Blondahl

25 
26
27

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U.S. Court of Appeals
for the 9th Circuit

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(11)

APR 20 2022

I.L.S.
MAILED

1 Adam P. Blondahl ()

2 Plaintiff - Appellant) No. 20-17321

3 V.) DC. NO. 2:19-CV-00227-MTL

4 Dr. Jaffe (Chs) Mesa et al.) Motion to Recall the Mandate

5 Defendants - Appellees) for Panel Rehearing Petition

6

7 Pro-Se Plaintiff-Appellant "Mr. B." makes this Motion to Re-

8 call the Mandate for Panel Rehearing Petition, in good faith.

9 The proceeding at issue involves a question of exceptional

10 importance & substantially affects a rule of national app-

11 lication in which there is an overriding need for national

12 uniformity. This Motion is supported by Mr. B.'s Petition for

13 Panel Rehearing, (attached).

14 Pursuant to FRAP Rule 41(b), "the court must order mandate (7)

15 days after order denying timely Motion for Stay of Mandate." There had

16 been no order made, denying Mr. B.'s Motion to Stay the Mandate, filed on

17 Feb. 8th, 2022, or Mr. B. received no such order in the mail, therefore

18 the Mandate should be recalled for Mr. B.'s Panel Rehearing Petition.

19 See: U.S. v. Crawford, 422 F.3d, 1145, Ct. App. 9th Cir. (2005); "Extra-

20 ordinary circumstances made it possible to reliably determine

21 that district court would have imposed different sentence." (Mandate

22 recalled), and in this instant case, the district court would have likely

23 denied county defendants summary judgment motion, had Mr. B.

24 been fairly given full disclosure, in regards to attached exhibits

25 from def.'s summary judgment motion. Respectfully submitted on

26 4/18/22; by Pro-se Plaintiff-Appellant "Mr. B." 

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(12)

U.S. Court of Appeals
for the 9th Circuit

Adam P. Blomdahl)

Plaintiff - Appellant) No. 20-17321

V.

) DC. No. 2:19-cv-00227-MTL

Dr. Jaffe (Chs) Meso et al.) Appellants Petition for

Defendants - Appellees) Panel Rehearing

Pro-Se Plaintiff-Appellant, "Mr. B.", makes this Petition in good faith, for a Panel Rehearing to reverse judgment or affirming the district court's summary judgment. see: This court's (4) four page Memorandum, filed 1/27/22 (attached). Also, see: Mr. B.'s Motion to Stay the Mandate, filed 2/8/22, as the issue centered in that Stay Motion, is the same issue centered in this Petition.

Essentially, Mr. B.'s claim here is that during the proceedings, in the district court, there were exhibits, declarations and a mental health diagnosis made by doctor Jaffe, submitted by defendants in their summary judgment motion. But, Mr. B. was withheld these exhibits during litigation on record, causing a prejudice and the court was in error granting summary judgment to defendants. This was a mental-health diagnosis of "Mr. B." pro-se, while he was litigating in the U.S. dist ct, & this goes to his unsound mind-doctrine claim as new evidence, because it was found after defendants summary judgment was granted.

Pursuant to Fed. R. Civ. Proc. Rule 37; Compell, Mr. B. had made a number of requests for discovery, including for these exhibits withheld by defendants and also asked for appt. counsel.

1 This record of withheld exhibits and evidence is in detail
2 during the litigation in the district court and Ct. Appeals for
3 9th cir. The defendants had known Mr. B. did not have access to
4 the vital mental health diagnosis and declarations evidence,
5 only was this recently discovered in the court of Appeals litigation.
6 Therefore, this court should grant Appellants - Mr. B.'s relief
7 in this Petition and Remand back to the district court
8 for an evidentiary hearing on this issue.

9 The outcome of the summary judgment in the dist. Ct.,
10 would have been likely different, if Mr. B. was not withheld
11 key exhibits during litigation. See: Gonzalez v. Wong 667 F.3d
12 965 Ct. App. (9th Cir. 2011). "remand was warranted w/ ins-
13 tructions to stay pending State court consideration of new
14 evidence." Not only is this a new evidence claim in this instant
15 case, but it is also a new evidence claim during the same
16 time Mr. B. was undergoing an incompetency evaluation (RII),
17 in CR 2016-000575, (as evaluators did not know of diagnosis, either).

18 Also, in Gonzalez v. Wong (2011), "prisoner had colorable claim
19 under Brady w/ regard to withheld psychological reports," this
20 claim, in this instant case is not simply withheld exhibits. Mr. B.
21 was tactically deprived a vital, medical diagnosis and information
22 at a time when he needed it most, affecting Mr. B. in multiple
23 overlapping ways. Mr. B. was forced incompetent w/out the diag-
24 nosis/exhibits. See: In re Pima Co. Mental Health No. MH 2006011-
25 3318, 2019 WL 1417432. "diagnosis substantially impairs ability
26 to make an informed decision about how to proceed w/ his
27 mental health treatment." Comparing actual knowledge of diagnosis

Background

Plaintiff-Appellant, "Mr. B." is a U.S. war veteran from the Marines and Army, served in Iraq & Afghanistan during (8) years, from 2001 to 2009. In (2009), Mr. B. recieved a medical discharge under honorable conditions, was diagnosed as schizo-effective w/ T.B.I. (traumatic brain injury). Mr. B. began receiving benefits from the veterans affairs (VA) administrat ion. During his career, Mr. B. saved money and had bought & sold (4) four homes. In 2015 Mr. B. had moved back to his hometown in Phoenix, AZ where he was born and raised & graduated Moon Valley High School in (2000).

Mr. B. had purchased his (5) 5th home in (2015) all cash for property in north Phoenix, AZ and this property has since doubled in value. At the time Mr. B. led a mostly private life. Unfortunately, Mr. B.'s neighbors were dangerous and violent drug addicts who attacked Mr. B. in a botch robbery, in (2016). see: CR2016-000575. Although Mr. B. was protecting himself from escalating violence, threats & illegal force, on record, he had been charged w/ 1st deg. Murder and (2) two counts of agg. assault, w/ a deadly weapon.

Since that incident in Aug. 10th, 2016, Mr. B. has been in the prison system institutionalized, forced incompetent and indigent, as Mr. B. was forced to sell his home at a loss in (2018). Mr. B. has lost most of his property, his home and money but has preserved all claims for damages. Mr. B. had filed this instant case in (2019) & included claims against the Phoenix Police Dept. for Malicious Prosecution and Wrongful Imprisonment. Mr. B. has been litigating ever since, to now.

Summary of Argument

1 Mr. B's claims in this case are of national importance be-
2 cause the issues include the healthcare industry/crisis and
3 police reform, regarding conditions of confinement. This instant
4 case w/ the with-holding of diagnosis medical information &
5 exhibits from Mr. B. as a Pro-Se litigant, hinges on a collat-
6 eral estoppel liberty interest, that has yet to be
7 litigated in his (PCR) & Habeas claims of forced incom-
8 petence, while a pretrial detainee undergoing a Rule 11
9 evaluation.

10 During the course of this litigation, Mr. B. has been sub-
11 ject to excessive transfers, misclassification, overcrowding
12 denial of medical care and excessive force, whereby creat-
13 ing a policy of indefinite detention and official obstruction
14 of court access. At this very moment, (15) Inmate legal
15 services has failed to provide certification and copies
16 in (2) other cv cases, App. No. 22-15463, DC. No. 2:21-cv-018
17 63-MTL(DMF) and No. 20-01207-PHX-MTL(DMF). Also, in the
18 past week (2) two court date requests have been ignored.
19 This is apart of MCSO policy to censor and leave Mr. B. as a
20 pretrial detainee "in the dark". Also see: *Blondahl v. Penzone*, 2:22
21 CV-00094-MTL(DMF).

22 These other cases center on denial of medical and excessive
23 force as an overall (MCSO) system wide policy, claims, just
24 like this instant case. This is a clear violation to Mr. B's due
25 process rights, as he must now file this Petition on memorial
26 alone because he has not been able to retain his case
27 file properly from ADC, this is a miscarriage of justice.

1 In the interests of justice, Mr. B. prays this court remand
2 this case back to the U.S. District Court for an evid-
3 entary hearing regarding the with-held exhibits and
4 diagnostic medical reports/declarations or in the alt-
5 ernative issue a Stay as a contingency to Mr. B's new -
6 evidence claim for Habeas Corpus.

7 Mr. B. has (2) two claims in this instant case, but at
8 a minimum, the excessive force claim against Sgt. Sh-
9 amrock should be remanded to the district court for
10 trial, because administrative remedies were not available.
11 By denying Mr. B. his medical diagnosis information was
12 effectively denying his administrative remedies and Mr. B
13 should have had that info to make that argument in the
14 district court, in conjunction to support the arguments
15 he already made.

16 The effect was that Mr. B. as a Pro-Se/prisoner was
17 not given fair notice of requirements and consequences
18 of Summary Judgment. See: Solis v. County of Los Angel-
19 es, 514 F.3d 946 (2008), "failure to afford jury trial
20 was not harmless error. Reversed & remanded". By denying
21 Mr. B. his diagnosis evidence, substantively impaired his federal
22 due process rights. See: Shotwell v. Donahoe, 207 Ariz. 287 (2004)
23 at PG "AZ rules of evidence therefore apply in adjudications of
24 federal claims so long as their application does not impair
25 a litigant's substantive federal rights" and at PG 27 "trial
26 court abused its discretion in deciding that AZ rules of evidence preclude
27 admission of the determination because it contained "conclusions."

Conclusion

1 Mr. B. prays for relief, that this court reverse and re-
2 mand back to the U.S. District Court for an evidentiary
3 hearing regarding the with-held exhibits/diagnosis declar-
4 ations during the time of the summary judgment proceed-
5 ings, in the district court.

6 Respectfully submitted on: 4/18/22; by: Pro-Se
7 Plaintiff-Appellant, "Mr. B." 