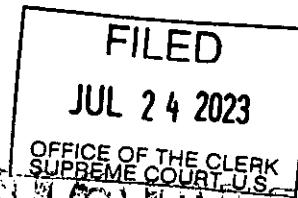


23-174



No. 22A1000

IN THE SUPREME COURT
OF THE UNITED STATES

RICHARD RYNN,

Petitioner

v.

FIRST TRANSIT INC, AN Ohio

Corporation, ABC CORPORATION

I-X; AND BLACK AND WHITE
PARTNERSHIPS, AND/OR SOLE
PROPRIETORSHIPS I-X

Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Introductory Statement

This matter arises from constitutional rights violations, abuse of process, failure to disclose false accusations, during course of employment, employees retaliating from a misunderstanding, blaming Rynn for actions caused by state employee Mckay and Judge John Tuchi from normal conversation talking about lawsuit assigned to District court judge John Tuchi against state employee child abuser Mckay.

QUESTIONS PRESENTED

1. Can case be dismissed without a hearing?
2. Is employer liable for violations of due process, constitutional rights violations in year 2019, from false accusations learned in year 2021 that continues on record?

PARTIES TO PROCEEDING

Defendant First Transit

RELATED CASES

Rynn V Mckay District Case No. 2:18-cv-00414 JJT
pending U.S. Supreme court No. 22A1024 pending

Mathews V Rynn Avondale city court case No.
P02019000235, pending,

Rynn V First Transit U.S. Supreme Court
No. 22A1001 pending

AZ Superior Court of Maricopa County Case no.
CV2022-011208 pending

Table of Contents

Questions Presented-----	3
Parties to Proceeding-----	4
Related Cases-----	4
Table of Contents-----	4
Table of Authorities-----	5
Statutes -----	5
Petition For Writ Of Certiorari -----	6
Opinions Below -----	6
Jurisdiction-----	6
Constitutional Provisions-----	8
Statement Of The Case -----	7

REASONS FOR GRANTING THE WRIT.....	20
Conclusion	28
APPENDIX.....	29
Table Of Authorities	
Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019.....	23
Pure Oil Co. v. City of Northlake, 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956).....	23
Hallberg v Goldblatt Bros., 363 Ill 25 (1936); (8)	23
Rosenstiel v. Rosenstiel, 278 F. Supp. 794	23
Village of Willowbrook, 37 Ill, App. 3d 393(1962)....	23
Bracey v. Warden, U.S. Supreme Court No. 96- 6133(June 9, 1997)	23
Statutes	
A.R.S. Rule 52 (5).....	23
Fed. R. Civ. P. 52(a)(6).....	23
28 U.S. Code § 1257.....	6
AZ Rule 65.....	11, 16
Rule 32.1(e);(3).....	12
section 242 title 18 and USC §1983.....	7, 13

PETITION FOR WRIT OF CERTIORARI

Appellant Rynn respectfully petitions for a writ of certiorari to review judgement of Ninth Circuit Court of Appeals and District Court of Arizona.

Jurisdiction

Appellants petition for rehearing denied to Ninth Circuit court on February 22, 2023. Appellant was 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.

Opinions Below

Decision of Ninth Circuit Court of Appeals
Denial of rehearing, Febraury. 22, 2023, Ninth
Circuit Court of Appeals Memorandum, Affirmed Nov.
23, 2022, District Court Filed Jan. 25, 2022, Order
Rule 60 motion stricken, District Court Filed Jan. 13,
2022, Orders Rule 59 motion denied, District Court

Filed Dec. 21, 2021, Order dismissal, motion to

amend denied.

Constitutional Provisions Involved

Rights violated under Fifth, Fourteenth Amendments
of Constitution. Due Process violations.

Conflict of interest, District court judge John
Tuchi required to recuse himself with personal
knowledge and personal involvement in material
facts in dispute. (ID 153, 154, 173)

Constitutional rights violated under section 242
title 18. Violation of section 1983 title 42.

Per Fifth, 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, the 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.

STATEMENT OF THE CASE

Court failed to adjudicate this matter arising from constitutional rights, violations of due process, fraud, violations of freedom of speech, and retaliation during employment and the damages from false accusations, unlawful one party false ex parte judgements without due process. First Transit employee Mathews misunderstood a normal conversation on work duty, failed to disclose misunderstandings, relied on employer First Transit negligence, failed to disclose entire employee coworker Mathews February 2019 misunderstandings written as false accusations.

The misunderstanding of a normal work duty conversation of Rynn year 2018 lawsuit against state employee Mckay assigned to this same District court judge John Tuchi with a conflict of interest. Failure to disclose coworker Febraury 2019 misunderstanding during work duty of a normal conversation about District court case assigned to judge John Tuchi

against state employee child abuser Mckay. Febraury 2019 incident report "court issues with his daughter" district court Case No. 2:18-cv-00414 JJT assigned judge John Tuchi. Employer First Transit failure to disclose led to retaliation with an unlawful ex parte one-party protection order in Avondale court on May 13, 2019, with false accusations of "*child abuse*," "*stalking*," blaming Rynn for causes of action of state employee Mckay, Rynn V Mckay District Case No. 2:18-cv-00414 JJT that was not resolved by district court, continues in litigation in year 2023,

Certiorari No. 22A1024. Lawsuit against Mckay continues with additional lawsuit Case No. CV-2020-094244 David-Rynn, Et.Al. Vs. U H S Et. The coworker Mathews undisclosed misunderstandings of normal conversation of Rynn lawsuit against *child abuser Mckay* written on First Transit February 2019 incident report as false accusations of *child abuser* and

stalking. {"he told me about his court issues with his daughter and said his wife and him are considered or are registered child abusers" "I don't feel safe"} (DK. 15-4, 380-381)

Rynn disputes false undisclosed work duty accusations including '*wife and him are considered or are registered child abusers*' on First Transit employee Mathews February 2019 incident report. (Dk. 26, 28, 29)(DK. 15-4, SER 444, line 23-24) Rynn did not have an opportunity to dispute the false accusations on incident report at an earlier time as employee Mathews relied on employer First Transit responsibility for failure to disclose incident report and false accusations to Rynn until after hearing on day of June 3, 2019, and year 2021, after Avondale city court had already unlawfully granted an order of protection without cause, from Avondale city court May 13, 2019, ex parte petition from February 2019

undisclosed incident report in violation of due process.

First Transit and Mathews failed to file an affidavit of a threat, failed to file an affidavit of why no notice was given to Rynn in violation of AZ Rule 65.

First Transit employees filed ex parte petition on May 13, 2019, with unlawful ex parte communication with Avondale court judge Craig Jennings on May 13, 2019. Avondale court unlawfully granted ex parte one party protection order on May 13, 2019, without a hearing in violation of due process. The misunderstandings of communication about state employee Mckay escalated as a retaliation into Avondale city court on May 13, 2019, without any disclosure from First Transit or employee Mathews.

Employee Mathews May 13, 2019, Avondale court petition wrote "***child abuser, not sure***", in contradiction to February 2019 incident report false accusations of "**child abuser**" proving February 2019

undisclosed incident report was false and First Transit Mathews is not credible. Mandatory court vacates void, ex parte judgements, vague Judgments, obtained fraudulently, without due process, without jurisdiction, in violation of Fifth and Fourteenth Amendments of United States, Arizona constitutions per Rule 32.1(e);(3)

Ninth circuit court did not consider district courts application of resjudicata but errored, affirmed for failure to state a claim. Court failed to rule on cause of actions arising complaint. Courts failed to rule on subject matter of cause of action arising claims of complaint. Plaintiff disputes the evidentiary facts in final judgement. Multiple material evidentiary facts remain in direct contradiction to evidence in final judgements, dispute not final, not adjudicated.

Ninth Circuit failed to review evidentiary facts failure to disclose false accusations, fraud, due process violations is a cause of injury that requires adjudication. Court errored by not finding Defendant First Transit as an employer is responsible for actions of its employees on work duty causing violations of civil, constitutional rights under section 242 title 18 and USC §1983, violation of breach of duty of employment contract, perjury, false accusations, defamation, age discrimination, (DK. 15-4, SER 371-372) abuse of process, unlawful ex parte one party communication to Avondale city court judge Craig Jennings, and failure to disclose a coworker Febraury 2019 misunderstanding of a normal conversation of Plaintiff lawsuit against another Defendant Mckay for child abuse.

District court judge John Tuchi conflict of interest with personal knowledge of Facts in dispute. Judge

John Tuchi assigned to the child abuse case Rynn v Mckay. The coworker misunderstood the conversation of Mckay as a child abuser and falsely blamed Plaintiff for unlawful actions of Mckay of “*child abuser*” “on false accusations on a work duty undisclosed incident report. (DK. 15-3, SER 139 line 14-26)

Defendant First Transit failed to disclose the incident report of misunderstandings of Plaintiff lawsuit against Mckay. The non-disclosure of misunderstandings on February 2019 incident report led to Multiple First Transit employees retaliating against Plaintiff in Avondale city court abuse of process without cause. Defendant employees filed an ex parte petition with false undisclosed accusations on May 13, 2019, in Avondale city court. The May 13, 2019, petition contained same false accusations as on undisclosed February 2019 incident report. The May 13, 2019, petition said “*not sure if a child abuser*”.

(SER 388) The May 13, 2019, ex parte petition was unlawfully granted the same day on May 13, 2019, without cause, without a summons, without disclosure, in violation of due process, and violation of AZ Rule 65 by failing to give notice, failure to file an affidavit of proof of a threat before granting an ex parte order. (DK 15-4, SER 389, 388)

Plaintiff did not obtain a copy of the May 13, 2019, Avondale court ex parte petition and May 13, 2019, ex parte granting of petition until May 20, 2019, in violation of due process. Plaintiff on May 20, 2019, requested a hearing for June 3, 2019, in Avondale court. First Transit employee Patrick Camunez lied, (perjury) false testimony On June 3, 2019, against Plaintiff in Avondale city court and the lies from Patrick Camunez affected Avondale court final judgement on June 3, 2019, in violation of due process. Plaintiff was not able to obtain a copy of

the February 2019 employer incident report until after the June 3, 2019, hearing in violation of due process. (DK 15-3, SER 187 line 9-15) Rule 56, Case cannot be dismissed while facts remain in dispute. Multiple facts, remain in contradiction to evidence used in final judgements, dispute not final, not adjudicated. Final judgement from Lynn Mclean declaration of February 2019 of "*informed and to avoid Tempe location*" in direct conflict with Plaintiff was not informed and told by First Transit HR Bunny Coleman to go to Tempe location in March 2019. (Dk. 15-5, SER 560 line 10-13) (Dk. 15-4, SER 436 line 17-24)

Defendant scheduled Plaintiff to meet at Tempe location with HR. "*Robert Arras and was referred to HR Bunny in which scheduled a meeting with HR Bunny and another employee and Rynn at the Tempe location on about March 4, 2019*". Proving Rynn

February 2019 statement (DK. 15-4, SER 392) resolved undisclosed incident report of misunderstanding of normal conversations of another lawsuit against Defendant Mckay that became false accusations against Plaintiff.

Defendant Lynn Mclean wrote an email in April 2019 to manager Robert Arras that Rynn Febraury 2019 statement “cleared up” Mclean Febraury 2019 communication to Rynn. (Dk. 15-4, SER 384)(Dk. 15-3, SER 192 line 13-26) (Dk. 15-5, SER 560 line 7-9)

Declaration from First Transit Mathews of a “normal conversation” and “talking about my pictures” is in direct contradiction to false accusations of “stalking” in final judgement and in false accusations of “stalking” on February 2019 incident report and false accusations of “stalking” on May 13, 2019, Avondale court petition. (Dk. 15-4, SER 373, 374 line 8-11) (Dk. 15-

5, SER 560 line 7-9) (Dk. 15-4, SER 381) Cause factor not adjudicated from defamation of character, abuse of process, negligence, etc. from Avondale court May 13, 2019, undisclosed petition and undisclosed May 13, 2019, ex parte granting of petition provided by material from First Transit undisclosed false accusations of February 2019 undisclosed incident report. Court failed to address compensation and the causation issue of fraud, breach of duty of employment contract, claims of negligence, defamation of character, slander, civil and constitutional rights, fraudulent concealment, failure to disclose contents of February 2019 incident report of misunderstandings of Plaintiff lawsuit against child abuser Mckay, Rynn v Mckay assigned to district court judge John Tuchi.

Court failed to rule on breach of employer contract by Defendant failure to disclose February 2019 false accusations of "child abuser and

stalker". February 2019 false accusations of "child abuser and stalker not obtained by Plaintiff until after unlawful May 13, 2019, ex parte one party Avondale Municipal court ex parte one party judgement Case No. P02019000235 and after June 3, 2019 Avondale court hearing in violation of due process. (Dk. 15-3, SER 187 line 9-15)Avondale Court records request," *No filing before hearing from Plaintiff.*" Plaintiff not served a summons, not served the May 13, 2019, ex parte judgement until May 20, 2019, in violation of due process. Plaintiff disputes the evidentiary facts in final judgement.

Judgements omitted facts, omitted evidence, material evidentiary facts are in dispute. A genuine issue of material fact is in disagreement to legally relevant facts of Plaintiff claims. Questions of fact not resolved. Court errored by dismissing case without addressing factual matters of triable facts that remain

in dispute. Court failed to rule on the subject matter, errored in judgements that are based on a falsification and omission of facts, not a final judgement proven by omission of evidentiary facts that are in dispute. Court errored and failed to rule on May 1, 2019,

Memorandum of misconduct from coworker as proven by "Attachment: Your February 27, 2019, document" from Plaintiff February 2019 statement to First Transit and Memorandum agreement that retaliation from coworkers is forbidden. (Dk. 15-4, SER 387)

Court failed to compensate for injuries from First Transit employee Patrick Camunez lying (perjury) (Camunez falsely accusing of providing letters)(Dk. 15-4, SER 350) in Avondale court on June 3, 2019, and breaching employer duty from a dishonest employee Camunez. (Dk. 15-4, SER 395) Claims must have been subjected to a final judgment correcting errors before dismissal. Court failed to provide a hearing before

dismissal. Court errored by not considering Plaintiff lawsuit against Avondale court and First Transit employees under litigation for unlawful ex parte communication, violation of due process, negligence, actions under color of law, liberty violations, etc.

Superior court Case No. CV2022-011208 Court failed to accept as true facts in complaint. (Dk. 15-3, SER 213-236) Failure to rule on operative facts at issue, failure to rule on merits, failure to review evidentiary exhibits that affect final ruling, failure to compensate for injuries, wrongly granted Defendant motion for summary judgement while referring to fraudulent declarations that omit material facts, and are in direct conflict to interrogatory answers, testimony in Avondale court, incident report, and May 1, 2019, Memorandum. Judgements are false and void of facts related to case. Failure to rule on correct facts arising complaint. Omitted evidence and errored by

referring to Judge Tuchi judgements instead of providing declaratory relief from false accusations from Judge John Tuchi that is in direct conflict with personal knowledge and material evidence.

REASONS FOR GRANTING THE WRIT

To avoid erroneous deprivations of constitutional rights, resolve fraud, declaratory relief. Errors of Ninth Circuit failing to rule on subject matter in dispute, failed to review evidence of interrogatories proving accusations not disclosed to Rynn, failed to review contradictions and fraud in declarations, failure to resolve dispute. Accurate statements required to correct unlawful conduct that undermines integrity of court and violates due process. Rynn not told identity of accusers, not told nature of charges, not told evidence against Rynn. Factual errors in evidence of judgements remain in dispute.

1. Violation of due process, Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019; Pure Oil Co. v. City of Northlake, 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956); Hallberg v Goldblatt Bros., 363 Ill 25 (1936); (8)
2. Court exceeded it's statutory authority. Rosenstiel v. Rosenstiel, 278 F. Supp. 794
3. Fraud upon the court, In re Village of Willowbrook, 37 Ill, App. 3d 393(1962) Where judge does not act impartially, Bracey v. Warden, U.S. Supreme Court No. 96-6133(June 9, 1997) Unlawful ex parte communication, ex parte judgement, unlawful activity of judge, violations of Code of Judicial Conduct.
4. A.R.S. Rule 52 (5) Questioning the Evidentiary Support. A party may question the sufficiency of the evidence supporting the findings(6) Setting Aside the Findings. Must be set aside when clearly erroneous. Fed. R. Civ. P. 52(a)(6)

Conclusion

For the foregoing reasons, Petitioner respectfully requests court issue Writ of Certiorari to review judgment of Ninth Circuit Court of Appeals and District court of Arizona.

RESPECTFULLY SUBMITTED

this 24th day of July 2023.



RICHARD RYNN