



23-193

No. 22A1001

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. Should assigned District court judge John Tuchi recuse himself from personal involvement and conflict of interest of subject matter in dispute?
2. During course of employment is employer responsible for directing its employees to retaliate, abuse of court proceedings, without disclosure of false accusations, in violation of constitutional rights, due process, and freedom of speech?
3. Can countersuit be dismissed while subject matter of fraud, due process violations remain in dispute?

PARTIES TO PROCEEDING

Defendant First Transit

RELATED CASES

Rynn V Mckay District Case No. 2:18-cv-00414 JJT
pending

U.S. Supreme Court Certiorari Case No. 22A1024
pending

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

Rynn V First Transit, Superior Court case No. cv-
2022-011208 pending

Rynn V First Transit, Arizona Court of Appeals
Division One case No. 1 CA-CV 23-0092 pending

Rynn V First Transit U.S. Supreme Court
Certiorari No. 22A1000 pending

Rynn V First Transit Ninth Circuit
case No: 23-15869 pending

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PETITION FOR WRIT OF CERTIORARI

Appellant Rynn respectfully petitions for a writ of certiorari to review judgement of court of Appeals for the Ninth circuit and United States District court for the District of Arizona.

Opinions Below

Decision of Ninth Circuit Court of Appeals
Denial of rehearing, Febraury. 22, 2023

Ninth Circuit Court of Appeals
Memorandum, Affirmed Nov. 15, 2022

District Court Order Filed October 19, 2021
Docket No. 139

District Court Order Filed July 29, 2021
Docket No. 116

Jurisdiction

Appellant motion for rehearing was denied to the Ninth circuit court of Appeals 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.

Constitutional Provisions

Rights violated under Fifth and 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 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)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

Courts failed to resolve deprivations of constitutional rights. countersuit not resolved on merits, causing expanded additional litigation, additional costs in state court involving First Transit employees, state court judge Craig Jennings and First Transit. Court failed to vacate fraud on legal record, failed to compensate for injuries. Ninth Circuit failed to rule on subject matter in dispute, failed to remove judge John Tuchi from case. Judgement tainted by fraud.

Prejudiced Judge John Tuchi personally involved in dispute of Avondale city court, proven bias, judgement in direct contradiction to material evidence supported

by the record and by personal knowledge. Obstruction of justice, Tuchi purposely omitted material evidence revealed during discovery in year 2021, interrogatories, fraud in declarations, emails, transcript, etc. to subvert final judgement to one party summary judgement without a fair trial and attempted to hide Tuchi involvement in Avondale city court case.(ID 170 pg. 2-18)(ID 171, 172)

Fed. Rule 103, (a)(b)(2)(c)(e) court may take notice of error affecting substantial rights.

Court failed to adjudicate this matter arising from constitutional rights, due process violations, fraud, violations of freedom of speech, retaliation during employment and 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 misunderstanding, relied on employer

First Transit negligence, failing 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. 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”} (ID 175 pg. 1-18)

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. 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 to Rynn until after hearing on day of June 3, 2019, 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. (ID 170 pg. 2-18)(ID 171, 172)

First Transit employees 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 normal conversation about state employee Mckay escalated as a retaliation into Avondale city court on May 13, 2019, without any disclosure from First Transit or 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, 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)

Negligence of First Transit, abuse of Avondale court process, failure to disclose coworker Mathews work duty misunderstanding of a normal conversation about

District court case with judge John Tuchi and child abuser McKay. (Ex. H) February 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, retaliated with 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 McKay that was not resolved by district court and continues in litigation in year 2023 Div. One case No. 1 CA-CV 23-0092.

A claim of harassment is not a legal claim that is permissible for an ex parte protection order that requires a threat of violence to be granted ex parte. Defendant is responsible for not showing a threat on petition filed in Avondale court on May 13, 2019, in violation of A.R.S. § 13- 3624 and AZ Rule 65. The fifth amendment and fourteenth amendment

guarantee right to due process, ex parte motions due to their exclusion of one party (Rynn) violate Rynn right to due process. (ID, 140 170, 175)

A.R.S. § 13- 3624 Emergency Order of Protection. An Emergency Order of Protection is governed by A.R.S. § 13- 3624(C) and may be requested by a ex parte basis only when a person's life or health is in imminent danger.

First Transit ex parte petition filed, ex parte granted Avondale court May 13, 2019, petition does not show a threat to life or violence. A misunderstanding is not harassment. No disclosure of false accusations is a violation of due process.

Judgement of informed is in direct contradiction to Interrogatory No. 10 and No. 11, that Rynn was not informed.

INTERROGATORY NO. 10, *State the number of notices, or letters given or shown to Plaintiff Rynn over incident report of Shayley Mathews.*

First Transit Manager Lynn Mclean RESPONSE:

notices" and "letters" are undefined

it is unclear as to whether "given or shown to" applies to the same document if a copy was given or shown to Plaintiff. Defendant understands this Interrogatory

INTERROGATORY NO. 11, *State the number of notices, or letters given or shown to Shayley Mathews over incident report or investigation of incident report.*

Ms. Mathews submitted the incident report to Defendant, she was clearly aware of the incident report and its contents, it is unclear as to whether "given or shown to" applies to the same document if a copy was given or shown to Plaintiff. Defendant understands this Interrogatory,

Court failed to address discrepancies between declaration (talking) and Avondale court petition

(stalking) proving conversation of talking not stalking,
fraud, First Transit not credible. (ID 171, 175) filed
declaration in District court on summary judgement.

*Declaration: Start a normal conversation. He told me
that him and his wife were going through my web
pages and talking about my pictures together.*

Avondale court ex parte Petition *Date 2/19/19,
When working at my location he said disgusting things
to me, told me him and his wife stalked me on google.*

First Transit declaration describes unlawful ex parte
communication with Avondale court judge Jennings on
May 13, 2019, in violation of due process.

declaration said;

*" I then spoke with the judge who reviewed my
petition and asked me questions The judge issued an
injunction against harassment that same day."*

**Declaration) is not credible, Declaration in
direct contradiction to material evidentiary**

facts, declaration omitted material facts of Mathews
contacting Patrick Camunez and Chris Dalton on May

13, 2019, and Chris Dalton providing Rynn birthdate, home address and Patrick Camunez telling Mathews to contact law enforcement of police department without cause. Declaration is in bad faith causing fraud in final judgement. (ID 171, 172, 175, 177 EX. A, B) (N. Circ. ID 23, SER 1164-1167) Commonwealth v Arias 2017 Mass. App. Lexis 148 (Nov. 9, 2017)

REASONS FOR GRANTING 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. Rynn not told of
coworker Patrick Camunez retaliation order on May
13, 2019, to induce coworker Mathews to contact law
enforcement without cause, blaming Rynn for an
arrival of flowers from a florist that was supposed to
resolve misunderstandings from a normal work duty
communication of Rynn lawsuit against child abuser
Mckay. (N. Circ. ID 23, SER 1231)

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."

Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)
It was held that a pro se complaint requires a less
stringent reading than one drafted by a lawyer per
Justice Black in Conley v. Gibson (see case listed
above, Pro Se Rights Section).

District court, Ninth Circ. judgements tainted by
dishonesty from First Transit. Rynn continues

employment with exemplary employment record, no disciplinary actions on record. First Transit hired Patrick Camunez on March 2019, knowing Camunez has a court record warning for repeated dishonesty and directed Camunez to dishonesty in Avondale court to harm Rynn bringing liability to First Transit. Defendant liable for full extent of injuries stemming from tortious acts of its employees.

Legal action against coworker Camunez.

FILED SEPTEMBER 31, 2015, prior disciplinary offenses, 9.22(b) dishonest or selfish motive, and 9.22(c) pattern of misconduct. lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law. By providing false information regarding his prior disciplinary offenses, Mr. Camunez knowingly violated his duties to the public and his violations caused potential harm to the public. DATED 3rd day of September 2015. William J. O'Neil, Presiding Disciplinary Judge(N. Circ. ID 23, SER 1248-1255)

Avondale court May 13, 2019, ex parte protection order not from communication of Mathews and Rynn but based on coworker Mathews communication to

employer First Transit about Rynn lawsuit against state child abuser Mckay assigned to Judge John Tuchi that was not obtained by Rynn until after Avondale court granted May 13, 2019 and June 3, 2019 ex parte judgements in violation of due process. Court failed to address Plaintiff injuries from constitutional rights violated, false accusations, and age discrimination, from retaliatory and negligent acts of employer. (ID 175 pg. 1-18)(ID 170, 171, 172)

Employers are vicariously liable under the doctrine of "respondeat superior" for negligent acts or omissions by their employees in the course of employment. Violations of Act (ADEA). Title VII Civil Rights Act of 1964.

Proven undisputable fact sexual harassment and age discrimination from employer First Transit (Ninth Circ. ID 23, SER 869)

Employer First Transit Deposition with Rynn:

How old are you Mr Rynn? Ms Mathews

based on our records was either 19 or 20. She was born in 1999 do you think it is appropriate for you to have conversations to her? (SER 869) (Gross v FBL supr. ct. 08-441) Age discrimination is cause in Avondale court action.

Due process violations supported by evidence of Avondale court transcript.

RYNN: *I wasn't told this information.*

Avondale Court Judge Jennings: *You weren't told what information?*

RYNN: *Exactly what this is about.* (SER 602)

Claims must have been subjected to a final judgment correcting errors before dismissal. Plaintiff disputes judgement of evidence from Defendant Memorandum blaming Rynn for actions of employee Mathews.

Defendant violated contractual agreement of Memorandum to not retaliate from Mathews

inappropriate comments talking about her body, weight and looks and Mathews asking Rynn what Rynn thinks of her body, weight and looks and then thanking Rynn for answer. Memorandum

Attachment Your February 27, 2019, document

“She discussed about herself and told me about her weight and body and looks compared to other models. she had two other employees communicating and friends with her online on Facebook. she had naked and nearly naked model pictures posted online on multiple web sites with hundreds of other men communicating with her”.

(Mathews inappropriate sexual naked pictures and comments about her weight, body and looks.) (SER 1138, 1141, 1142)

First Transit negligence failure to train, failure to investigate, newly hiring a known social media employee Mathews in December 2018 that used social media to communicate to multiple employees of First Transit with naked, nude pictures and sexual communication from Mathews to Rynn on work duty in

February 2019 about her looks, body and weight. By preponderance of the evidence the originating facts is non-disclosure of false child abuse and stalking accusations, failure to investigate failure to disclose, negligence from failure of First Transit to tell Mathews that the child abuser is Mckay not Rynn..

First Transit Human Resources threatened to fire employee Mathews for her sexual misconduct in which Mathews learned when Mathews texted Rynn on May 13, 2019. May 13, 2019, Reply to Mathews text, ***"HR, James Davis told me he will fire you."***

First Transit breached their legal duty,

Section 242 of Title 18 makes it a crime for person acting under color of law to willfully deprive a person of a right or privilege.

Rynn is entitled to claims against Defendant depriving Rynn of life and liberty by obtaining a judgement on May 13, 2019, without due process.

Declaration of Mclean of "*informed*" is in direct contradiction to Mclean answers to interrogatory of "*unclear if shown to Plaintiff*" proving fraud Mclean not credible. (SER 912-913, 973)

Rule 56(c)(1)A) (4)(h) makes clear depositions, written questions of interrogatories, transcripts, testimony, can be used as evidence. Declarations with errors and omittance of facts from Defendant is made in bad faith. (Rule 56 (h) after notice and a reasonable time to respond may order the submitting party to pay the other party the reasonable expenses.

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, Rynn 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.

By: 
RICHARD RYNN