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No. 24-

ORIGINAL

In The
Supreme Court of the United States

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SUPREME COURT, U.S.

IN RE WILLIAM A. GRAVEN, PETITIONER

*ON PETITION FOR A WRIT OF MANDAMUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT*

PETITION FOR A WRIT OF MANDAMUS

Synopsis: This matter is quite simple: My District Court Judge considered 2 motions to dismiss by my 11 defendants, who had split themselves into 2 groups, by my different allegations; the Judge issued 2 Orders of dismissal (Attached as A); I appealed; both Orders were argued on Appeal, by both sides (e.g., Attchd as B and C); my Panel ruled on the 1st Order/Group of 10 defendants (Attchd as D) by language that clearly applies to only that 1st Group (current/former State AGO employees), but they have not ruled on the 2nd Order for 1 defendant (a previously State retained civil defense attorney). *Did my Panel miss the 2nd Order? I have asked, 6 times (see Apndx E1-6). They won't respond.*

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iii.

QUESTION(S) PRESENTED

TAKING THE HIGH ROAD: My Appeals Panel of 3 Circuit Judges accidentally missed that the District Court Judge had issued 2 Orders, each on different legal grounds, in ruling for my 11 defendants, who had split themselves into 2 groups, by filing 2 different Motions to Dismiss, to my very different sets of allegations; and my Panel accidentally missed that those 2 Orders were appealed, and argued on Appeal, by both sides; so my Panel *accidentally* issued an Order that only Affirmed Dismissal for the 1st Order/Group of 10 defendants. Noting, my Panel's 2 sentence Order Affirming the 1st Order/Group was by legal reasoning that **does not and can not** apply to the 2nd Order/Group of 1 defendant.

QUESTION: Can an a Appeals Court Panel "*accidentally*" miss/not rule on the 2nd appealed/argued on Appeal Order, and then just ignore that 2nd argued on Appeal Order, even when repeatedly asked about it (*see* Apndx E1-6)?

ALTERNATE QUESTION: Can a Circuit Court Panel refuse to rule on an appealed/argued on Appeal Order, for whatever reason they chose? Without explanation? (*See* why they may now be refusing to rule at REASONS FOR GRANTING THIS PETITION, Section IV, page 11).

PARTIES TO THE PROCEEDING

Petitioner in this Court is William “Will” A. Graven (Plaintiff in District Court, in Phoenix, and Appellant at the Ninth Circuit Court of Appeals).

Primary Respondents in this Court are Ninth Circuit Court of Appeals Judges John C. Wallace; Kenneth K. Lee; and Patrick J. Bumatay; who, by having been my Panel on Appeal, are the parties who appear to have accidentally erred/missed that there were 2 District Court Orders to Dismiss, on Appeal; and that those 2 Orders were argued on Appeal, by both sides; and so in having missed the 2nd Order, they issued an Order Affirming only 1 of 2 Orders (the 1st Order/Group), by legal reasoning that does not apply to the 2nd Order/Group.

Noting, as to who the Respondents may be here, as a whole, I addressed (or at least attempted to address) this matter of my Panel’s error of missing the 2nd Order of Dismissal with the Ninth Circuit as a whole (again, *see* Apndx E1-6), before my Motion for Reconsideration was Denied; and after that Motion was Denied; but before the Mandate was issued; and after the Mandate was issued (so the Appeals Court as a whole has ignored this matter, made obvious by their not ruling on the matter, and ignoring my repeatedly protesting it as being outstanding, *see* Appendices E1-6, with 6 pleadings raising my Panel’s error [Appendices E1-6] [*see* why they may be ignoring 2nd Order/Group at Reasons for Granting this Petition, Section IV]).

v.

STATEMENT OF RELATED PROCEEDINGS

Petitioner's Complaint in District Court, Phoenix Division, is Case No. CV22-00062-PHX-GMS (which *see* as Appendix F).

Petitioner's Appeal at the Ninth Circuit Court of Appeals is Case No. 22-16909 (which *see* my Opening Brief as Appendix G).

Petitioner has filed a Civil Complaint against 5 individuals (on 3-15-24), for errant acts as Federal Judges, which began with the following Defendants: G. Murray Snow; Mary H. Murguia; John C. Wallace; Kenneth K. Lee; and Patrick J. Bumatay. This Complaint is Case No. CV24-00549-PHX-ASB.

TABLE OF CONTENTS

QUESTION(S) PRESENTED.....	iii
PARTIES TO THE PROCEEDING.....	iv
STATEMENT OF RELATED PROCEEDINGS.....	v
TABLE OF AUTHORITIES.....	vi
PETITION FOR A WRIT OF MANDAMUS.....	1
OPINIONS BELOW.....	2
SOMEONE AT THE NINTH CIRCUIT FORGED MY LEAD DEFENDANT FROM AN INDIVIDUAL TO “ATTORNEY GENERAL, ATTORNEY GENERAL”.....	6
JURISDICTION.....	7
RELEVANT CONSITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	7
STATEMENT OF THE CASE FOR THIS PETITION.....	8
REASONS FOR GRANTING THIS PETITION.....	10
I. PETITIONER’S RIGHT TO THE ISSUANCE OF A WRIT IS CLEAR.....	10
II. A PETITION FOR MANDAMUS IS WARRANTED, GIVEN THAT THE COURT OF APPEALS CLEARLY DOCUMENTED ITS “ <i>ERROR</i> ” BY ITS OWN ORDER, AND NOW REFUSES TO RULE.....	10

ii.

III. NO OTHER ADEQUATE MEANS EXISTS FOR
AN ABUSED LITIGANT TO OBTAIN RELIEF (they
have repeatedly ignored my requests Re this matter).....11

IV. WHY MIGHT THE COURT OF APPEALS BE
ADAMANTLY (if not belligerently) REFUSING TO
RULE ON THE 2ND ORDER OF DISMISSAL?.....11

CONCLUSION.....12

APPENDIX.....13

Note 1: I have attached only 6 Appendices (“Exhibits,” to me) to this Petition. But the Appendix below includes many more Exhibits, by electronic reference. It strikes me that this matter is very simple, and so does not require reams of Exhibits/paper: The District Court Judge considered 2 motions to dismiss, by 2 groups of defendants (who had split themselves into 2 groups by my very different allegations); the Judge issued 2 Orders of Dismissal; I appealed; the 2 Orders were argued on Appeal, by both sides (e.g., *see* Attchd, Appendices B and C); my Panel has only ruled on 1 Order/Group (by language that only applies to that 1st Order/Group), and the Court of Appeals is refusing to rule on the 2nd Order/Group (which *see* why they may be refusing at REASONS FOR GRANTING THIS PETITION, Section IV). As the matter on Petition is so clear, if not obvious/even mundane, I have not burdened the Court (or myself) with reams of Exhibits/paper (the District Court’s Orders include 2 Orders of Dismissal [Attchd, Appendix A], the Panel’s Order Affirms 1 Order [Attchd, Appendix D]).

Note 2: The 1st Group of District Court Defendants, then later, Appellees, are 10 current/former employees of the Arizona Attorney General’s Office (which I alleged committed documented criminal acts [documented by AGO records]). The 2nd Group, is a single individual, outside/retained attorney Mark Dangerfield, who was a named Defendant in the present matter for past acts in representing State parties that I had filed various actions against. The 10 Defendants were Dismissed by their favorite fraud on the Court (“*declined to indict*” [which *see*]). Dangerfield was Dismissed in District Court by reasoning contrary to Ninth Circuit Case Law (that as an outside attorney representing State parties who acted under the color of law, he could have no potential liability [the Ninth Circuit has clearly ruled he can]).

TABLE OF AUTHORITIES

All Judicial Acts governing our US Courts;

The Rules of Appellate Procedure;

28U.S.C. § 1651;

The All Writs Act, 28 U.S.C. § 1651(a);

Hollingsworth v. Perry, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004));

Gen. Atomic Co. v. Felter, 436 U.S. 493, 497 (1978) (per curiam) (quoting *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895)).

PETITION FOR MANDAMUS

A.) Primary action/Order being requested: Petitioner respectfully Petitions for a Writ of Mandamus to the Ninth Circuit Court of Appeals directing that Court to appoint a new Panel to rule on the yet outstanding 2nd Order of Dismissal that was Appealed, and argued on Appeal, regarding whether or not the defendant of the 2nd Group/Mark Dangerfield was properly Dismissed in District Court.

B.) Secondary action/Order being requested: It appears my Panel of Judges Wallace, Lee, and Bumatay, in Affirming the District Court's 1st Order/Group, did not read the District Court's Orders, or any Appeal documents, as suggested by their "*accidentally missing*" there were 1st/2nd Orders/Groups in the District Court's Orders, based on different legal grounds, *and* that those 2 Orders were argued on Appeal by the 2 Groups, and me. My allegations against my 11 defendants were very different, so they had split themselves into 2 groups/filed 2 different motions to dismiss. Petitioner requests that the Writ include directing the new Panel to rule on the 2nd Order, *and* that they review my first Panel's clearly instructed-by-others-as-to-how-to-rule/to-what-say-Order Affirming the 1st of the 2 District Court's Orders.

Note 3: It may be worth noting, my Panel Affirmed the 1st Order by an allegation that appears *nowhere* in my Complaint (that I supposedly alleged my Defendants "*declined to indict*" certain parties), which, not coincidentally, was also the District Court's primary reason for Dismissing, although I detailed/argued in multiple pleadings, *ad nauseam*, that the fraudulent allegation of "*declined to indict*" was a fraud ("*declined to indict*" was begun and perpetuated by the Defendants). This was argued, in detail, for instance, in my first Motion for an Accelerated Ruling on Appeal (Denied); A Motion for a Hearing to eradicate this fraud (Denied); a Request for Judicial Notice of this fraud (ignored); Chapter 4 of my Opening Brief (ignored); and in many other pleadings... but, as has been seen, my Panel did not read any Appeal documents.

Note 4: It may also be worth noting, "*Someone*" at the Court of Appeals forged my lead individual Defendant/Appellee, Mark Brnovich, to Attorney General, Attorney General Mark Brnovich (yes, AG twice), in what was an obvious attempt to support Judge Snow's errant gift of Sovereign Immunity to my Defendants as individuals, Immunity which *they never claimed nor argued in support of* (which *see* more about at the top of page 6; and at Appendix I).

OPINIONS BELOW

A-1: In District: The 1st Order/Group of (10) Defendants was Dismissed by:

First, District Court Chief Judge Snow **did not follow** the Rules of Civil Procedure or Case Law for a motion to dismiss (he ignored my allegations, did not review them, nor take anything as factual, none of my allegations, none of my evidence, or see anything in the best/most favorable light, to me), and:

1.) **he ignored** 5 AGO Records **Defendants had forged**, and were using as the basis of their “*defense*” (e.g., *see* Appendix F, throughout, and in my Appeal Opening Brief, Chapter 1a at Appendix G; and *everywhere else*);

2.) **he used** Defendants’ fraud of “**declined to indict:**” I alleged the 10 Defendants had injured me by their documented criminal acts; Defendants claimed I alleged they “*declined to indict*” someone (who had been approved by the just previous Attorney General to be indicted); Judge Snow Dismissed by Defendants’ claim that I alleged they simply “*declined to indict*” someone (*see* Appendices A1-6, page 1, lines 27/28, and page 2, line 1, and *everywhere else*, contrary to my Complaint, Appendix F, and *everywhere else*):

“That theory is that his legal rights were infringed when the office of the Arizona Attorney General (“AGO”) **declined to indict** Snell & Wilmer...”

Note 5: My Panel on Appeal will use my Defendants/Judge Snow’s fraud of “**declined to indict**” to claim that as Defendants merely “*declined to indict*,” which falls within prosecutorial discretion, I had no Standing, which *see* below (thereby ignoring my countless retorts and detail of my not having ever claimed “*declined to indict*,” or anything like it [stated very clearly in my Appeal Opening Brief, Appendix G, Chapter 4]).

3.) by **gifting** my individually named Defendants **State Sovereign Immunity:** Defendants **never** claimed Sovereign Immunity; they **never** argued to support receiving it from Judge Snow; I named my Defendants as individuals under 42 USC Sec 1983; I excluded the State and its Treasury; the Defendants’ SUMMONS were in their personal names; they were Served at their residences; but Judge Snow Dismissed by gifting the Defendants Sovereign Immunity (Defendants/ Appellees **did not even argue to support it** in their Answer Brief, Appendix J).

3.

4.) he claimed I did not give “**any reason (1):**” Judge Snow claimed I did not give “**any reason**” (e.g., Appendix A, page 3 lines 10-11) for the Statutes of Limitation to have been suspended...but **page 1** of my Complaint (Appendix F) begins my effort for that claim by extending this “invitation:”

“Please *see* Factual Allegations for Voiding *Res judicata* and Statutes of Limitation as Sec II.”

My Sec II is 42 pages long with 76 Exhibits and over 300 references to those Exhibits as to why the Statutes of Limitation had been suspended, so this matter was in fact well covered in my Complaint, and repeatedly, elsewhere.

5.) did not give “**any reason (2):**” Judge Snow claimed I did not give “**any reason**” for *Res judicata* (e.g., Appendix A, page 3 line 5) to have been voided...but, as with Statutes of Limitation, my **page 1** “invitation” is 42 pages with 76 Exhibits as to why *Res judicata* had been voided.

A-2: In District: The 2nd Order/Group of (1) Defendant was Dismissed by:

In District Court, District Chief Judge Snow Dismissed the 2nd Group of 1 defendant (1 of my 11 Defendants) by (Appendix A-4, page 3, line 16-20):

“Mr. Dangerfield’s only involvement in this case is that he served as outside counsel for various State defendants in Plaintiff’s previous four cases. Plaintiff **does not explain** how Mr. Dangerfield could be liable under any theory of a **constitutional violation** or a **§ 1983 violation**.”

B-1: In the Court of Appeals: I argued to Reverse the Dismissal of the 1st Order/Group of 10 Defendants by (see my Appeal Opening Brief, Chapters 1a-5 at Appendix G):

It was quite simple, and entirely obvious, how to argue for Reversal of the 10:

- Judge Snow missed/ignored the 5 Forged AGO Records Defendants “defended” themselves with;
- I named individuals as Defendants, not the State;
- I alleged Defendants committed criminal acts...not that they merely “*declined to indict*” someone;
- please *see* my Complaint Sec II with 42 pages with 76 Exhibits and over 300 references to those Exhibits as to why the Statutes of Limitation had been suspended;
- please *see* my Complaint Sec II with 42 pages with 76 Exhibits and over 300 references to those Exhibits as to why *Res judicata* had been voided.

4.

B-2: In the Court of Appeals: The 1st Group of 10 Defendants argued for Affirmation of the 1st Order by (see Chapters I, II, and III, Appendix J):
By repeating Judge Snow's Dismissal; and also ignoring (as Judge Snow had done) their 5 Forged AGO Records; ignoring my Chapter for "*declined to indict*;" and ignoring my Sec II for Statutes of Limitation and *Res judicata*.

C-1: In the Court of Appeals: I argued to Reverse the Dismissal of the 2nd Order/Group of 1 Defendant by (see my Opening Brief, Chapter 6, as Appendix C):

Judge Snow's Dismissing Dangerfield is contrary to Ninth Circuit Case Law:

"The fact that an attorney retained to represent the State or officers/employees is acting under the color of State law, just like an employed/contracted State officer/employee, is no secret, or, that information is readily available to an interested party, in this Court's "Section 1983 Outline."

"Further, it is no secret that a private party who conspired with State officials to deprive others of Constitutional rights or to violate Federal Statutes, establishes that the private party acted under the color of State law."

C-2: In the Court of Appeals: The 2nd Group of 1 Defendant argued for Affirmation by (see Dangerfield argue in his own Chapter IV, Appendix B):
Dangerfield merely repeated what Judge Snow (who is a longtime associate, and fellow active Church Member) had said in his 2nd Order of dismissal.

Dangerfield did not respond to any part of my Opening Brief Chapter 6 (as seen in his Chapter IV of Appellees' Answer Brief, Appendix B, per just above).

D-1: In the Court of Appeals: The 1st Order/Group of (10) Defendants was Affirmed by (see the Panel's Order as Appendix D):

My Panel Affirmed the 10 Defendants/the 1st Order of Dismissal by:

"("[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.").

This is Defendants' and Judge Snow's fraud of "*declined to indict*" presented sanctimoniously as prosecutorial discretion. But I alleged, and provided evidence for, Defendants' criminal acts, not that they "*declined to indict*."

D-2: There is no D-2 as to how my Panel ruled on Dangerfield, as Defendant Dangerfield's Dismissal was not ruled on (Appendix D), although I argued for Reversal, and Dangerfield argued to Affirm (in multiple pleadings as listed throughout [e.g., Appendices B and C, attached]):

At the Appeals Court, my Panel did not Affirm Dangerfield (in their 1 Order Affirming the 1st Group of 10 AGO employees by prosecutorial discretion), as:

Dangerfield is not a State employee; he is not a prosecutor; his name is not in my Panel's Order Affirming Judge Snow's Dismissal of the 10 (*see* this Order attached as Appendix D), nor in the Court's Order Denying my Motion for Reconsideration (Appendix K, the 5th attached Appendix to this Petition); Judge Snow's Order of Dismissal for Dangerfield is not mentioned in the Court's Order Affirming Judge Snow for the 10, nor in the Court's Order denying my Motion for Reconsideration of the 10; and, again, Dangerfield's separate Motion to Dismiss was Granted by Judge Snow (Appendices A-1, A-4, and A-6, which are attached as Appendix A) for legal reasoning different than his reasoning for the 10 (i.e., prosecutorial discretion for the 10 defendants *versus* Dangerfield supposedly having no liability for being an outside/retained civil defense attorney [which is contrary to Ninth Circuit Case Law, which *see* Appendix C, Chapter 6, as attached]).

SOMEONE AT THE NINTH CIRCUIT FORGED MY LEAD DEFENDANT FROM AN INDIVIDUAL TO “ATTORNEY GENERAL, ATTORNEY GENERAL”

I believe it is worth noting, “*Someone*” at the Court of Appeals forged my lead individual Defendant/Appellee, Mark Brnovich, to Attorney General, Attorney General Mark Brnovich (yes, Attorney General, twice), in what was an obvious attempt to support Judge Snow’s errant gift of Sovereign Immunity to my Defendants as individuals (albeit, the Court of Appeals did not rule by Judge Snow’s gift of Sovereign Immunity).

Mark Brnovich is married to Judge Susan Brnovich, in Judge Snow’s District Court, where my Complaint was filed, and dismissed (my Complaint was first assigned to her).

None of the Defendants in District Court ever claimed to be an Officer of the State, nor did they ever claim to have Sovereign Immunity, not in our Meet and Confer, not in their Motions to Dismiss, not in any pleadings (*see* Appendix G, my Opening Brief, Chapters 2 and 3).

The title of “Attorney General” *was not used in District Court*...not once, not by Defendants; not by me; not by the District Court Judge; it does not appear in any pleadings; it does not appear on the Docket; it does not appear in any Court entries; it does not appear in any Court Orders.

None of the Appellees at the Court of Appeals ever claimed to be an Officer of the State, nor did they claim to have or argue for Sovereign Immunity.

The title of “Attorney General” appears at least 15 times at the Court of Appeals, almost all by the Court of Appeal, beginning with the initial set-up of the Docket by the Clerk of Appeals Court’s Office...my Panel even used the title of Attorney General in their Orders, 3 times, for 3 Orders.

See more about this matter at Appendix I, which list 8 times, by 8 pleadings, that I raised this matter with the Court of Appeals...they ignored the matter, they ignored my pleadings (again, they did not rule by Appellee Brnovich being an Officer of the State [perhaps not, because I had raised the issue]).

7.

JURISDICTION

The jurisdiction of this Court is invoked under 28U.S.C. § 1651.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The All Writs Act, 28 U.S.C. § 1651(a), provides: “The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

AS TO TIMELINESS FOR THIS PETITION

The Mandate for my Appeal being Affirmed, post my Motion for Reconsideration En Banc, which was Denied on February 22, 2024 (which *see* as Appendix S, the 5th Appendix attached to this Petition), was issued on March 1, 2024 (which *see* as Appendix T, the 6th Appendix attached to this Petition).

8.

STATEMENT OF THE CASE FOR A PETITION FOR A WRIT OF MANDAMUS

Clearly, something is wrong with my Panel having ruled on only the 1st of 2 Orders of Dismissal that were appealed, and argued on Appeal, by both sides, and their refusing to rule on the 2nd Order (in the face of several pleadings requesting them to do so [see Appendices E1-6]).

There is no ambiguity to there being 2 Orders of Dismissal, and that they were both appealed and argued on Appeal:

1.) my Complaint contains 2 sets of allegations against 11 Defendants, and this clear from the beginning (that Complaint's Defendant header):

“Mark Brnovich, for acts as Attorney General; Michael Bailey for acts as Asst AG and Chief of Staff; Don Conrad for acts as Chief of the Criminal Division; Paul Ahler for acts as Chief Prosecutor and later Criminal Division Chief; Joe Waters for acts as Asst AG; Lisa Rodriguez for acts as Criminal Division Administrator; Mark Perkovich for acts as Chief of Special Investigations; Zora Manjencich for acts as Asst Criminal Division Chief and FSP Section Chief Counsel; John Lopez for acts as Solicitor General; Jennifer Perkins for acts as Asst Solicitor General; John Doe's I through X; and Jane Doe's I through X; all for acts committed as Arizona State officials but for the resulting personal (not State) liabilities; **and attorney Mark Dangerfield for acts in his past representation of the Defendants,**

Defendants.” (Underline and bold underline by Petitioner.)

2.) My Complaint had 5 dedicated Sections of allegations against Defendant Dangerfield (Sections II-H-1 to II-H-5, Appendix F).

3.) Defendants filed 2 separate Motions to Dismiss, for separate legal reasoning (Appendices L and M).

4.) I filed 2 separate Responses to Defendants' 2 Motions to Dismiss (Appendices N and O).

5.) Defendants filed 2 separate Replies with separate legal reasoning to my 2 separate Responses to their 2 Motions to Dismiss (Appendices P and Q).

9.

6.) the District Court Judge listed 2 Motions for Dismissal in his Order (Appendix A-1).

7.) the District Court Judge considered 2 sets of legal reasoning for Defendants' 2 Motions to Dismiss (Appendices A-3 and A-4).

8.) the District Court Judge listed 2 Orders for Dismissal in his Order (Appendices A-5 and A-6).

9.) On Appeal, I filed separate arguments/Chapters to Defendants' 2 Motions to Dismiss and the District Court's 2 Orders (Appendix G, *see* Dangerfield's Dismissal argued exclusively in Chapter 6, which *see* as Appendix C).

10.) On Appeal, Defendants/Appellees filed separate arguments/Chapters to support the District Court's 2 Orders for Dismissal (Appendices A-3 and A-4, *see* Dangerfield argue for Affirming his Dismissal exclusively in Chapter IV, A-4).

11.) On Appeal, I filed separate Replies (Appendix R) to Defendants/Appellees' separate arguments in their Answer Brief.

12.) On Appeal, the Panel Affirmed the 10 AGO Defendants/Appellees by prosecutorial discretion (based on Defendants' fraud, and the District Court's use of that fraud, "*declined to indict*") (Appendix D).

The Panel did not mention 2 Orders of Dismissal; did not include Dangerfield by reference to his Dismissal; his name; and as their Affirming the 10 AGO employees was by prosecutorial discretion, their Order **could not have** included Dangerfield as:

Dangerfield is not a State employee; he is not a prosecutor; his name is not mentioned in my Panel's Order Affirming Judge Snow's Dismissal of the 10, nor in their Order Denying my Motion for Reconsideration; the District Court's Order of Dismissal for Dangerfield is not mentioned in the Appeals Court's Order Affirming the District Court, nor in their Order denying my Motion for Reconsideration; and, again, Dangerfield's separate Motion to Dismiss was Granted by the District Court for legal reasoning different than its reasoning for the 10 (i.e., prosecutorial discretion for the 10 defendants *versus* Dangerfield supposedly having no liability for being an outside attorney).

REASONS FOR GRANTING THIS PETITION

The Court may “issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a).

A Petition for a Writ of Mandamus is warranted where “(1) no other adequate means exist to attain the relief [the party] desires, (2) the party’s right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances.” *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004)) (internal quotation marks and alterations omitted).

Exceptional circumstances exist here, as the Appeals Court has been caught being suspect, issuing but 1 Order, when 2 were appeals/argued on Appeal.

I. PETITIONERS’ RIGHT TO ISSUANCE OF A WRIT IS CLEAR

Petitioner is entitled to a writ directing the Ninth Circuit to appoint a new Panel to consider and rule on the 2nd and yet outstanding Order of Dismissal; and have that new Panel review the 1st Order Affirming the 10.

II. A PETITION FOR A WRIT OF MANDAMUS IS WARRANTED, GIVEN THAT THE COURT OF APPEALS CLEARLY DOCUMENTED ITS “ERROR” BY ITS OWN ORDER, AND NOW REFUSE TO RULE

Because the Court of Appeals is acting in a suspicious manner, evading its obvious duties, a Petition for a Writ of Mandamus from this Court is the appropriate vehicle to rectify the error. *See, e.g., Ex parte Republic of Peru*, 318 U.S. 578, 583 (1943); *Fossatt*, 62 U.S. at 446.

This Court’s intervention is particularly necessary because the Appeals Court appears to be protecting itself.

III. NO OTHER ADEQUATE MEANS EXISTS FOR AN ABUSED LITIGANT TO OBTAIN RELIEF

The Appeals Court appears to be protecting itself, and Judges Murguia, Snow, Wallace, Lee and Bumatay.

There is no other way for me to fight their belligerence than by an Order from this respected United States Supreme Court.

IV. WHY IS THE COURT OF APPEALS ADAMANTLY (if not belligerently) RESISTING RULING ON THE 2ND ORDER OF DISMISSAL?

If the Appeals Court were to now rule on the 2nd Order of Dismissal, they would be admitting, by default, if you will, that my Panel did not read the District Court's Orders Dismissing my Complaint; and they would be admitting they did not read any Appeals documents, which included arguments/pleadings for both Orders (thereby admitting my Panel took instructions from someone else, errantly voiding the Appeals Process).

Which is why they will not rule, without a Writ of Mandamus.

CONCLUSION

For the foregoing reasons, the Court must approve my Petition for a Writ of Mandamus directing the Court of Appeals to:

A.) appoint a new Panel to rule on the appealed and argued but yet outstanding 2nd Order of Dismissal for the 2nd Group of 1 Defendant; and

B.) have that new Panel review the first Panel's suspect 1st Order Affirming the 1st Group of 10 Defendants: ***If the first Panel did not know there were 2 Groups of Defendants by 2 Orders of Dismissal, that had been Appealed and Argued On-Appeal, by both Appellant and Appellees, they had not read any documentation to independently and honestly Affirm the 1st Order/Group by.***

Again, this matter is very simple: My District Court Judge considered 2 motions to dismiss for defendants who had split themselves into 2 Groups; he then issued 2 Orders of Dismissal; both Orders were appealed and argued On-Appeal, by both sides; my Panel ruled on the 1st Order (by language that applies to that 1st Order/Group of State AGO employees [By: prosecutorial discretion]), but have not ruled on the 2nd Order (Re: an outside civil defense attorney's potential liability for representing State parties in a civil lawsuit).

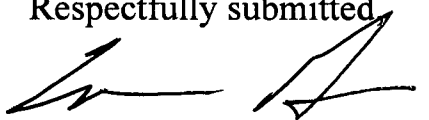
What could be more basic for any Panel, more obvious, than reading the District Court's Orders; and reading the Appeal documentation, and issuing Appeal Orders that match the District Court's Orders, and Orders argued?!

But now, the first Panel cannot rule on the 2nd Order as it would make clear: My Panel did not read any documentation to rule by (they simply took instructions from someone) (which is why they have ignored my repeatedly raising this matter).

And which, again, is why they will not rule without a Writ of Mandamus.

And without my Petition for Mandamus being granted, Courts of Appeals may think they can rule or not rule on appealed and argued Orders, as it suits them.

Respectfully submitted



William "Will" A. Graven

APPENDIX

Appendix A-1: See the District Court Judge's Order to Dismiss (attached), as he considers 2 Motions to Dismiss; DC Dkt No 91, CV-22-00062-PHX-GMS, page 1, lines 15-16;

Appendix A-2: See the District Court Judge's Order to Dismiss regarding "*declined to indict*" the 10 Defendants; DC Dkt No 91, CV-22-00062-PHX-GMS, page 1, lines 27-28, and page 2, line 1;

Appendix A-3: See the District Court Judge's Order consider the 10 Defendants' Motion to Dismiss; DC Dkt No 91, CV-22-00062-PHX-GMS, see the entire Order except for the lines listed below in the Appendix D for the District Court Judge's considering to Dismiss the 1 Defendant's Motion to Dismiss;

Appendix A-4: See the District Court Judge's Order to consider the 1 Defendant's Motion to Dismiss; DC Dkt No 91, CV-22-00062-PHX-GMS, page 3, line 16 -28 and page 4 lines 1-2;

Appendix A-5: See the District Court Judge's Order Granting the 10 Defendants' Motion to Dismiss; DC Dkt No 91, CV-22-00062-PHX-GMS, page 6, line 24 -25;

Appendix A-6: See the District Court Judge's Order Granting the 1 Defendant's Motion to Dismiss; DC Dkt No 91, CV-22-00062-PHX-GMS, page 6, line 27-28;

Appendix B: See Appellant Argue Reversal of the 2nd Order/Group (attached), Opening Brief, CoA Case No 22-16909, Dkt No 16, Chapter 6;

Appendix C: See Appellee Dangerfield Argue for Affirming his/the 2nd Order/Group (attached), Appellees' Answer Brief, CoA Case No 22-16909, Dkt No 29, Chapter IV;

Appendix D: See the Court of Appeals 2 sentence Order Affirm only 1 of 2 Orders of Dismissal (attached),, by language specific to the 1st Group of 10 Defendants, AGO employees, CoA Case No 22-16909, Dkt No 65;

Note 6: The above references are to 4 Appendices (“Exhibits,” to me) that are attached to this Petition. The below Appendices are electronic references. It strikes me that this matter is very simple: Judge Snow issued 2 Orders, my Panel ruled on 1, so I have not burdened the Court (or myself) with reams of Exhibits/paper, but I do include the below electronic Appendices, should the Court need such.

Appendix E: Appellant Repeatedly Seeks to Bring the Appeals Court’s Attention to their Having Only Affirmed the 1st Order/Group of 2 Orders of Dismissal (post initially Affirming, Dkt No 65, and before and after they Denied my Motion for Reconsideration En Banc, Dkt No 91):

- 1.) my Correspondence to the Court: Does this Court realize Re Defendant/Appellee Dangerfield Dismissal is yet outstanding? CoA Case No 22-16909, CoA Dkt No 85;
- 2.) my Motion for Summary Reversal of Defendant/Appellee Dangerfield’s yet outstanding Order of Dismissal, CoA Case No 22-16909, Dkt No 86;
- 3.) my Correspondence to the Court: The longer the Court takes.. CoA Case No 16909, Dkt No 88;
- 4.) my Correspondence to the Court: When will the Court rule on Dangerfield’s yet outstanding Dismissal, CoA Case No 16909, Dkt No 92;
- 5.) my Correspondence with Chief Judge Murguia regarding Defendant/Appellee Dangerfield’s yet outstanding Dismissal, CoA No 16909, Dkt No 93;

6.) my Correspondence with Chief Judge Murguia regarding the Court's Mandate (which *see* below as Appendix S) for 1st Order/ Group Dismissal has been Received...What about Dismissal the 2nd Order/Group for Dangerfield? CoA Case No 16909, Dkt No 95;

Appendix F: Petitioner's Complaint in District Court, CV-22-00062-PHX-GMS;

Appendix G: Appellant Argues both Orders of Dismissal, Opening Brief, CoA Case No 22-16909, Dkt No 16, Chapters 1a-5; and Ch 6;

Appendix H: Appellant filed a Civil Lawsuit in the District of Arizona, Phoenix Division, on 3-15-24, against 5 individuals who as errant Judges manipulated my District Court Case, and then my Appeal, Case No. CV24-00549-PHX-ASB;

Appendix I: As to the matter of "Someone" in the Clerk of Appeals Court's Office having forged my individual Defendant Mark Brnovich to Attorney General, Attorney General Brnovich, CoA Case No 22-16909, Dkt No's 23, 47, 48, 49, 52, 53, 54, and 84;

Appendix J: *See* the lack of detail to Appellees' arguments to support their Orders of Dismissal, Appellees' Answer Brief, CoA Case No 22-16909, Dkt No 29, Ch IV;

Appendix K: *See* my Panel's Order (attached) Denying my Motion for Reconsideration En Banc, with no reference to the 2nd Order/Group of 1 Defendant, Dangerfield, CoA Case No 22-16909, Dkt No 91 (*see* this Order attached as the 5th Appendix);

Appendix L: The 1st Group of 10 Defendants' Motion to Dismiss; CV-22-00062-PHX-GMS, DC Dkt No 33;

Appendix M: The 2nd Group of 1 Defendant's Motion to Dismiss; CV-22-00062-PHX-GMS, DC Dkt No 34;

Appendix N: Plaintiff's Response to the 1st Group of 10 Defendants' Motion to Dismiss, CV-22-00062-PHX-GMS, DC Dkt No 56;

Appendix O: Plaintiff's Response to the 2nd Group of 1 Defendant's Motion to Dismiss, CV-22-00062-PHX-GMS, DC Dkt No 57;

Appendix P: The 1st Group of 10 Defendants' Reply to Plaintiff's Response to 10 Defendants' Motion to Dismiss, CV-22-00062-PHX-GMS, DC Dkt No 62;

Appendix Q: The 2nd Group of 1 Defendant's Reply to Plaintiff's Response to 1 Defendant's Motion to Dismiss, CV-22-00062-PHX-GMS, DC Dkt No 63;

Appendix R: Appellant's Reply Brief to 2 Groups of Appellees' Arguments to the 2 Orders of Dismissal, Reply Brief, Chapters I-III; and Ch IV; CoA Case No 22-16909, Dkt No 42;

Appendix S: The Court of Appeals issues its Mandate (attached), without Acknowledging or Ruling on the 2nd Order of Dismissal or the Appellant's having repeatedly raised the issue of the Yet Outstanding 2nd Motion to Dismiss, CoA Case No 16909, Dkt No 94 (*see* the Mandate attached as the 6th Appendix).