

No. 21-6444

In the
Supreme Court of the United States

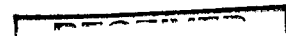
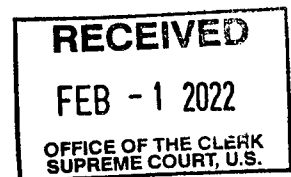
In re James Joseph Knochel,
Petitioner

Supplemental Brief of Petitioner

On Petition for Writ of Mandamus to the
United States Court Of Appeals or the United States District Court

January 26, 2022

James J. Knochel, pro se
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SUPPLEMENTAL BRIEF OF PETITIONER

Petitioner files this supplement to his petition for writ of mandamus pursuant to Sup Ct Rule 15.8. The Petition was originally written to ask for either mandamus or certiorari before judgement, but the rules of the Court do not allow for this type of combined petition. The revised petition, asking for mandamus, was docketed by the clerk on November 29 2021.

On December 20 2021 the US Court of Appeals for the 9th Circuit's issued a memorandum decision in Petitioner's appeal of the district court's order declaring him vexatious - Case No. 20-17326, attached hereto as (Exhibit A). The Court of Appeals' decision affirms the district court's ruling declaring Petitioner a vexatious litigant, exactly as Petitioner expected ("the U.S. Court of Appeals indicates that it will continue to accept fraud on the court." [Petition, pg. 4]).

Petitioner summarizes (Exhibit A) as the Court of Appeals holding that *Whitmore v. Arkansas*, 495 US 149 does not actually require an evidentiary hearing before dismissing a next friend's petition for writ of habeas corpus. Given the video evidence now in Petitioner's possession, the Court of Appeals' memorandum holds that anyone can intercept legal mail and perpetrate fraud on the United States Court, and thereby remove citizens from the protection of the rule of law.

Petitioner calculates that he has until March 21 2022 to petition this Court for writ of certiorari to the US Court of Appeals; there is no strict time limit for a petition for writ of mandamus.

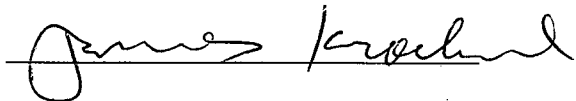
Petitioner previously sent Exhibit A attached to a *Motion to Request Council*, on December 30 2021. This motion asked for the court's assistance in finding volunteer council to help with this supplement. The motion was received by the Clerk on January 10 2022 (delayed by snow) and was returned to Petitioner on January 12, with a letter stating simply, "In reply to your motion for appointment of counsel, you are informed that this Court may only appoint counsel in a case in which a petition has been granted. Rule 39.7. Your papers are herewith returned."

Conclusion

Petitioner supplements his petition to state that the latest of his appeals to the U.S. Court of Appeals for the 9th Circuit is no longer pending.

January 26, 2022

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "James J. Knochel", written over a horizontal line.

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Exhibit A

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 20 2021

FOR THE NINTH CIRCUIT

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

JAMES JOSEPH KNOCHEL,

No. 20-17326

Petitioner-Appellant,

D.C. No. 3:19-cv-08086-GMS-JZB

and

EMILY NOELLE MIHAYLO,

MEMORANDUM*

Petitioner,

v.

AMY FACKRELL; JOHN C. MORRIS;
UNKOWN PARTY, named as Medical
Director - West Yavapai Guidance Clinic;
ATTORNEY GENERAL FOR THE STATE
OF ARIZONA,

Respondents-Appellees.

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

Submitted December 14, 2021**

* 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).

Before: WALLACE, CLIFTON, and HURWITZ, Circuit Judges.

James Joseph Knochel appeals pro se from the district court's order designating him a vexatious litigant and imposing pre-filing restrictions against him. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Knochel contends that the district court should have held an evidentiary hearing before imposing the order, and that recent developments in state court undermine the basis for the order. Reviewing for abuse of discretion, *see Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056 (9th Cir. 2007), we conclude there was none. The district court followed the appropriate procedure in imposing the order: It gave Knochel notice and an opportunity to oppose the order, compiled an adequate record for appellate review, made substantive findings regarding the harassing nature of Knochel's litigation history, and narrowly tailored the prohibition to future filings in which Knochel may seek to act on behalf of, as next friend of, or that in any way relate to, Emily Mihaylo. *See Ringgold-Lockhart v. Cnty. of Los Angeles*, 761 F.3d 1057, 1062 (9th Cir. 2014). The alleged developments in state court do not undermine the basis for the order, and the authorities Knochel cites do not support his claim that the district court erred by failing to hold an evidentiary hearing regarding those developments.

AFFIRMED.