

APPENDIX

Ninth Circuit Court of Appeals
Denial of motion for clarification, 8/20/2024

Decisions of Ninth Circuit Court of Appeals
Denial of rehearing, April. 23, 2024

Ninth Circuit Court of Appeals
Memorandum, Affirmed Oct. 23, 2023

District Court Order Filed March. 31, 2023
Docket No. 112

District Court Order Filed November 6, 2018
Docket No. 71

District court John Tuchi response to two state
court issued subpoenas for John Tuchi personal
involvement in Appellant state court cases August
13, 2024

Superior Court of Maricopa County Quail Run V
Richard Rynn case No. LC2017-000316-001
10/23/2017
Reverse and Remand, hearsay and fraud

UNITED STATES DISTRICT COURT
FOR THE NINTH CIRCUIT
No. 23-15607
D.C. No. 2:18-ov-00414-DT
District of Arizona, Phoenix
RICHARD RYNN, next friend and parent of a minor person;
next friend of M.R.,
Plaintiff-Appellant,
v
GREGORY A. MCKAY, in his official capacity as Director of
Arizona Department
of Child Safety and personally; et al.,
Defendants-Appellees.

Order

Before: W. FLETCHER, CALLAHAN, and BENNETT, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 17) is denied. See 9th Cir. R. 27.10.

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

Case: 2345607, 10/23/2023, ID: 1281362% DktEntry: 16,
Page 1 of 1

FILED

v.

OCT 23 2023
UNITED STATES
COURT OF APPEALS

FOR THE NINTH CIRCUIT

No, 23..15607 D.C. No, 2:18.cv-00414-LIT District of
Arizona, Phoenix

RICHARD WYNN, next friend and parent of
MR, a person; next friend of M.R., Plaintiff-
Appellant,

Before: W, FLETCHER, CALLAHAN, and
BENNETT, Circuit judges. The motion to correct the
opening brief (Docket Entry No, 9) is granted.

Appellant's motion for an extension of time (Docket
Entry No. 11) to file a response to the motion to
dismiss is granted. The response has been filed. A
review of the record, the opening brief filed on August
31, 2023, and the

parties' briefing on the motion to dismiss
demonstrates that the questions raised in this appeal
are so insubstantial as not to require further
argument. See *United States v, liaaton*, 693 F.2d 857,
858 (9th Cir. 1982) (stating summary affirmation
standard). Accordingly, the motion to dismiss (Docket
Entry No, 10) is treated as a motion for summary of
affirmation and is granted.**AFFIRMED.**

GREGORY A, MCKAY, in his official capacity as
Director of Arizona Department of Child Safety and
personally; et al.,

Defendants-Appellees,

Case 21:13-cv-00414-11T Document 112 Piled
03/31/23 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Richard Rynn, No. CV-18-004.14-P1-1X-JJT
Plaintiff, v ORDER

Gregory A. McKay, *et al.*,
Defendants,

At issue are *pro se* Plaintiff Richard Rynn's Motion for Summary Judgment (Doe. 108), For Retrial and to Set Aside Judgment (Doc. 110), and for Recusal (Doc. 1 II). Because the Court will deny all these motions, the Court will not await responses from Defendants and will not hold oral argument. *See* LRCiv 7.2(O).

Over four years ago, on November 6, 2018, the Court entered judgment dismissing Plaintiffs claims in this lawsuit with prejudice. (Doe. 59, 71, 72.) Plaintiff moved for a new trial (Doe. 75), which the Court denied (Doc. 77). Plaintiff then moved to set aside the judgment (Doe. 82) and filed a supplemental motion to set aside the judgment (Doe. 84), which the Court denied (Doe. 96). Plaintiff appealed the Court's decisions (Doc. 102), and on March 9, 2023, the Ninth Circuit Court of Appeals affirmed the Court's decisions (Doc. 107). Plaintiff now requests again to set aside the judgment, for summary judgment, and for the undersigned to recuse. The Court has already addressed Plaintiff's arguments in its multiple prior Orders, and Plaintiff has given the Court no basis in the new set of

Cava 2:18-cv-09414-11T Document 112 Filed 03/31/23

Page 2 of 2

1 Motions to set aside the prior judgment--which has
been Aimed on appeal—or to grant
summary in favor of Plaintiff, or for the undersigned to
recuse from this ettS4, This matter has been and now
remains closed. No further filings will be
permitted, **IT IS**

THEREFORE ORDERED *John H. Lash*
denying Plaintiff's Motion for
Summary

Judgment (Doc, 108), For Retrial and to Sct Aside Judgment
(Doc. 110), and for Recuse! (Doe, 111), This case remains
closed,

IT IS FURTHER ORDERED that the Clerk of Colt
shall not accept any further filings in this matter.

Dated this 30th day of March, 2023.

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State strict

Case 2:113-cv-00414-JJT Document 71 Filed
11/06/18 Page of 3
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

At issue are three Richard Ryan, No. CV-18-
OO414-PHX-ilf

Plaintiff, ORDER

Gregory A. McKay, *et al.*,

Defendants.

Motions to Dismiss (Doe. 61, 62, 64) filed by the remaining Defendants in this matter, as well as a Motion for Summary Adjudication (Doc. 70), The Court resolves the Motions without oral argument. See LRCiv 7.2(f), The Court previously entered an Order (Doc. 59) dismissing all of the claims in Plaintiff's Complaint but granting Plaintiff leave to amend certain claims. Plaintiff then filed a First Amended Complaint (Doe. 60, FAC), which all remaining Defendants now seek to dismiss (Doe. 61, 62, 64). Plaintiff requested an extension of time (Doe. 67) to respond to the Motion to Dismiss filed by EM PACT Suicide Prevention Center (Doe. 61), which the Court granted (Doc. 68), and Plaintiff then filed a Response (Doc. 69) to EM PACT's Motion to Dismiss. Because the Court will grant IMPACT's Motion, it did not await a Reply. Plaintiff did not timely file a Response to the Motions to Dismiss filed by the State Defendants (Doc. 62) or the Quail Run Defendants (Doc. 64), and the Court will therefore grant those Motions both under LRCiv 7.2(i) and because Plaintiff failed to cure

the defects identified in the Court's prior Order.
The Court will therefore dismiss the

2 claims against the State Defendants and the
Quail Run Defendants with prejudice and

3 grant the Quail Run Defendants' Motion for
Summary Adjudication (Doe. 70).

With regard to Plaintiff's remaining claims
against EMPACT, the Court found in its prior Order
(Doe. 59) that Plaintiff's claims in the Complaint
failed because, among

(other reasons, (1) Plaintiff did not make any
allegation as to an action taken by EMPACT
that would give rise to a claim, plainly failing to meet
the pleading requirements of
8Federal Rule of Civil Procedure 8; and (2) Plaintiff
did not allege any facts to show that
EMPACT is a state actor, as required to sustain a
claim under 42 U.S.C. § 1983 against it.

0 In the FAC, Plaintiff has done nothing to cure
these defects. As in the original

1 Complaint, the sole allegation even implicating
EMPACT is that one of its employees

12 "asked to keep M.R. fbr three more days." (FAC
16.) As the Court stated in its prior

13 Order, this is wholly insufficient to support
Plaintiff's claims, and, considering Plaintiff

14 did not even begin to cure the defects in his
claims when given the opportunity, the Court

1 will now dismiss those claims with prejudice.

I 6 The Court also notes that Plaintiff did not state a
federal claim in the Complaint

17 and again failed to state a § 1983 claim against
EMPACT in the FAC, and the Court finds

18 that Plaintiff cannot plausibly cure the defect in his § 1983 claim by amendment. Without

i 9 that federal question claim and considering that diversity jurisdiction is clearly lacking,

20 the Court also lacks subject matter jurisdiction over Plaintiff's state law claims. *See* 28

§§ 1331, 1332 The United States Supreme Court has stated that a federal court

22 must not disregard or evade the limits on its subject matter jurisdiction. *Owen Equip.*

23 *Erections Co. v. Kroger*, 437 U.S. 365, 374 (1978). Thus, a federal court is obligated to

• 24 inquire into its subject matter jurisdiction in each case and to dismiss a case when subject

25 matter jurisdiction is lacking. *See Valdez v. Allstate ins. Co.*, 372 F.3d 1115, 1116 (9th

26 Cir. 2004); Fed. R. Civ. P. 12(h)(3). To proceed in federal court, a plaintiff must allege enough in the complaint for the court to conclude it has subject matter jurisdiction. *See*

28 Fed. R. Civ. P. 8(O; Charles Alan Wright & Arthur R. Miller, *S Fed. Practice &*

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Case 2:18-cv-00414-11t Document 71 Filed 11/06/18
Page 3 of 3

Procedure § 1206 (3d ed. 2014). In the MC, Plaintiff has failed to show that the Court has subject matter jurisdiction over his claims, and the Court must dismiss Plaintiff's claims for this additional reason.

IT IS THEREFORE ORDERED granting Defendant EMPACT-Suicide Prevention Center, an Arizona Nonprofit Cmporation's Motion to Dismiss (Doc. 61). **IT IS FURTHER ORDERED** granting the State Defendants' Motion to Dismiss (Doc. 62).

IT IS FURTHER ORDERED granting Defendants Quail Run Behavioral Health

and Candy Zaminit, *et* Motion to Dismiss (Doc. 64).

IT IS FURTHER ORDERED granting Defendants Quail Run Behavioral Health

and Candy *et* Zammit, *et*
U.X.'s Motion for *et*
Adjudication of their *et*
Motion to *et*
Dismiss(Doc.70).

IT IS FURTHER ORDERED that all of Plaintiff's claims in the First Amended

Complaint (Doe. 60) *are* dismissed with prejudice.

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

Dated this 6th day of November, 2018.

**John J. Tuchi United States District Judge UNITED
STATES DISTRICT COURT Chambers: (602)
322.7660 Fax: (602) 322-7669**

**DISTRICT OF ARIZONA
SANDRA DA b' O'CONNOR UNITED STATES
COURTHOUSE
401 WEST WASHINGTON STREET, SUITE 525,
SAC 83
PHOENIX, ARIZONA 85003-2161**

August 13, 2024

Richard Ryan
1299 East Marlin Drive
Chandler, Arizona 85286

Subpoena issued to Hon. John Tuchi in *David-Rynn, et al. v. UHS of Phoenix, LLC, et al.*, Case No, CV2020-094244 (Maricopa County Superior Court)

Dear Mr. Rynn:

I am in receipt of the subpoena you mailed to me at the Sandra Day O'Connor courthouse. The subpoena was issued in the matter of *Richard David-Rynn v. UHS of Phoenix, et al.*, No. CV2020-094244 (Maricopa County Superior Court). A final judgment dismissing all claims was entered in that matter, which was affirmed on appeal. See *David-Rynn v. UHS of Phoenix, LLC*, No. 1 CA-CV 21-0605, 2022 WI, 4242261 (Ariz. Ct. App. Sept. 15, 2022) (mem. decision). The United States Supreme Court denied review. See *Ryan v. UHS of Phoenix, LLC*, 144. S. Ct. 329 (2023) (cert. denied). Thus, there is no basis to serve discovery requests or to have had a subpoena issued in this matter as the matter is closed.

The subpoena, which is very similar to the subpoena you served in *Rynn v. Mathews, et al.*, Case No. LC2022-0002ci5 (Maricopa County Superior Court), directs me to provide written responses to interrogatories inquiring about the facts of, and reasons for, my judicial decisions in *Rynn v. McKay, et al.*, Case No. 2:18-ev-00414 (D. Ariz.) and *Ryan v. First Transit, Inc.*, Case No., 2:20-cv-01309 (D. Ariz.), federal district court cases over which I presided. The *McKay* action was dismissed on November 6, 2018. *See* Doc. 71 in Case No. 2:18-ev-00414. The dismissal was upheld on appeal. *See* Doc. 81-1 in Case No. 2:18-cv-00414. In the *First Transit* matter, summary judgment was granted in the defendant's favor on July 28, 2021. *See* Doc. 116 in Case No. 2:20-cv-01209. The decision was affirmed on appeal. *See* Doe. 168-1 in Case No. 2:20-cv-01209. The subpoena also seeks to have me to answer interrogatories regarding the employment status, financial interests, and professional activities of my household, as well as providing the source of my judicial authority.

The Guide to Judiciary Policy, Volume 20, Chapter 8, governs the production or disclosure of official information or records by the federal judiciary and the testimony of

August 13, 2024

Page 2

present or former judiciary personnel relating to any official information acquired by any such individual as part of that individual's performance of official duties or by virtue of that individual's official status, in federal, state or other legal proceedings. You can access the portion of the Guide to Judiciary Policy relevant to subpoenas at <https://www.uscourts.gov/rules-policies/nd-policies/subpoena-regulations>. Anyone requesting testimony or production of official information must include with their request—in this case, the subpoena issued in CV2020-094244—a written statement that contains an explanation of the nature of the testimony or records sought, the relevance of the testimony or records sought to the legal proceedings, and the reasons why the testimony or records sought, or pie information contained therein, is not readily available from other sources or by other means. *See* Guide to Judiciary Policy § 830(a). Where the request does not contain a sufficient explanation, the determining officer may deny the request or ask the requestor to provide additional information. *Id.* at § 830(a)(2). Since the request for testimony is directed to me, I am the determining officer. *Id.* at § 840(b)(1).

Your request is not accompanied by the written statement required by Section 830(a) of the Guide to Judiciary Policy. Nevertheless, I have reviewed the subpoena and have determined not to authorize disclosure of the federal judicial information sought in the subpoena. In coming to this decision, I have considered, among other things, the need to avoid spending the resources of the United States for private purposes, including conserving the time of federal judicial personnel for the performance of official duties and minimizing the federal judiciary's involvement in

issues unrelated to its mission; whether the testimony would assist the federal judiciary in the performance of its official duties; whether the testimony is appropriate under the Arizona Rules of Civil Procedure and under the subsequent law of privilege; whether the request is within the proper authority of the party making it; whether the request meets the requirements of the Guide to Judiciary Policy; whether the testimony would violate a statute, regulation, or ethical rule; whether the testimony would disclose information regarding the exercise of my judicial responsibilities in the decisional or deliberative process; whether the testimony could reasonably be expected to result in the appearance of favoring one litigant over another or endorsing or supporting a position advocated by a litigant; and whether the request seeks personnel files, records or documents of a current judicial officer.

As noted above, your subpoena is inappropriate under the Arizona Rules of Civil Procedure. It is axiomatic that discovery can only be obtained in an open case. The subpoena was issued in Case No. CV2020-094244, in which a judgment has been issued against you, and all avenues of appeal have been exhausted. Because there is no pending case, the subpoena is improper and is not authorized by the Arizona Rules of Civil Procedure. Additionally, a subpoena issued pursuant to Rule 45 of the Arizona Rules of Civil Procedure can command the person to whom it is directed to attend and testify at a deposition, hearing or trial, produce and permit inspection of documents, information or tangible things, or permit the inspection of premises. A subpoena cannot compel a nonparty to answer interrogatories. Finally, I note the subpoena was not properly served.

August 13, 2024

Page 3

Because the subpoena is not appropriate under or authorized by the Arizona Rules of Civil Procedure, as the determining officer, I decline to authorize disclosure of the requested information. If you have questions, you may contact Katherine Branch at the United States Attorney's Office at (602) 514-7500.

Sincerely,



Ted J.

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tAued St es District Jt. 1dge
JJT/meg

**Additional material
from this filing is
available in the
Clerk's Office.**