No. 24-_____

In The

Supreme Court of the United States

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

Appendix A

No. 24-_____

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Appendix B

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Appendix C

No. 24-_____

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Appendix D

No. 24-_____

In The

Supreme Court of the United States

IN RE WILLIAM A. GRAVEN, PETITIONER

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

PETITION FOR A WRIT OF CERTIORARI

Appendix A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

William A. Graven, Plaintiff, v. Mark Brnovich, et al., Defendants.	No. CV-22-00062-PHX-GMS **ORDER**

Before the Court are State Defendants' Motion to Dismiss (Doc. 33), Mark Dangerfield's Motion to Dismiss (Doc. 34); Plaintiff's Motion to Change Venue (Doc. 36); Plaintiff's Motion to Strike (Doc. 38), Plaintiff's Motion for Hearing or Conference (Doc. 43); Defendant's Motion to Deem Plaintiff a Vexatious Litigant (Doc. 77); Plaintiff's Second Motion for Permission to Lodge a Motion (Doc. 85); Plaintiff's Motion for Judgment on the Pleadings (Doc. 87); and Plaintiff's Third Motion to Change Venue (Doc. 89). For the reasons stated below, and which have been repeatedly stated to the Defendant, the motions to dismiss (Docs. 33 , 34) are granted, and all of Plaintiff's remaining motions are denied as moot. Defendant's Motion to Deem Plaintiff a Vexatious Litigant (Doc. 77) is granted.

I. Motions to Dismiss

State Defendants move to dismiss Plaintiff's Complaint because this is now the fifth lawsuit in which Plaintiff seeks to pursue the same legal theory. That theory is that his legal rights were infringed when the office of the Arizona Attorney General ("AGO")

declined to indict Snell & Wilmer back in 2015 for what Graven believes to be complicity in the failure of a former business in which he had an interest—ABS Enterprises ("ABS"). It is the third lawsuit in which he claims that Attorney General Brnovich is involved in a conspiracy to prevent those who work in his office from receiving process, as a means to make these same claims related to the AGOs determination not to prosecute Snell & Wilmer.

Plaintiff, to date, has filed five lawsuits pursuing this theory—four in federal court and one in state court. The cases are: (1) April 27, 2016: District of Arizona Case No. CV-16-01249-PHX-GMS; (2) May 30, 2018: Maricopa County Superior Court Case No. CV2018-007856; (3) June 28, 2019: District of Arizona Case No. CV-19-04586-PHX-SPL; (4) August 11, 2021: District of Arizona Case No. CV-21-01391-PHX-MTM; and (5), this case, January 12, 2022: District of Arizona Case No. CV-22-00062-PHX-GMS.

The courts in all four earlier cases—including this Court in one of the cases—dismissed all of Plaintiff's claims. Magistrate Judge Michael T. Morrissey's Order dismissing Plaintiff's claim in CV-21-01391-PHX-MTM (Doc. 23), the claim immediately preceding this one, provides a description of the four suits, and the basis for dismissal as to each. Each of the suits was dismissed on at least one of the following grounds: sovereign immunity, the absence of a federal right to have third parties criminally prosecuted by state officials, statute of limitations, and res judicata or claim preclusion.

Plaintiff appealed the three federal dismissals to the Ninth Circuit. Each time the Ninth Circuit affirmed the dismissal. Plaintiff has already filed an interlocutory appeal in this action which has been dismissed for lack of jurisdiction.

This suit against the State Defendants is fundamentally the same as Plaintiff's previous suits. The only difference is that Plaintiff adds five additional claims for RICO violations, obstruction of justice, fraudulent concealment, and fraud on the Court. These new claims do not change the outcome of this case. As each of the above courts have repeatedly explained to Plaintiff, his constitutional claims against the state are barred by

the Eleventh Amendment, the relevant statutes of limitations, and res judicata. *See Graven v. Unknown Parties*, No. CV-21-01391, 2021 WL 4247924, at *4-5 (D. Ariz. Sept. 17, 2021).

The new claims, at a minimum, are barred by the Eleventh Amendment, statute of limitations, lack of standing, and res judicata. Plaintiff has not presented any new evidence that asserts the State has waived sovereign immunity as to any of the claims. Additionally, the claims are time-barred. He had two years to file suit for constitutional or personal injury claims. *Madden-Tyler v. Maricopa County*, 189 Ariz. 62 (Ct. App. 1997); A.R.S. § 12-542. He had four years to sue under RICO. *Rotella v. Wood*, 528 U.S. 549, 555 (2000). Since the events giving rise to this action occurred in 2015 or 2016, and he does not offer any reason why the statute of limitations was tolled, his claims are time-barred. Further, Plaintiff continues to lack standing to bring a suit based on a State's decision not to prosecute or indict. Plaintiff does not demonstrate an injury in fact caused by the State Defendants; although he claims over $628 million in compensatory damages, he does not demonstrate how any of the State's actions or omissions caused such damages to him.

Plaintiff's claims against Defendant Mark Dangerfield are similarly barred. 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. As to the other claims, Plaintiff does not offer any reason why the statute of limitations has not run. Defendant first alleged that Dangerfield committed "frauds" in September 2017, which is over four years before he filed the instant lawsuit. This is outside any applicable statute of limitations for the claims at issue. Finally, Plaintiff does not demonstrate how Mr. Dangerfield's actions in successfully representing his clients against the Plaintiff creates an injury in fact that this Court can redress. It appears that Plaintiff believes Mr. Dangerfield mischaracterized Plaintiff's arguments or repeated arguments in subsequent cases. (Doc. 1 at 46-47.) Even assuming these statements were true, they do not give rise to the types of claims that Plaintiff has raised here—constitutional claims,

RICO violations, obstruction of justice, or fraud. As such, Plaintiff has failed to state a claim against Mr. Dangerfield.

Because Plaintiff's Complaint is dismissed, Plaintiff's Motion to Change Venue (Doc. 36), Motion to Strike (Doc. 38), Motion for Hearing or Conference (Doc. 43), Second Motion for Permission to Lodge a Motion (Doc. 85) Motion for Judgment on the Pleadings (Doc. 87), and Third Motion for Change of Venue (Doc. 89) are thus denied as moot.

II. Motion to Deem Plaintiff a Vexatious Litigant

The Defendants in this case further move, however, to have Plaintiff deemed a vexatious litigant. "Flagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *Delong v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir.); *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057-1058 (9th Cir. 2007). To prevent such abuses, the Court may enter a pre-filing review order requiring a vexatious litigant to submit complaints for review prior to filing, but such orders should be entered rarely. *DeLong*, 912 F.2d at 1147.

Before such an order can be entered against a party, (1) the party must be given adequate notice and an opportunity to oppose entry of the order; (2) the Court must develop an adequate record for review by listing the case filings that support its order; (3) the Court must make substantive findings as to the frivolousness or harassing nature of the plaintiff's filings; and (4) the order must be narrowly tailored to remedy only the specific litigation abuses supported by the record. *See, DeLong*, 912 F.2d at 1147-48.

Defendants' motion in this case provided Plaintiff with notice and the opportunity to oppose entry of the order. The Plaintiff, in fact, did respond to the motion. A hearing is not required. *See Evergreen*, 500 F.3d at 1058-59) (citing *Pac. Harbor Cap, Inc. v. Carnival Air lines, Inc.* 210 F.3d 1112, 1118 (9th Cir. 2000) (finding that an opportunity to be heard only requires the opportunity to brief the issue fully).

In the Defendants' motion, they set forth not only the five suits above related to Plaintiff's repeated suits against the AGO and its employees or former employees, but also

the administrative orders from the Arizona Superior Court in which Plaintiff, to avoid being designated as a vexatious litigant, agreed to file no more suits against ABS employees in connection with its failure. (Doc. 77 Ex. 5.) The motion also established that Plaintiff had previously sued Snell & Wilmer, three of its attorneys, and several of his executive employees at ABS over the failure of ABS. He lost these suits at every judicial level up to and including the denial of his Petition for Certiorari to the United States Supreme Court. Plaintiff filed a special action with the Arizona Supreme Court in 2016 in which he asked that Court to compel the Attorney General to present a case against Snell & Wilmer to a grand jury. That request was declined.

The Defendants further demonstrated that pending the Ninth Circuit appeal from this Court's previous dismissal of a previous iteration of this same suit, Plaintiff filed another special action with the Arizona Supreme Court. In this special action Plaintiff asserted the wrongful conduct of the AGO in dismissing any charges against Snell & Wilmer in connection with the ABS business failure. That Special Action was also dismissed.

In detailing the previous four actions that have been dismissed, the Defendants further set forth the multiple, meritless, harassing, and vexatious motions he raised in each, and point out that Plaintiff has been deemed a vexatious litigant in California and has filed other meritless lawsuits through the last two decades. (Doc. 77 at 3.)

Plaintiff alleges in response that the Defendants committed fraud by mischaracterizing his claims, and that the respective courts were misled by the Defendants' lies so that the judgment against him must be considered fraudulent. (Doc. 78.)

The Court has reviewed all of the previous claims and the reasons for dismissal as to each. Plaintiff's arguments lack any merit, whatsoever. Plaintiff's response only confirms that his repeated litigation is intended to be, and is, vexatious and harassing. Plaintiff continually files the same suit over and over. Despite multiple courts dismissing his arguments on multiple grounds, he does not narrow, tailor, nor address the Courts' rulings in his new claims. Instead, he increases his number of claims, defendants, and filings. .

Both the amount of filings and their meritless contents discussed above underscore the frivolous and harassing nature of the Plaintiff's cases.

In addition to the lack of merit of the suits, and their repeated dismissals, the harassing nature of Plaintiff's filings is typified by his filings in this case, which repeatedly make disparaging statements about the Defendants' alleged "boldface lies," "frauds on the court," and "corrupt and criminal acts." In Plaintiff's response to the State Defendants' Motion to Dismiss, for example (Doc. 56), Plaintiff accuses Defendants of either "lies" (often "boldface lies") or "frauds on the courts" at least twenty times, and accuses Defendants of alleged "corrupt and criminal acts" or "corrupt/criminal acts" at least a dozen times. Plaintiff also uses his filings to make generalized critiques against attorneys, stating "I have never found a more dishonest bunch than litigation attorneys." (Doc. 1 at 43.) Plaintiff's filings not only waste "judicial time that properly could be used to consider the meritorious claims of other litigants," *De Long*, 912 F.2d at 1149, but also forces Defendants to incur needless time and expense defending against Plaintiff's groundless suits.

The Court therefore will impose the narrow relief required to balance the Movants' right not to be subject to further harassment, with the need to not overly infringe Plaintiff's resort to the Court. The Court orders that prior to filing any suit in federal court that alleges the action or omissions of a Defendant relating to Snell & Wilmer (or its individual attorneys) Plaintiff must obtain the approval of this Court by written order filed in the court docket to do so.

CONCLUSION

Accordingly,

IT IS THEREFORE ORDERED that State Defendants' Motion to Dismiss (Doc. 33) is **GRANTED.**

IT IS FURTHER ORDERED that Defendant Mark Dangerfield's Motion to Dismiss (Doc. 34) is **GRANTED**.

IT IS FURTHER ORDERD that Plaintiff's Motion for a Change of Venue or to

Bring in a Visiting Judge From New Mexico (Doc. 36); Plaintiff's Motion to Strike (Doc. 38); Motion for Hearing or Conference to Settle Key Dispute (Doc. 43); Motion for Permission to Lodge a Motion for a Judgment on the Pleadings (Doc. 85); Motion for Judgment on the Pleadings (Doc. 87); and Third Motion for Change of Venue (Doc. 89) are **DENIED** as moot.

IT IS FURTHER ORDERED that State Defendants' Motion to Deem Plaintiff a Vexatious Litigant (Doc. 77) is **GRANTED** and the Court will enter a vexatious litigant injunction against Plaintiff as set forth below.

IT IS FURTHER ORDERED that if Plaintiff seeks to file any new Complaint that relates to the named Defendants in this lawsuit, or any person or entities currently or previously employed by or affiliated with Defendants that allege damage from a Defendant's actions or omissions relating to Snell & Wilmer (or its individual attorneys), or relating to Plaintiff's prior involvement with ABS, Plaintiff must first file a Motion for Leave to File which contains:

(1) In the **FIRST** sentence a request for leave to file;

(2) In the **SECOND** sentence a certification that the claims Plaintiff wishes to present are new claims not previously raised against the Defendants and dismissed, and thus barred by res judicata; and

(3) In the **THIRD** sentence a short, plain statement of the harm Plaintiff has suffered and by whom such harm was inflicted.

(4) Plaintiff must attach this Order and a copy of the proposed filing to the Motion for Leave.

IT IS FURTHER ORDERED directing the Clerk of Court to enter judgment accordingly and close this case.

Dated this 7th day of December, 2022.

G. Murray Snow
Chief United States District Judge

No. 24-_____

In The

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PETITION FOR A WRIT OF CERTIORARI

Appendix B

Appeal No. **22-16909**

Appeal Filed: 12-13-22

Opening Brief originally due 2-13-23; then by my Motions, 3-31-23.

UNITED STATES COURT OF APPEALS
for the
Ninth Circuit Court of Appeals

Will Graven,
Plaintiff/Appellant,
v.
Mark Brnovich, et al,
Defendants/Appellees.

Appeal from United States District Court
for the
District of Arizona, Phoenix Division
Case 2:22-cv-00062-GMS (Hon. Chf. Judge G. Murray Snow)

PLAINTIFF/APPELLANT'S OPENING BRIEF

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Chapter 6

JUDGE SNOW COMMITED FRAUD AND FORGERY TO DISMISS DEFENDANT DANGERFIELD, WHO IS A FRIEND/ASSOCIATE/FELLOW CHURCH MEMEBER

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."

But yet, Judge Snow chose to cover for/save/dismiss Defendants Dangerfield, a friend/ associate/fellow Church member of Judge Snow's, and so he committed fraud and forgery by ruling (Ordr, **Ex 22**, pg 6 lns 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**." (Bold underline by Appellant.)

Dangerfield is a Defendant through his having been retained multiple times during the past 7 years to represent various State related defendants, who acted under the color of law in these matters (beginning in Judge Snow's own Court, 7 years ago on 4/26/16). *See But cf. Gonzalez v. Spencer*, 336 F.3d 832, 834 (9th Cir. 2003) (*per curiam*) (explaining that a private attorney who is retained to represent State entities and their employees in litigation acts under color of State law because his or her role is "analogous to that of a State prosecutor rather than a public defender" [citing *Polk County*, 454 U.S. at 323 n.13]).

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. *See Tower v. Glover*, 467 US 914, 920 (1984); *Dennis v. Sparks*, 449 US. 24, 27-28 (1980); *Crowe v. County of San Diego*, 608 F3d 440 (9th Cir. 2010); *Franklin v. Fox*, 312 F3d 423, 441 (9th Cir 2002); *DeGrassi v. City of Glendora*, 406, 207 F3d 636,647 (9th Cir. 2000); *George v. Pacific-CSC Work Furlough*, 91 F3d 1227, 1231 (9th Cir 1996) (per curiam); *Kimes v. Stone*, 84 F3d 1121, 1126 (9th Cir. 1996); *Howerton v. Gabica*, 708 F2d 380, 383 (9th Cir. 1983).

Judge Snow dismissing Dangerfield by saying that Dangerfield's "**only involvement** in this case **is that he served as outside counsel**" is like saying Dangerfield's only involvement in a bank robbery is that he (Dangerfield) **simply drove the getaway car** (i.e., Dangerfield wasn't the one who shot the teller).

Judge Snow lied/committed fraud on me as an In Pro Se in dismissing Dangerfield, as he (Judge Snow) did not think I would know/find this information.

Judge Snow further covers/lies for his friend Dangerfield, saying (Ordr, **Ex 22**, pg 3 lns 23-27):

"Finally, Plaintiff does not demonstrate how Mr. Dangerfield's actions in successfully representing his clients against the Plaintiff creates an injury in fact that this Court can redress. It appears that Plaintiff believes Mr. Dangerfield mischaracterized Plaintiff's arguments or repeated arguments in subsequent cases. (Doc. 1 at 46-47.)"

So, here are Par's 46-47:

"46. Brnovich and Co-Defendants' initial handling of "exonerating" the Snell Parties was done poorly, which left many lose-ends, which needed to be cleaned-up...***which led to the axon of the cover-up often becoming worse than the act the cover-up was meant to cover***...which led to at least the 10 of the 11 named Defendants here committing various corrupt and criminal acts to exonerate the Snell Parties, ***and*** criminal acts to cover their own criminal tracks from having "exonerated" the Snell Parties (*see* "Supporting Acts" as **Sec II-I** Par's 407-409).

47. Another example of Defendants' mishandling the "exonerating" of the Snell Parties, in addition to Ahler's documented participation (**Ex 13** and **Sec IIC-1b**; and **Ex's** 25-31), was ending/closing the Snell Case (**Ex 15**), ***while having Dubree's Plea in hand*** (**Ex 10**), including her agreement to testify against Snell/Esposito, ***and while having charged Esposito for Conspiring to Commit Fraud Schemes with Snell*** (**Ex 14** pgs 2/3 Ref 's1/2). ***So, guess what: Dubree's guilty plea and Esposito's indictment will be dismissed*** (as Defendants were completing exonerating the Snell Parties/covering their own tracks) (*see* detail for Ending/Closing the Snell Case **Sec IIC-1f**)."

Yes, Dangerfield is in there, but it is not obvious to most readers...these 2 paragraphs are "*shinny objects.*"

Judge Snow used shinny objects, these 2 Par's with no obvious Dangerfield connection, to distract us from:

"144. Obviously, ending/closing the Snell Case was not based on Defendants' allegedly justifiable "decision to decline" charging the Snell Parties (as Defendants Lopez, Dangerfield, and others will later claim)... it was based on Snell's power and influence and Brnovich's need to exonerate the Snell Parties, and clean up any tell-tale evidence that there had ever been any real suspicion of the Snell Parties, *or that Defendants had exonerated the Snell Parties.*"

"**Note 9:** These will be favorite frauds of Defendant attorney Dangerfield in future defenses against my Complaints."

"268. With this first fraudulent victory in the Arizona Supreme Court, by these very powerful and persuasive frauds, Defendants, including attorney Mark Dangerfield, will repeatedly use this fraudulent "success" and Frauds on the Court in defending themselves in my following Complaints against them (**Sec's IID-H**)."

"285. I tried Effective Service for Bailey, Conrad, Ahler and Waters, which the State fought, and was denied as moot as my Complaint was dismissed due to the 11th Amendment, and also, for failure to state a claim, as Defendant Dangerfield characterized my Complaint by Lopez's Response: I was disappointed the State failed to charge someone I felt/believed/wanted charged...and that characterization stuck."

"294. Defendants, particularly Dangerfield, as he drafted their motion to dismiss, abused the respected AGO, used his/their cleverness, and by the above bullets, bastardized our Justice System (my Complaint was dismissed)."

"300. Defendant Dangerfield lied to Judge Snow using for the first time what later became his "Two Forms Fraud" (Ex 60 Lns 7-28) (*see* a detailed explanation of this Two Forms Fraud in Sec II-H-4), claiming that charging Esposito in the Case Charging Approval Form that Ahler had signed (one of my new pieces of evidence) had nothing to do with the Snell & Wilmer Criminal Investigation (Ex 60 pg lns 19/20)."

"306. Having obtained even more, and very powerful evidence, and in light of my Complaint having been dismissed in Judge Snow's Court for the 11th Amendment (which I really understood very little about [which I will prove, more than once]), I went to Arizona State Court and filed a new Complaint (**Ex 63**, CV2018-007856) (my Complaint was assigned a Judge who came from the defendants' attorney's [Dangerfield's] law firm)."

"315. Attorney Dangerfield, as the then defendants' counsel, was also visibly shaken by the evidence."

"Note 10: The records I had obtained and presented in that Hearing, which documented criminal acts by those parties, were records that Dangerfield had long had access to."

"316. Following that Hearing, I wrote Dangerfield asking when he would be reporting defendants acts (**Ex 65**)."

"317. Dangerfield refused to take action, including remedial action for his past representations (I will ask again 1 year later, but still no action [**Ex 66**])."

Par 321:

"F. Dangerfield formalized his "Two Forms Fraud" here (*see* **Sec II-H-4**), claiming the Snell Case investigation started a year later that it did, so reversing the meaning of certain Forms as different than what I claimed;

G. Dangerfield claimed Defendants dismissing admitted/convicted criminals was proof that nothing bad had ever happened to me (**Ex 70**, Sec B; *see* Supporting Acts **Sec II-I** Par's 407-409 bullets 6-9 and 19-23)."

"327. Defendants, particularly Defendant Dangerfield as he drafted their Motion to Dismiss, based upon the respected AGO, their cleverness, and by the above bullets, including concealment, bastardized our Justice System."

"343. Defendants, particularly Dangerfield as he drafted their Motion to Dismiss, based upon the respected AGO, their cleverness, and by the above bullets, including concealment, bastardized our Justice System... my Complaint was dismissed by the 11th Amendment and Judge Logan repeating Dangerfield's frauds, such as failure to charge..."

"355. My Complaint was dismissed, including, by Judge Morrissey citing my years earlier civil Complaint against Snell, and the issue of my standing (Snell's rewriting of my Standing is one of the crimes they were approved to be charged for...as well as having lied in that civil Court). Judge Morrissey was deceived by Dangerfield's frauds."

And then starting at page 42, ending on pg 47, there are 5 Sec's dedicated to how Dangerfield injured me:

"**II-H-1. FACTUAL ALLEGATIONS FOR WHAT DEFENDANTS' THEN ATTORNEY DANGERFIELD (NOW DEFENDANT) KNEW, AND MORE, BUT REFUSED TO ADMIT AND REPORT**"

"**II-H-2. FACTUAL ALLEGATIONS FOR DEFENDANT DANGERFIELD HAVING HID HIS CLIENT'S CRIMINAL ACTS, REFUSING TO REPORT THEM**"

"**II-H-3. FACTUAL ALLEGATIONS FOR SOME OF DEFENDANT DANGERFIELD'S FAVORITE FRAUDS**"

"**II-H-4. FACTUAL ALLEGATIONS FOR ONE MORE OF DANGERFIELD'S FAVORITE FRAUDS: "THE TWO FORMS FRAUD""**

"**II-H-5. FACTUAL ALLEGATIONS FOR THE CONCLUSION TO THIS DANGERFIELD SECTION**"

Conclusion

The above is further evidence of Judge Snow's *mens rea*, acting completely corrupt in his handling of my Complaint, by his obviously errant act of dismissing his friend/associate/fellow Church member, Dangerfield.

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Appendix C

No. 22-16909

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WILLIAM A. GRAVEN, named as Will,
Plaintiff-Appellant,

v.

MARK BRNOVICH, *et al.*,
Defendants-Appellees

Appeal from the United States District Court for the District of Arizona
No. 2:22-cv-00062-GMS

ANSWERING BRIEF OF DEFENDANTS/APPELLEES

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judicata. However, we are unaware of any authority supporting such an assertion—and Graven cites no supporting authority. Prior courts having rejected this claim, res judicata bars this Court from considering it once again.

IV. Graven's Allegations Fail To State A Claim Against Defendant Dangerfield.

As the district court correctly held, Defendant Mark Dangerfield's "only involvement in this case is that he served as outside counsel for various State defendants in Plaintiff's previous four cases." 1-SER-004 (12/7/2022 Order at 3:16-18). And Graven "does not explain how Mr. Dangerfield could be liable under any theory of a constitutional violation or a § 1983 violation." *Id.*, 3:18-20.

As for Graven's other legal theories, he "does not offer any reason why the statute of limitations has not run." *Id.*, 3:20-21. For example, Graven first alleged that Dangerfield committed "frauds" in September 2017, which is over four years before he filed this lawsuit. *Id.* 3:21-22; *cf.* 2-SER-052-053 (9/5/2017 Motion for Sanctions Against Defendants' Counsel for Several Acts of Perjury and Thereby Fraud on this Court in their Response to My Rule 60 Motion for Relief; stating, *inter alia*, "***Mr. Dangerfield! This is perjury. You are such a fraud***! (emphasis in original).

Finally, Graven doesn't show how Dangerfield's actions in successfully representing his clients creates an injury that a court can address. As the district court held, even assuming Dangerfield "mischaracterized" Plaintiff's arguments, such

statements "do not give rise to the types of claims that Plaintiff has raised here—constitutional claims, RICO violations, obstruction of justice, or fraud." 1-SER-004-005 (12/7/2022 Order at 3:23-4:2).

Graven's Complaint pleads no valid claim against Defendant Dangerfield—or any other defendant.

CONCLUSION

Graven has repeatedly sued the same defendants under the same invalid legal theory, and the courts—including this Court—have uniformly rejected those suits. As the district court found, Graven "continually files the same suit over and over," and his "repeated litigation is intended to be, and is, vexatious and harassing." 1-SER-006 (12/7/2022 Order at 5:23-26). His claims in this suit lack any merit whatsoever, and the Court should affirm their dismissal.

RESPECTFULLY SUBMITTED this 31st day of May, 2023

GALLAGHER & KENNEDY, P.A.

By: */s/ Mark C. Dangerfield*

Mark C. Dangerfield
Mark A. Fuller
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Phoenix, Arizona 85016-9225
Attorneys for Defendants-Appellees

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Appendix D

WARNING: AT LEAST ONE DOCUMENT COULD NOT BE INCLUDED!
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Selected docket entries for case 22–16909

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Filed	Document Description	Page	Docket Text
12/15/2023	65		FILED MEMORANDUM (J. CLIFFORD WALLACE, KENNETH K. LEE and PATRICK J. BUMATAY) All pending motions are denied. AFFIRMED. FILED AND ENTERED JUDGMENT. [12837990] (CPA)
	65 Memorandum	0	
	65 Post Judgment Form **DOCUMENT COULD NOT BE RETRIEVED!**		

NOT FOR PUBLICATION

FILED

DEC 15 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM A. GRAVEN, Named as Will, Plaintiff-Appellant, v. MARK BRNOVICH, Attorney General, Attorney General; et al., Defendants-Appellees.	No. 22-16909 D.C. No. 2:22-cv-00062-GMS MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted December 12, 2023**

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

William A. Graven appeals pro se from the district court's judgment dismissing his action alleging federal and state law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal under Fed. R. Civ. P. 12(b) for lack of standing. *Shulman v. Kaplan*, 58 F.4th 404, 407 (9th

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Cir. 2023). We affirm.

The district court properly dismissed Graven's action because Graven failed to allege facts sufficient to demonstrate Article III standing. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992) (setting forth requirements for constitutional standing); *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) ("[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.").

We reject as without merit Graven's contention that the district court was biased against him.

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions are denied.

AFFIRMED.

No. 24-_____

In The

Supreme Court of the United States

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

Appendix K

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 22 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WILLIAM A. GRAVEN, Named as Will, Plaintiff-Appellant, v. MARK BRNOVICH, Attorney General, Attorney General; et al., Defendants-Appellees.	No. 22-16909 D.C. No. 2:22-cv-00062-GMS District of Arizona, Phoenix ORDER

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Appellant's petition for panel rehearing and petition for rehearing en banc (Docket Entry Nos. 66, 67, 68, 75, 76) are denied.

All other pending motions and requests are denied.

No further filings will be entertained in this closed case.

No. 24-_____

In The

Supreme Court of the United States

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

Appendix S

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 01 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WILLIAM A. GRAVEN, Named as Will,

Plaintiff - Appellant,

v.

MARK BRNOVICH, Attorney General, Attorney General; et al.,

Defendants - Appellees.

No. 22-16909

D.C. No. 2:22-cv-00062-GMS
U.S. District Court for Arizona, Phoenix

MANDATE

The judgment of this Court, entered December 15, 2023, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT