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JUL 24 2023

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SUPREME COURT, U.S.

23-151

No. 22A1004

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SUPREME COURT OF THE UNITED STATES

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RICHARD RYNN and GELLIANA DAVID-RYNN,  
husband and wife,

MATHEW RYNN, an individual, and MARCELLA  
RYNN, an individual

Petitioners

vs.

UHS OF PHOENIX, LLC, dba

356357

Respondents

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On petition for a Writ of Certiorari to  
The United States Court of Appeals  
For the SUPREME COURT STATE OF ARIZONA

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PETITION FOR WRIT OF CERTIORARI

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### **QUESTIONS PRESENTED**

1. Can court judgement be entirely untrue, refer to a previous vague judgement in dispute from an ex parte dependency case in violation of due process?
2. Is a minor able to file a lawsuit to claim compensation, declarative relief for violations of constitutional rights, violation of liberty, upon adult age when minor never had the opportunity at an earlier time?
3. Does parent have constitutional right to compensation for violations of due process, interference in parental rights, interference in legal custody, by seizing child under color of law, without cause, directed by a phone call from the state during a contractual ordered discharge from private facility in breach of contract requiring child to go home with parents?

### **PARTIES TO PROCEEDING**

UHS OF PHOENIX, LLC, dba QUAIL RUN  
BEHAVIORAL HEALTH, an Arizona Corporation,  
and LA FRONTERA EMPACT-SPC, an Organization,  
ARIZONA DEPARTMENT OF CHILD SAFETY, and  
ARIZONA STATE DEPARTMENT OF HEALTH  
SERVICES, ABC CORPORATION I-X; AND BLACK  
AND WHITE PARTNERSHIPS, AND/OR SOLE  
PROPRIETORSHIPS I-X, et al

### **RELATED CASES**

Rynn V DCS Arizona Supreme court case No. CV- 23-  
0156-PR

Rynn V Daniel Washburn Arizona Supreme court case  
No. CV- 23-0157-PR

In Dependency of MR. Division Two  
case No. 2 CA-JV 2023-0098

DCS v Rynn Pinal County Superior Court  
Case No. S1100JD201700116

Rynn v Mckay case No. 2:18-cv-00414-JJT  
Ninth Circuit No. 21-16454  
U.S. Supreme court No. 22A1024

## Table of Contents

Questions Presented-----	5
Parties to Proceeding-----	4
Related Cases-----	4
Table of Contents-----	5
Table of Authorities-----	6
Statutes -----	7
Petition For Writ Of Certiorari -----	8
Opinions Below -----	8
Jurisdiction-----	8
Constituional Provisions-----	9
Statement Of The Case -----	9
REASONS FOR GRANTING THE WRIT-----	22
Conclusion -----	27
APPENDIX-----	28

## Table of Authorities

### Cases

Ingraham v. Wright, 430 U.S. 651, 97 S.Ct. 1401(1977)-----	10
Commonwealth v Arias 2017 Mass. App. Lexis 148 (Nov. 9, 2017) -----	13
Washington v. Glucksberg, 521 U.S. 702 (1997)----	15
Thornton v. City_ of St. Helens, 425 F.3d 1158, 1163-64 (9 <sup>th</sup> Cir. 2005) -----	18
Shoshone-Barnnock Tribes v. Idaho Fish & Game Comm'n, 42 F.3d 1278, 1284 (9 <sup>th</sup> Cir. 1994)-----	18
Rizzo v. Good, 423 U.S. 362, 371-72, 377 (1976)-----	18
Monell v. Department of Social Services, 436 U.S. 658 (1978)-----	27
Picking v. Pennsylvania Railway, 151 F.2d. 240----	27
Williams v Thude, 188 Ariz. 257, 259 (1997)-----	27
Luchanski v Congrove 193 Ariz 176, 180, ¶19 (App. 1988)-----	27
Beltran v. Santa Clara County. 514 F.3d 906 (9 <sup>th</sup> Cir. 2008) -----	23

Hardwick v. County Of Orange, No. 15-55563 9 <sup>th</sup> Cir., 2017 .....	12
--	----

### **Statutes**

28 U.S. Code § 1257.....	9
section 242 title 18.....	9
1983 title 42.....	9, 16, 26
Fed. Rule 12 (a).....	10
AZ Rule 65.....	9
AZ Rule 60.....	10
Federal Rule 24.....	11
Brady Rule.....	12
Fed. Rule 103, (a)(b)(2)(c)(e).....	12, 15

### **PETITION FOR WRIT OF CERTIORARI**

Appellants Rynn respectfully petitions for a writ of certiorari to review judgement of Arizona Court of Appeals Division One, and Superior Court of Maricopa County Arizona.

#### **Opinions Below**

Decisions of dismissal by Superior Court, Affirmed by Arizona Court of Appeals Division One on September 15, 2022, motion for reconsideration denied on October 4, 2022. Arizona Supreme court denied petition to review on February 23, 2023.

#### **Jurisdiction**

Appellants petition for review was denied to the Arizona Supreme court on February 23, 2023.

Appellants were granted a sixty-day extension within the ninety days and timely filed this petition within the extended sixty-day time limit. This court has jurisdiction per 28 U.S. Code § 1257.

## **Constitutional Provisions Involved**

Rynn rights violated under Fifth and Fourteenth Amendments of Constitution. Constitutional rights violated under section 242 title 18. Violation of section 1983 title 42 state is person subject to liability.

Due Process Violations, Parental rights violations

Interference of legal custody, violations of AZ Rule 65.

Per Fifth and Fourteenth Amendments of the United States Constitution. No person shall be deprived of life liberty without due process of law, nor deny any person within its jurisdiction the equal protection of the laws. *Ingraham v. Wright*, 430 U.S. 651, 97 S.Ct. 1401 (1977)

Supreme Court stated liberty includes "freedom from bodily restraint and punishment" and "a right to be free from and to obtain judicial relief, for unjustified intrusions on personal security."

### **I. STATEMENT OF THE CASE**

Court judgements entirely untrue, judgements difer entirely from Plaintiffs account of the crime, dismissing Defendants without adjudicating pending motions,

Tenth amended complaint, motion for Summary



judgement, AZ Rule 60 motion for New Trial, etc. and without an answer from Defendants in violation of Fed. Rule 12 (a) due process violation. (ID 483,- 486)Defendant La Frontera Renee Miller agreed, contractually provided classes at facility of Defendant Quail Run on April 17, 2017. This action arose as a kidnapping and assault on April 24, 2017, depriving Rynn liberty rights, constitutional rights violations, interference in custody, parental rights, violations of due process, under color of law after a seven day stay of classes at Quail Run location, during doctor Tan Fermo agreed with Rynn, and ordered signed discharge of Rynn (M.R.) to return home on April 24, 2017, as legally and contractually required. Defendant Quail Run had a duty to release and return M.R. home on April 24, 2017. Instead of returning M.R. home as contractually required, Quail Run, La Frontera without authority, unconstitutionally, unlawfully physically

seized M.R. under color of law without cause from telephone fax from state DCS in another County not physically by state DCS, without obtaining legal custody, without legal authority and without cause during April 24, 2017, legal discharge to return home.

Defendants on April 24, 2017, unlawfully breached legal contract requiring M.R. to return home with parents Rynn. Defendants breached contract by seizing, imprisoning M.R. instead of returning M.R. home on April 24, 2017, as contractually required. Breach of contract and interference in legal custody continued to last date of accrual of actions under color of law to October 9, 2018. (ID 483-486) Failure to adjudicated Tenth amended complaint. (ID 516-519) Serious material fraud remains on record, resulting in no judgment, no trial, no discovery, no ruling on the merits in violation of Federal Rule 24 and violation of due process. Contradictions remain between courts

judgements, personal knowledge, and actual facts of evidence on record. (ID 483-486) Fraud, violations of constitutional rights remain on record, state Defendant did not take custody of Rynn supported by the record of evidence revealed in year 2022 during Appeal of dependency case in Arizona Court of Appeals Division Two. Errors remain, failure to address factual matters in dispute. Proven bias, evidence omitted, judgement in direct contradiction to material evidence supported by the record and by personal knowledge. Obstruction of justice, Defendants purposely lied, omitted material evidence revealed in year 2022 in violation of Brady Rule, to subvert final judgement to one party without a fair trial. Fed. Rule 103, (a)(b)(2)(c)(e) court may take notice of error affecting substantial rights.(Commonwealth v Arias 2017 Mass. App. Lexis 148) (Nov. 9, 2017)(Hardwick v. County Of Orange, No. 15-55563 9<sup>th</sup> Cir., 2017)

Failure to adjudicate this matter arising from constitutional rights, due process violations, fraud, damages from false accusations, unlawful one party false ex parte judgements without due process.

Judgements defer to Plaintiffs account of actions that occurred on April 24, 2017, to October 9, 2018.

unconstitutionally vague referring to a dependency case that is not resolved. Dependency case is in dispute for fraud, due process violations one party ex parte judgements without Rynn, without a summons. Court of Appeals Division Two Case No: 2 CA-JV 2023-0098 Superior Court Case No. S1100JD201700116. Court errored, dismissing based on false background in judgements, State Department of Child Safety (DCS) did not seize Marcella (M.R.) on April 24, 2017. Defendants did not obtain legal custody of M.R. on April 24, 2017, to October 9, 2018. (ID 173)

Court granted Plaintiffs Third amended complaint as operating complaint superseding all earlier complaints, all earlier complaints are moot per Federal Rule 15. (ID 228, pg. 4, 282, pg. 6)

Plaintiffs' complaint contains sufficient factual allegations to plausibly demonstrate elements of each asserted claim.

In *Washington v. Glucksberg*, 521 U.S. 702 (1997), that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children. Due Process Clause in Fifth and Fourteenth Amendments to United States Constitution, prohibit deprivation of "life, liberty, without due process of law.

Warrant and court order was never issued to seize M.R.

on April 24, 2017, bringing liability to Defendants.

Fourth Amendment of Constitution protects citizens from unreasonable search and seizure. Sixth Amendment guarantees right to public trial, right to lawyer, right to impartial jury, right to know who accusers are, nature of charges, and evidence against you.

Rynn deprived constitutional rights under fourth, sixth and fourteenth amendments. Defendant Quail Run entered into a signed legal contractual agreement with Rynn on April 20, 2017. (ID 474 pg. 24) Performance under contract was solely conditioned on M.R. being returned home on April 24, 2017. Defendants had an implied obligation to make a reasonable, good faith effort to satisfy contract by returning M.R. home on April 24, 2017. Marcella seized and assaulted on April 24, 2017, without cause, instead of being returned home as contractually required.

Dispute not resolved. Legal questions and Contradictions remain between evidence and judgements affecting substantial rights under Rule 103. Fraud proven as Discrepancy between date M.R. seized April 24, 2017, and date of ex parte one party filing April 28, 2017, dependency case, proving no jurisdiction for a dependency case, and actions under

color of law, in violation of section 1983 title 42,  
violation of due process rights. State lied, perjury to  
Juvenile Court, violated Rynn constitutional right, due  
process rights, custody rights, parental rights, had no  
legal authority for a dependency case. (ID 483-486)

Subversion of facts, failure to rule on violations of  
constitutional rights, interference of parental rights,  
interference of custody rights and breach of legal  
contract that originated dispute on April 24, 2017,  
without cause and instead ruled about an unrelated  
filing of a false ex parte dependency case petition on  
April 28, 2017, that was not disclosed to Rynn until  
year 2022 in violation of due process. Rynn entitled to  
compensation, declaratory relief and payment under  
Federal false claims act. Federal social security funds  
obtained by fraud. Court failed to rule on originating  
unconstitutional actions of actions that occurred on  
April 24, 2017, failure to rule on accrual to last date

October 9, 2018, (ID 474 pg. 10-11) constitutional rights violations, failure to review material facts, evidence provided by Rynn that affects final judgements.

1983 claim against either the City or its officers and those conspiring with it. plaintiff shows that 1) acts by defendants 2) under color of state law 3) deprived him of civil rights (such as parent rights), privileges or immunities, and 4) caused him damage. Thornton v. City of St. Helens, 425 F.3d 1158, 1163-64 (9<sup>th</sup> Cir. 2005) (quoting Shoshone-Barnnock Tribes v. Idaho Fish & Game Comm'n, 42 F.3d 1278, 1284 (9<sup>th</sup> Cir. 1994). Plaintiff alleges that he suffered a specific injury as a result of the conduct of each particular defendant, and alleges an affirmative link between the injury and that conduct of that defendant. Rizzo v. Good, 423 U.S. 362, 371-72, 377 (1976).

There is conflict between United States District court decision and Arizona state courts decisions.

Errors in final rulings of judge Thompson,  
contradiction between judge Thompson rulings and  
District court judgement.

Discrepancies between A and B below proving errors in  
Thompson judgement.



- A. Error Superior court Judge Thompson Ruling  
*November 6, 2018, Order issued by U.S. District Court  
Judge, the Honorable John J. Tuchi. In that case,  
Marcella was a Plaintiff. (ID 137, pg. 3)*
- B. District Court John J. Tuchi ruling, *MR. (Marcella  
Rynn) is not really a defendant or not a Plaintiff in this  
(2018) case. (ID 475, pg. 4-8)(ID 485 pg. 58-62)*

*District Court, Mr. (Richard) Rynn, in defense of your  
ability to represent the interests of MR. (Marcella  
Rynn), that is precluded by both state and federal law.  
To the extent that MR. has any claims under counts  
still existing those are not being represented by you.  
(Richard Rynn) Your (Richard Rynn) representing your  
own claims. (ID 475, pg. 4-8) (ID 485 pg. 58-62)*

Conflict between Maricopa County Superior Court  
ruling date of *June 2018* (ID 137, pg. 6) and the Pinal  
County Juvenile court ruling date of *October 9, 2018*.  
(ID,474 pg. 10-11)

Court failure to provide compensation to M.R in  
violation of due process. Record demonstrates fraud,  
fault in underlying judgements not based on fact, clear  
error in causes of arising of events, failure to  
compensate injuries in direct cause from Defendants  
actions. Judgements perpetrated by fraud, vague, not

of subject matter in dispute. Judgements fail by basing judgement on false accusations, a fraudulent April 28, 2017, petition. Appeal based on fraud, violations of constitutional rights. Factor of fraud in judgement not adjudicated question of substantive facts not resolved as central issue in case. State never obtained legal custody of Rynn, state did not seize Rynn on April 24, 2017, medical contract order required Rynn to return home on April 24, 2017, not adjudicated. Juvenile court is a Defendant involved in dispute. (ID 485, pg. 52-53)

Defendants violated a clearly established right of liberty. Court failed to enforce custody rights, parental rights, liberty rights, and breach of contract, etc.

Court failed to compensate for injuries and future harm that has no statute of limitations for injuries such as permanent harm of broken teeth, broken nose, permanent damaged spinal vertebrae, permanent physical impairment for life, injuries from Defendants

acting under color of law without and beyond the bounds of their lawful authority, from April 24, 2017, to October 9, 2018.

Evidence omitted prejudiced Rynn by excluding contractual agreement requiring M. R. to go home, and police report (ID 474 pg.29) of discharge and a fax not an arrival, no crises, is a fundamental error proving Defendants acted under color of law. DCS did not seize M.R. on April 24, 2017, La Frontera. and Quail Run seized M.R. under color of law from a fax paper sent without custody from state on April 24, 2017, as proven by police report of a fax, not legal but fraudulent custody paper. (*DCS then faxed a temporary custody notice to Quail Run*) (ID 474 pg.29)

There exists factual issues as to involvement of each Defendant in causes of action, interference of custody, parental rights, and violations of liberty arising from unlawful acts under color of law between April 24,

2017, to October 2018 and the facts have not been reviewed, dispute remains unresolved on the merits.

Constitutional rights violated, custody rights violated, kidnapping, assault by Defendants, not a medical lawsuit. Each and every Defendant is liable for acting in a conspiracy, acting under the color of law, beginning on April 24, 2017, continuously to last action on October 2018. Court failed to Rule on the originating background date of causes of action of injury of April 24, 2017, fact there was no dependency case on April 24, 2017. Court failed to Rule on the last date of causes of action of injury on October 9, 2018, of juvenile court dismissal date. Color of law violation, interference in legal custody, Cause of action has not been dismissed by any court, courts failed to rule on correct causes and dates of causes of action and failed to rule on statute of limitations. *Beltran v. Santa Clara County*. 514 F.3d 906 (9<sup>th</sup> Cir. 2008)

## **REASONS FOR GRANTING WRIT**

To avoid deprivations of Rynn constitutional rights of liberty, custody rights, parental rights, contractual rights, due process rights, etc. Judgements untrue, vague, failure to adjudicate causes of action starting on April 24, 2017, to last date on October 9, 2018. Fraud remains on record. Defendant Quail Run UHS, Candy Zammit, La Frontera, Renee Miller, Devereux, Aurora, Day Starz Group Home, Tamla Alexander, Day Starz Group Home, San Manuel foster home, Maricopa School district, Chandler Hospital, Maricopa County Special Healthcare District, etc. each acted under color of law as state actors for Arizona State. State lied, did not take custody of M.R., acted outside of their authority. Defendants, each is responsible for violating custody, parental rights, violations of liberty, violations of civil and constitutional rights, without cause, from

causes of action of injury on April 24, 2017, to October 9, 2018.

Incorrect medical ruling in final judgement, affidavit not required for interference in custody, parental rights, violations of liberty, violations of civil and constitutional rights, breach of contract.

Plaintiffs have personal knowledge of material facts in dispute, error in Judgements based on false statements from Defendants, proven by factual evidence, incorrect dates of causes of action and incorrect causes of action. Judgments vague, failure not adjudicating April 24, 2017, day of seizure, error not naming person that seized M.R., M.R. not seized by state without naming a person of state. State cannot take custody by state not physically seizing M.R..

Proof state did not take custody of M.R., State filed false and vague April 28, 2017, ex parte petition by Cathy Cottee, failed to name person, failed to name

address, no location for seizing, imprisonment of M.R. on April 24, 2017, state not at location of Rynn, state failed to see, touch, or talk to M.R. on April 24, 2017. State did not have authority to phone QR., LF on April 24, 2017, and falsely claim custody. M.R. custody belongs only to legal birth parents Richard and Gelliana. State failed to name parents of M.R. on April 24, 2017. State failed to file petition on April 24, 2017, at time of seizure of M.R. by QR. and LF..

DCS ex parte petition not filed until four days later on April 28, 2017, proving color of law seizure, unconstitutional imprisonment, no imminent harm. (ID 485 pg. 24-41) State failed to disclose, failed to communicate to Rynn. (ID 137-139) Falsification of facts, errors in underlying judgement of a dependency petition on April 28, 2017, does not support evidence of unlawful color of law seizure, imprisonment action without obtaining legal custody, without cause,

occurring four days earlier on April 24, 2017, proven by April 24, 2017, police report of a fax not an arrival, (*"scheduled to be discharged"*) (ID 485 pg. 30-31) and contract agreement requiring M.R. to return home on April 24, 2017. (ID 485, pg. 22) Material supporting evidence of police report contract requiring M.R. to go home on April 24, 2017, material fact DCS did not seize M.R. on April 24, 2017, was not disclosed by state proving fraud on court.

Mandatory court vacates void, vague Judgments, obtained fraudulently, without due process, without jurisdiction, violation of Fifth and Fourteenth Amendments of United States, Arizona constitutions per Rule 32.1(e);(3) Court errored dismissing state in violation of section 1983 title 42 as state is person subject to liability. Failure to adjudicate last date October 9, 2018, of accrual of injuries. failure to rule on additional injuries of Rynn, interference in custody,



parental rights violations caused to Rynn for son in  
year 2020. BK V MCKAY No. 19-765 US SUPREME  
COURT

Monell v. Department of Social Services, 436 U.S. 658 (1978), is an opinion given by the United States Supreme Court in which the Court overruled Monroe v. Pape by holding that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil action for deprivation of rights.

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

State not immune for wilful, wanton misconduct and gross negligence. Williams v Thude, 188 Ariz. 257, 259 (1997)

State Defendants new their act or failure to act created unreasonable, substantial harm to Rynn.

Luchanski v Congrove 193 Ariz 176, 180, ¶19 (App. 1988)

Defendant Devereux was legally served a court signed summons and complaint aad was ordered to answer

Plaintiffs third amended complaint. (ID 228, pg. 4, 282,  
pg. 6)

### **Conclusion**

For the foregoing reasons, Rynn respectfully requests  
court issue Writ of Certiorari to review judgment of  
Court of Appeals Division One and Superior Court.

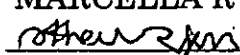
**RESPECTFULLY SUBMITTED**

this 24<sup>th</sup> day of July 2023.

  
\_\_\_\_\_  
RICHARD RYNN

  
\_\_\_\_\_  
GELLIANA DAVID RYNN

  
\_\_\_\_\_  
MARCELLA RYNN

  
\_\_\_\_\_  
MATHEW RYNN