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22-6850

IN THE SUPREME COURT OF THE UNITED STATES

RAUL MENDEZ,

Petitioner,

Vs.

COMMUNITY HEALTH CLINICS, INC.
dba TERRY REILLY HEALTH SERVICES

Respondents.

Supreme Court No.
9th Circuit No. 21-35179
District Court No. 1:16-cv-00425-DCN

PETITION FOR WRIT OF CERTIORARI

Pro Se Petitioner Raul Mendez, respectfully asks the Unites States Supreme Court to grant Certiorari because the Ninth Circuit Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, and has also sanctioned such a departure by the US District Court of Idaho, as to call for the exercise of the US Supreme Court supervisory power. **Rule 10 (a).** In other words, Certiorari must be considered to avoid a miscarriage of justice involving a case of employment discrimination/civil rights, property in continued employment, First Amendment retaliation, and matters of public interest. Certiorari should be granted because the case was not decided on the merits, and both the appellate court and district confuse the matter of a dismissal sanction as a decision on the legal merits. Mendez briefly summarized the issues on the Application for Extension of Time to File Petition for Writ of Certiorari. **Appendix A-1, 5pgs.** The Supreme Court granted the extension with the Petition now due on 2/25/2023.

Appendix A-2. Alternatively, Mendez is also filing a Petition for a Writ of Mandamus per **Rule 20** compelling the US district Court of Idaho to proceed with the pending case and to decide it on its merits. **Appendix A-3, 3 pgs.** Surely, if it was barred by res judicata then the court would have dismissed it long ago; instead it has been left to collect dust since 11/15/2021.

QUESTIONS PRESENTED

1) Is a dismissal sanction a decision on the legal merits of the case? And does res judicata and the finality rule apply to cases dismissed as a discovery sanction?

2) Are Courts required to warn parties about the possibility of dismissal in order to comply with Due Process?

STATEMENT OF CASE

Mendez understanding of Supreme Court and other circuit's precedent is that a dismissal sanction is not a decision on the legal merits of the case. Based on this understanding, he decided to reopen the case on 11/15/2021 to test if the US District Court of Idaho would dismiss it straight away on res judicata grounds. Mendez more or less has gotten his answer by the federal court in Idaho not making a decision at all. Mendez is filing both a Petition for a Writ of Certiorari given the importance of the questions presented in this case and he is also filing a Petition for a Writ of Mandamus since he cannot appeal when the district court will not move forward in deciding the pending case on its merits Both Writs are discretionarily granted under extraordinary circumstances to aid in appellate jurisdiction. More importantly, they are granted where there is a clear abuse and usurpation of judicial power like in Mendez old case and the pending one. Certiorari is only granted in 1% of cases each term, so might as well try a Writ of Mandamus since the US District Court of Idaho has left the pending case sitting since 2021 and has not dismiss it on res judicata grounds. The way the dismissed case has been handled by both the federal court in Idaho and the 9th Circuit is best explained by interviews Judge Posner gave to several news outlets in which he notes among other things: 1) how people without

lawyers are mistreated by the legal system, 2) how non-attorneys grievances are real but the legal system treats them impatiently dismissing cases over technical matters as opposed to on their merits, 3) more worryingly, that staff lawyers rather than judges assess appeals from non-attorneys, and the courts generally rubber-stamp the lawyers recommendations. **Appendix A-4, 2 pgs.** In short, Mendez can fully expect that all his pleadings in the dismissed case never even got to be seen by a single judge. It is not surprising that Terry Reilly Health Services (TRHS) was allowed to file a Motion for Summary Disposition on 6/29/2021 when they clearly indicate that it was a dismissal sanction. **Appendix A-5, 2 pgs.** The attorneys for appellees didn't suffer any repercussion for their failure to exercise due diligence in that a Motion for Summary Affirmance is made on the merits of the case. The motions panel confirmed when they denied it that the motion requires a decision on the merits by a merits panel. **Appendix A-6.** TRHS reward for failing to file the Appellees Answering Brief or even a Motion to Suspend the briefing was an additional 30 days to file the Appellees Brief and the attorneys ended up with months to prepare and file the brief.....yet, TRHS attorneys just changed the label on the pleading from Motion for Summary Disposition to Appellees Answering Brief with it being the exact same pleading; which is nothing more than a copy/paste of the US District Court of Idaho order dismissing the case as a sanction. **Appendix A-7 2 pgs.** Thereafter, the 9th circuit affirmed the US District Court of Idaho judgment a year after denying the Motion for Summary Disposition indicating that under Federal Rules of Civil Procedure 37 dismissal was warranted, but without a single mention to the merits of the case. **Appendix A-8 3 pgs.** Thus, there is no question that both the US District Court of Idaho Judgment, **DKT 75/76** and the 9th Circuit judgment are decisions based on a dismissal sanction. The real issue is when the court of appeals deny a Motion for Summary Disposition because of the substantial arguments raised

on the Appellant's Opening Brief only for the merits panel to entirely fail to address the merits of the case and affirm a dismissal sanction a year later. The circuit makes it sound like the judgment is a proper decision on the merits of the case, but that is consistent with what Judge Posner has said about the mistreatment of non-attorneys which is further highlighted when for example Mendez sought a Stay of the Mandate. **Appendix A-9 2 pgs.** But the 9th Circuit didn't care and issued it three days later none the less. **Appendix A-10,** perhaps being confident that the Supreme Court very rarely accepts non-attorneys filings and so the usurpation of judicial power continues.

The US Department of Health and Human Services funds several Community Health Clinics across the country. The United States purportedly created these clinics to facilitate access to healthcare for low-income and poor people. In Idaho like in most of the country, minorities are the primary patient population of the facilities. These so called 'poor people' clinics are being run no different than any other private for Profit Corporation with the exception that they are largely funded by the taxpayer. It also just happens that many of the Community Health Clinics employ Latinos/minorities to assist with the patient populations speaking other languages like Spanish, Arabic, French, Swahili, etc. Mendez applied for the X-ray Tech position at TRHS Nampa 1st clinic and interviewed sometime at the beginning of August 2015. He was told that part of the responsibilities included the training/supervision of Medical Assistants (MA's) taking X-rays at the different satellite facilities. Mendez was lead to believe that the MA's were competent enough to be taking x-rays and that they did not require much supervision. The Medical Assistants are non-licensed providers. Mendez met with his direct supervisor Don Morrison several times during his employment with TRHS raising concerns with the level of training the mostly Latino MA's have received in X-ray and the substandard quality of care being provided to

the mostly Latino patient population. On the same meetings, Mendez requested additional training with the digital imaging software noting that he had never being assigned a mentor or any kind of training plan. Separately, from 8/20/2015 through November 11, 2015, Mendez was asked on multiple occasions by TRHS that in order for it to receive government money that those x-rays taken by the MA's had to be signed off on the electronic health system showing that the licensed x-ray tech had done them. Mendez expressed concern that this practice intended to deceive in order to get money.

It appears that there is little oversight by the Federal government over these facilities as Mendez indicated on his complaint and Amended complaint; and any concerns raised about inappropriate standards of care/fraudulent billing, etc. are protected by the First Amendment. There is no question that TRHS provides services on behalf of the USHHS. **pg. 17 of exhibit 1, DKT 65.** TRHS admitted that it had no documented corrective actions involving Mendez (at 21). **DKT 15.** TRHS answer to interrogatory 14 state that: no written or verbal warnings were given and admit to not discussing any work related issues with Mendez. **Exhibit 1, DKT 65.** The District court held that Requests for Admissions are deemed admitted. **pg. 9 of DKT 49.** TRHS has admitted that Mendez only received a day of training even though the company policy is to provide 30 days of full training, TRHS has admitted that the Medical Assistants perform tasks such as full scope radiology and laboratory work with as little as two day training, TRHS has admitted that both the previous x-ray tech and Mendez raised concerns with the level of competence by the MA's in x-ray and that additional training was recommended, TRHS has admitted the majority of patients at TRHS are Latino **DKT 65.** Mr. Morrison response to the issues with substandard medical care was that "this group is not a very smart bunch and they do not have the capacity to understand some of the more technical stuff. You need to explain

things to them in the most simple of terms. They also make a lot of mistakes with medication administration." The organization views the mostly Latino Medical assistants as intellectually and capably inferior who are providing care to an inferior group, therefore the lack of concern for quality.....TRHS did not provide the full training to Mendez even after his multiple requests for the same reason. Direct evidence of discrimination is evidence "which, if believed, proves the fact of discriminatory animus without inference or presumption." **Godwin v. Hunt Wesson, Inc., 150 F.3d 1217, 1221 (9th Cir.1998).** The US Supreme Court in **Cleveland Board of Educ. v. Loudermill, 470 U.S. 532, 105 S.Ct. 1487, 84 L.Ed.2d 494 (1985),** held that when public employees have a protected property interest in their employment that due process clause requires that, prior to termination, the employees be given: 1) oral or written notice of the reason for termination, 2) an explanation of the employer's evidence, and c) an opportunity to present their side of the story. TRHS admits to not sharing any concerns with conduct/performance with Mendez, to not having any verbal/written warnings, and to deny him the opportunity to appeal to the Board of Directors.....therefore, he was not told the true reason for termination and he did not have an opportunity to respond meaningfully to that reason in violation of the Due Process Clause of the Fourteenth Amendment. Mendez termination came shortly after he raised multiple concerns with the substandard quality of X-rays by the Medical Assistant's and after raising concerns with falsifying records in order for the organization to get monies they are not entitled to. In recognition that "government employees are often in the best position to know what ails the agencies for which they work," **Waters v. Churchill, 511 U.S. 661, 671, 114 S.Ct. 1878, 128 L.Ed.2d 686 (1994),** the First Amendment may prohibit government retaliation against employee speech that touches matters of "public concern", **Connick v. Myers, 461 U.S. 138, 144-45, 103 S.Ct. 1684, 75 L.Ed.2d 708 (1983).** There is a clear "public import in

evaluating the performance" of a public agency to assess the "efficient performance of its issues." **Connick, 461 U.S. at 148, 103 S.Ct. 1684;** and highlights inappropriate standards affecting patient care at a public hospital, **Roth v. Veteran's Admin, 856 F.2d 1401, 1406 (9th Cir 1988).**

On 4/12/2017, Mendez filed for appointment of Pro Bono Counsel under the granting of the IFP status per 28 USC 1915. **DKT 8.** Mendez cited **Agyeman v. Corrections Corp. of America, 390 F. 3d 1101 (2004),** this was a case in which a pretrial detainee sued a private company operating the correctional institution for the United States. The 9th circuit held on that case that it was complex and the circumstances were exceptional that warranted the appointment of counsel. Specifically, the 9th Circuit noted that a lawyer attentive to the differences would have noticed that Agyeman should have sued the employees under Bivens and the US and the corporation under the Federal Tort Claims Act. Appointment of counsel in Title VII civil rights actions is specifically authorized by **42 USC 2000e-5(f) (1).**

The Ninth Circuit requires three factors to be considered under Title VII statutory request for counsel: Plaintiff's financial resources; plaintiff's efforts to secure counsel; and whether plaintiff's claim has merit. **Miles v. Dep't of Army, 881 F.2d 777, 784 n.6 (1989).** In an appropriate case, a federal court has a duty under section 1915(d) to assist a party in obtaining counsel willing to serve for little or no compensation. The court does not discharge this duty if it makes no attempt to request the assistance of volunteer counselor, where the record is not otherwise clear, explain its failure to do so. **Gardner v. Madden 352 F.2d (9th Cir.1965), United States v. McQuade, 579 F.2d (9th Cir. 1978).**

Mendez also filed to amend his civil rights complaint but it was denied twice by the US District Court of Idaho. The US Supreme Court has instructed district courts to consider the following

factors when deciding whether to grant leave to amend: undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment and futility of amendment. **Foman v. Davis, 371 U.S. 178, 182 (1962).** The Court determined that Leave to Amend on the first Motion for leave to Amend was tardy but not futile. **DKT 40.** The district court found that Mendez First Amendment Retaliation Claim not to be futile because he was a public employee. **Pgs. 7/8 of DKT 40.** Leave to Amend "must be guided by the underlying purpose of Rule 15 to facilitate decisions on the merits, rather than on the pleadings or technicalities." **United States v. Webb, 655 F.2d 977, 979 (9th Cir. 1981).** The Supreme Court has instructed the federal courts to heed carefully the command of Rule 15(a) by freely granting leave to amend when justice so requires and should be applied with extreme liberality. **Eldridge v. Block, 832 F2d 1132, 1135 (9th Cir. 1987).** This liberal amendment policy is even more important with respect to pro se plaintiffs, who generally lack legal training. Courts must liberally construe civil rights actions filed by pro se litigants so as not to close the courthouse doors to those truly in need of relief. **Eldridge, 832 F.2d at 1135, 1137.**

REASONS FOR GRANTING CERTIORARI

1) Dismissal of this case is improper because TRHS failed to comply with Federal Rule of Civil Procedure 37, Idaho Local Rule 37.1 and Court Orders.

TRHS affirmatively concedes that: A) they did not follow the Courts instructions in regards to informal resolution of discovery disputes outlined on US District Court of Idaho Local Rule 37.1 and the Judge's discovery dispute procedures outlined on DKT 24 @ 10 and B) they did not file a Motion to Compel prior to the filing of Motion for Dismissal Sanctions.

FRCP 37 requires that TRHS file a motion to compel before filing a motion for sanctions and requires TRHS to draft a formal meet and confer correspondence to Mendez to reach a resolution

without court intervention before filing a Motion to Compel. In addition, Local Rule 37.1 requires that the parties meet and confer regarding the dispute prior to a motion to compel being filed. Moreover, the district court's Scheduling Order required that the parties strictly comply with Local Rule 37.1 and that *the moving party certify not only that they complied with Local Rule 37.1 but also the judge's discovery dispute procedures.* **DKT 24 at 10.** The judge's discovery dispute procedures included not entertaining any written discovery motions until the court had been provided with an opportunity to informally mediate the dispute. The filing of a discovery motion was allowed only after specific procedures and pre-requisites had been followed. There is no evidence on the record showing that TRHS has filed 1) a meet and confer letter advising Mendez that the next steps are a Motion to Compel and a Motion to Dismiss, 2) there are no separate Motions to Compel that have been filed prior to the two Motions to Dismiss, 3) there are no documents showing that TRHS has contacted the assigned Law Clerk in this case to informally mediate discovery disputes. 4) There are no Orders regarding any conference trying to informally resolve discovery disputes, 5) there is no certification from TRHS that they have complied with Rules and the specific procedures/prerequisites that had to be followed prior to the filings of the two Motions to Dismiss. The Ninth Circuit merits panel not only fails to fully consider the merits raised on Mendez brief, but it fails to discuss the requirements outlined by rules and the district court regarding discovery disputes which mandate an informal resolution with the Court prior to entertaining any Motion practice including a Motion to Dismiss. In addition, the moving party is required to certify compliance with rules and the judge's discovery dispute procedures.....all of these requirements presumably because a dismissal sanction is an extreme measure of last resort.

2) Dismissal sanction is too severe a penalty for a Pro se party in a case involving civil rights and constitutional matters and the district court failed to warn the pro se party of

the possibility of dismissal.

The district court and TRHS primary and central argument for the dismissal sanction is because of "delay" causing prejudice to TRHS. **Pg. 22 of DKT 50, Pg. 26 of DKT 75.** However, delay alone does not necessitate dismissal. **Mir v. Fosburg, 706 F.2d 916, 919 & n. 2 (9th Cir. 1983, U.S. for Use and Ben. of Wiltec Guam, Inc. v. Kahaluu..., 857 F.2d 600 (1988).** The Court did not set up any kind of status conference to manage the case per **FRCP 16** and **DKT 24,** nor did the Attorneys ever reached out to the Court and Mendez with concerns with 'delays causing them prejudice.' What's more the district court admits that it did not warn Mendez of the possibility of dismissal. **Pg. 27 of DKT 75.** As a general rule, the district court must consider less severe alternatives and discuss them if it elects to dismiss. **Halaco Engineering Co. v. Costle, 843 F.2d 376, 379 (9th Cir. 1988).** Cases in which we have upheld orders of dismissal have often involved serious disruptions of the district court's trial schedule. **Thompson v. Housing Authority, 782 F.2d 829, 831, 832 (9th Cir.)** We have reviewed the record in this case including the transcript of the hearing on the motion for sanctions and have found no indication that the district judge discussed the feasibility of less drastic sanctions or explained why alternative sanctions would be inadequate. The district court was at fault for not explicitly weighing alternatives before entering its order. **U.S. for Use and Ben. of Wiltec Guam, Inc. v. Kahaluu..., 857 F.2d 600 (1988).** Failure to warn has frequently been a contributing factor in our decisions to reverse orders of dismissal. **Hamilton v. Neptune Orient Lines, Ltd., 811 F.2d 498, 500 (9th Cir. 1987), Mir v. Fosburg, 706 F.2d 916, 919 & n. 2 (9th Cir. 1983), U.S. for Use and Ben. of Wiltec Guam, Inc. v. Kahaluu..., 857 F.2d 600 (1988).** The record indicates no consideration by the district court of the adequacy of lesser sanctions and no warning to the defendants that judgment might be awarded for Wiltec. The judge's

understandable pique at defense counsel's lapses cannot excuse his failure to consider alternative sanctions nor can it overcome the strong policy favoring disposition of cases on their merits. **Hamilton v. Neptune Orient Lines, Ltd., 811 F.2d 498, 500 (9th Cir. 1987), U.S. for Use and Ben. of Wiltec Guam, Inc. v. Kahaluu..., 857 F.2d 600 (1988)** and dismissal is authorized only in "extreme circumstances" **Fjelstad v. American Honda Motor Co., Inc., 762 F.2d 1334, 1338 (9th Cir. 1985)** such as in cases involving multiple instances of discovery misconduct of at least five separate acts. **Adriana Intern. Corp. v. Thoeren, 913 F.2d 1406 (1990).**

The 9th circuit requires a three part test to determine whether a district court has properly considered the adequacy of less drastic sanctions: 1) whether the court implemented alternative sanctions before ordering default or dismissal; 2) whether the court warned the party of the possibility of default ordering it; and 3) whether the court explicitly discussed the feasibility of less drastic sanctions and explained why they would be inappropriate. **Malone v. United States Postal serv., 833 F.2d 128, 131 (9th Cir. 1987)** and the court must weigh several factors when determining if dismissal is appropriate: 1) the public's interest in expeditious resolution of litigation; 2) the court's need to manage its docket; 3) the risk of prejudice to the party seeking sanctions; 4) the public policy favoring disposition of cases on their merits; and 5) the availability of less drastic sanctions. **Anheuser-Busch, Inc. v Nat. Beverage Distrib., 69 F.3d 337, 348 (9th Cir. 1995).** The district court acknowledges that 2) it did not explicitly warned Mendez of the possibility of full dismissal of the case before ordering it. The district court instead says it was 'hopefully' apparent that the court could consider that option in the future. **See footnote of page 27, DKT 75,** and there is no question that the public policy favoring disposition on their merits was not met as evidenced by: district court of Idaho Judgment, **DKT 75/76,** Motion for Summary Disposition on 6/29/2021 **Appendix A-5, 2 pgs.** The motions

panel confirmed when they denied it that the motion requires a decision on the merits by a merits panel. **Appendix A-6.** The 9th circuit affirmed the district court of Idaho judgment a year after denying the Motion for Summary Disposition indicating that under Federal Rules of Civil Procedure 37 dismissal was warranted, but without a single mention to the merits of the case. **Appendix A-8 3 pgs.**

3) A dismissal sanction is not a decision of the legal merits of the case and as such is not barred by Res judicata

a. The Motion for Summary Disposition.

The 9th Circuit denied TRHS Motion for Summary disposition because: "The arguments raised in the opening brief are sufficiently substantial to warrant further consideration by a merits panel." **United States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982).** A motion to affirm a final judgment should be filed only where "it is manifest that the questions on which the decisions of the cause depends are so unsubstantial as not to need further argument." **Page v. United States, 356 F.2d at 339.** Summary Affirmance may also be in order when the arguments in the opening brief are incomprehensible or completely insubstantial. **Lee v Clinton, 209 F.3d 1025-1027 (7th Cir. 2000), United States v. Fortner (7th Cir. 2006).** A party seeking summary disposition bears the heavy burden of establishing that the merits of his case are so clear that expedited action is justified. **Groendyke Transp., Inc v. Davis, 406 F.2d 1158 (5h Cir. 1969).** TRHS sought to dismiss all of Mendez issues on the Appellant brief while acknowledging that the Motion for Summary Disposition was made based on a case terminating sanction. **Appendix A-5, 2 pgs.,** which the 9th Circuit denied because of the substantial merits of the case **Appendix A-6.** The 9th circuit affirmed the district court of Idaho judgment a year after denying the Motion for Summary Disposition indicating that under Federal Rules of Civil Procedure 37 dismissal was warranted, but without a single mention to the merits of the case.

Appendix A-8 3 pgs.

b. A dismissal sanction is a collateral issue separate from the actions merits.

The imposition of discovery sanctions pursuant to FRCP 37 is reviewed in all aspects for abuse of discretion under Rule 11. **Adriana Intern. Corp. v. Thoeren, 913 F.2d 1406 (1990)** and a Rule 11 sanction is not a judgment on the actions merits. Rather, it requires the determination of a collateral issue; such as abuse of judicial process and if so what sanction would be appropriate. **Cooter & Gell v. Hartmarx Corp. 496 U.S. 384 (1990).** The provisions of Rule 37 which are here involved must be read in light of the provisions of the Fifth Amendment that no person shall be deprived of property without due process of law, and more particularly against the opinions of this court in **Hovey v. Elliott, 167 U.S. 409, 17 S.Ct 841, 42 L.ed. 215, Hammond Packing Co. v. State of Arkansas, 212 U.S 322, 29 S.Ct. 370, 53 L.Ed. 530.** These decisions establish that there are constitutional limitations upon the power of the courts, even in aid of their own valid processes, to dismiss an action without affording a party the opportunity for a hearing on the merits of his cause. **Societe Internationale Pour participations Industrielles Et...,357 U.S 197 (1958).** One of the main factors in the application of res judicata is when a previous action involved an adjudication on the merits. **Parklane Hosiery Co. v. Shore, 439 U.S. 322, 99 S.ct. 645, 58 L.Ed.2d 552 (1979)** and the 9th circuit made it abundantly clear that it affirmed the district court dismissal sanction and thus it's not a decision on the merits where res judicata applies. The Bill of Rights confers the inalienable rights "to petition the Government for a redress of grievances" and not to be deprived of "life, liberty, or property, without due process of law." U.S Const. amends. I, V. From this derives the constitutional right to access to the courts. **Wolff v. McDonnell, 418 U.S. 539, 579 (1974)** (Due Process); **Cal. Motor Transp. Co. v. Trucking Unlimited, 404 U.S. 508, 513**

(1972) (First Amendment); see also **Pennsylvania v. Finley, 481 U.S. 551, 557 (1987)** (equal protection); **Chambers v. Balt. & Ohio R.R. Co., 207 U.S. 142, 148 (1907)** (article IV privileges and immunities clause). The right of access to the courts is...one aspect of the right to petition the government for a redress of grievances. **Cal. Motor Transp., 404 U.S. at 510, 513.** Indeed, the Supreme Court has held that "constitutional right to access to the courts" is a pledge to the equal protection under the law. **Yick Wo v. Hopkins, 118 U.S. 350, 30 L. Ed. 220, 6 S. Ct. 1064.**

CONCLUSION

Mendez has been denied equal protections under the law in a Title VII and USC 1983 civil rights case when the merits of the case were never heard. Mendez was denied his request for appointment of counsel in a civil rights and 28 USC 1915 case. Mendez was denied the opportunity to amend the complaint once in a pro se civil rights case. Mendez case was dismissed without the district court complying with requirements outlined by rules and the district court order regarding discovery disputes which mandate an informal resolution with the Court prior to entertaining any Motion practice including a Motion to Dismiss. Mendez case was dismissed without the district court explicitly warning the case would be dismissed and it was dismissed without hearing the merits of a civil rights action. Thereafter, the 9th circuit further confuse the issue when they deny a Motion for Summary disposition because the significance of the merits, but only to affirm the dismissal sanction a year later. The Supreme Court should consider granting certiorari to clarify the issues with the Motion for Summary disposition, the dismissal sanction being a collateral matter separate from the merits of the case, what due process is required prior to dismissing a case as sanction, if failing to entirely hear the merits places constitutional limitations on the courts, whether claim preclusion applies to a

dismissal sanction, and to correct the gross departure from the accepted and usual course of judicial proceedings by the US District Court of Idaho and the Ninth Circuit Court of Appeals.

DATED: February 16, 2023

Raul Mendez