24-1146

Dkt. # _____

In The

Supreme Court of the United States

Gilda Ryan, etal

Petitioner(s)

v.

Imperial County etal

Respondent(s)

On Petition For Writ of Certiorari To
The Ninth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Gilda Ryan, and
Joseph Ryan
self-represented
53 Sunset Way
PO Box 183
Palo Verde, Ca. 92266
760-854-1009

QUESTIONS PRESENTED:

1. *Whether* the Ninth Circuit Court of Appeals sanctioning of The District Court's effective use of a pro-se litigants §1983 based civil action as a type of on-the-job training platform for inexperienced Jurist and attorneys; Leading to Petitioner's claims being decided on the basis of false narratives, alterations of caselaw text, and legal propositions that conflict with Supreme Court precedent, *constitutes the type of severe departure from the accepted and usual course of judicial proceedings that calls out for an exercise of This Court's powers of supervision.*

2. *Whether The Ninth Circuit Court Of Appeals, has severely departed from the accepted and usual course of judicial proceedings*, by ratifying the District Court's failure to acknowledge or properly address a large volume of sanctionable conduct occurring in an action, including but not limited to a comprehensive denial of due process inflicted on self-represented Plaintiffs, after they requested terminating sanctions be levied against members of the bar association and the clients they represent, *to a degree that calls for an exercise of The Supreme Court's powers of supervision.*

II. PARTIES TO PROCEEDING

PETITIONERS:

Gilda Ryan, and Joseph Ryan, Petitioners

RESPONDENTS:

COUNTY OF IMPERIAL; GILBERT OTERO, Imperial County District Attorney; RAYMOND LOERA, Imperial County Sheriff; FRED MIRAMONTES, Imperial County UnderSheriff; KATHERINE TURNER, Imperial County Counsel; ADAM GREGORY CROOK, Imp. County Counsel; TONY ROUHOTAS, Jr., Imperial County CEO; ESPERANZA COLIO-WARREN, Imperial County. Vice-CEO; RAYMOND CASTILLO, RYAN KELLEY, MICHAEL KELLEY, LUIS PLANCARTE, JESUS ESCOBAR, Imperial County Supervisors; BLANCA ACOSTA, Imperial County. Clerk of The Board; CLIFTON ERRO, RENE MCNISH, Imperial County Sheriff Deputies; PALO VERDE COUNTY WATER DISTRICT; RONALD WOODS, JESS PRESTON, JAN AYALA, DAVID KHOURY, PVWD County Board members; KATHI FRICE SANDERS, Clerk of PVCWD Board; BARBARA HOPTON; DONNA LORD; CELESTE PRESTON; DAVID AYALA; THOMAS CALVERT; PATSY CALVERT; ANNE MARIE DELCASTILLO; YUMA SUN, INC., DBA Palo Verde Valley Times; URIEL AVENDANO; LISA REILLY

III. OPINIONS/ORDERS RELATED CASES

ORDERS BY APPELLATE COURT
Gilda Ryan et al v. Imperial County et al: 23-55042

ORDERS FROM DISTRICT COURT
Ryan v. Imperial County: No. 3:21cv-01076-JO-LR

IV. TABLE OF CONTENTS

APPENDIX CONTENTS

ORDERS FROM DISTRICT COURT

CONSTITUTIONAL PROVISIONS, ORDINANCES AT ISSUE IN MATTER

OTHER RELEVANT MATERIAL

V. TABLE OF AUTHORITIES

VI. JURISDICTION

The Ninth Circuit Court of Appeals affirmed the Judgment of The District Court, on September 19th, 2024. *See Pet. Appx. 11.*

The Ninth Circuit Court of Appeals entertained Appellant's Request for Rehearing, and Request for Rehearing enbanc and denied review on November 19th, 2025. *See Pet. Appx. 2-3.*

The Court received petitioner's timely filed petition for writ of certiorari and pursuant to Supreme Court rule 29 (*Sct. R. 29*), on March 6th, 2025, this Court granted the Petitioner's sixty days to file a petition for writ of certiorari that corrects deficiencies noted by The Court, and that complies with all other applicable rules for filing a writ of certiorari in The United States Supreme Court.

The U.S. Supreme Court has jurisdiction to consider Petitioner's Writ of Certiorari pursuant to 28 U.S.C. 1254(1).

VII. PROVISIONS AND ORDINANCE

1. 1st Amendment to The U.S. Constitution.
U.S. Const. amend. 1.
See Pet. Appx. pg. 82

2. 14th Amendment to The U. S. Constitution.
U.S. Const. amend. XIV.
See Pet. Appx. pg. 82

3. *IMPERIAL COUNTY RULES FOR THE CONDUCT OF BOARD MEETINGS, §II. ROLE OF BOARD CHAIRPERSON, §D.*
Short form citation: ICRCBM(II)(D)(3).
See Pet.Appx. pg. 82-83

VIII. STATEMENT OF THE CASE

1. BACKGROUND FACTS: EVENT AT ISSUE

This matter involves County government officials creating a pre-meditated plan to retaliate against Ryan family members, by 'setting them up like bowling pins', to create an opportunity for Imperial County's policymakers and their allies to inflict various harms upon all Ryan family members, to punish the Ryan's for their previous speech concerning their performance in office (*see introductory section of Plaintiff-petitioner's FAC, repr. Id in Pet. FAC 2-ER-65, lns. 9-15; and see Pet Appx. pg. 102)*, while entertaining themselves in the process. *See 9th Cir. Dkt. No. 41, Petitioner's Motion to Correct The Record, Ex. No. 6, souvenir photos taken before event by County agent.*

After receiving 24-hour advance-notice of what topics Gilda Ryan and Joseph Ryan would like to speak about at one of their meetings, The Imperial County Supervisor Ryan Kelley caused the Ryan's to be invited to the podium during the public comment period of a County Supervisor's off-site meeting held on June 4th, 2019 in Palo Verde California, not to actually let them speak about the conduct in office of County officers as the Ryan's requested, but rather to accomplish illicit aims (retaliation-driven deprivation of rights, etc., done pursuant to policy). *Id Pet.Appx. pg. 111*; *see Pet. App. excerpts 2-ER-58-72*, see *video of meeting at 55:00 to 1:03:00, available at Imperial County website, under the Supervisors agenda entries for June 4th, 2019, where content from offsite meeting held in Palo Verde California, is available using the 'audio' link, which links to the following URL:*

*https://*imperial.granicus.com/player/clip/1773?view_id=2&redirect=true (hereafter, *Id at VOM* [time])

2. ACTUAL WORDS SPOKEN BY GILDA RYAN AND JOSEPH RYAN, BEFORE BOTH WERE DETAINED AS A MATTER OF LAW

Gilda Ryan only spoke the following words about a public official's performance in office at and during a previous County District meeting before she was confronted by both The Clerk of The Board of Supervisors and a Sheriff Deputy, and intimidated into forfeiting the microphone and leaving the venue.

56:12 - Hello, my name is Gilda Ryan.
56: 15 - You know we had a problem in here.
56:16 - We had a problem in here when on May 17th we went to a meeting in there,
56:19- Your member, Jessie Preston . . . . . OK . . . . He's threatening this little girl to kidnap her
56:28- I'm asking,
56:29 - I'm asking,
56:37- Leave Me Alone,
56:38 - Leave me Alone
56:52 - We did

Id. in video of meeting at issues, at stated times; and see 9th Cir. Ct. App. dkt. 41, Appellant's Motion to Correct the Record, exhibit #4, Timeline of Events Related to Gilda Ryan's speech and detainment, pg. 1-4.

Petitioner Joseph Ryan simply tried to defend his wife's honor and only spoke the following words directly in response to the wife of a County official Gilda Ryan was commenting about (pointing directly at such person, and no one else as he spoke), before he was detained as a matter of law and forced to forfeit his own speech assembly, association, and petition rights in and outside of the venue for the remainder of the evening.

56:26 - Yes he did threaten this little girl
56:29 - You weren't there

Id. in VOM, at stated times; and see 9th App. dkt. 41, Pet. Motion to Correct the Record (hereafter MTCR), ex #4, pg. 1-2.

3. GOVERNMENT'S HECKLERS ENABLED BY SHERIFF DEPUTIES ON SCENE

In accord with The County's premeditated plan, instead of confronting persons actually disturbing the meeting at issue (by heckling Gilda and Joseph Ryan in an out-of-control manner from their seats in the audience), each of the numerous Sheriff Deputies at the scene were instructed, beforehand, to either focus all law enforcement activity on inhibiting and stopping the speech of The Ryan's, and making a public display of their detainment (*Id at. 56:00 to 1:10:00*), or to stay out of camera view unless needed (*see Pet FAC 2-ER-16, lns. 12-14, and Id. in video at 58:02-09, where officer seemingly signals to other deputy's, that can't be seen on the video recording).*

4. VIDEO OF MEETING AT ISSUE WITHHELD FROM PUBLIC, THEN ALTERED BEFORE PUBLISHED OVER ONE YEAR AFTER EVENT

After the meeting at issue took place, County officials failed to publish a video of the public meeting at issue, upon its' completion, as is the norm. Id. Pet. *FAC, at 2-ER-67, §38.*

Over a year later, after assistant County Counsel Eric Havens repeatedly denied a video of the meeting at issue existed at all, The County of Imperial's agents did cause a video of the meeting at issue to be published at a link on the County's website. *Id. 2-ER-67, §39.* However, before releasing the video to the public, The County used commonly available software to manipulate the recording's audio tracks, so that the words yelled by the wife of the public official that verbally accosted Gilda Ryan, just after Gilda Ryan tried to speak from the podium, were removed from the recording, along with noise made by other defendants, engaged in similar behavior at the County's behest. *Id. at, 2-ER-67, §40, 41*; and *Id. video of meeting at issue, at 56:30 to 56:40, where yelling noise that seems to come from a woman who stands up and faces Gilda Ryan, can be heard for a fraction of a second (id. about 56:31) before it's replaced by a gargling, crackling noise.*

5. ON THE TWO-YEAR ANNIVERSARY OF THE MEETING AT ISSUE, PETITIONERS FILED THEIR ACTION

On June 4th, 2021, Plaintiffs Joseph and Gilda Ryan filed an action pursuant to 42 U.S.C. §1983 in The Southern California Federal District Court which named a relatively large number of Policymakers, public officials, and law enforcement

officers employed by The County of Imperial as defendants. Also named were Private parties alleged to have acted in concert with government officials in order to carry-out or otherwise support the County policymakers plan to violate the rights. (*see Pl. FAC id. at 2-ER-50-78*).

6. FIRST COMPLAINT DISMISSED FOR BEING TOO LONG. FAC LIMITED TO THIRTY PAGES

On July 14th, 2021, just after the Ryan's completed physical service of their initial complaint on over fifty defendants, honorable Judge Alan Burns dismissed the Ryan's initial complaint, limited any FAC to thirty pages, and requiring the Ryan's drop their children as plaintiffs. *See Dist.Ct. Dkt. No. 6, id. Pet. Appx. 54-55.*

After dismissal, the Ryan's complied with Judge Burn's directives, and restarted their action; which still included facial and as-applied ordinance challenges. *See Dist.Ct. Dkt.9, and 9.1.*

Then, on October 21st, 2021, The District Court transferred the Ryan's matter to honorable Judge Curiel's docket. *See Dist.Ct. Dkt. No. 59.*

7. THE RYAN'S ARE THREATENED WITH CIVIL AND CRIMINAL SANCTIONS, TWICE IN A ROW, DUE TO JURIST' MISTAKES

The Ryan's filed ten simple requests for entry of clerk's-defaults (not entry of default-judgment) with the Clerk of Courts[1]; However,

[1] The docket no longer contains a record of the Ryan's filing of ten entries of clerk's defaults. The statement in Judge

honorable Judge Gonzalo Curiel instructed the Clerk of Court to reject the Ryan's request(s) for not including points and authorities (prove-up material) with each request, and threatened the Ryan's with civil and criminal sanctions for not doing so. *See Dist.Ct. Dkt. No. 65.* The Ryan's wrote to the clerk of court and requested to be allowed to file a new set of clerks-defaults. Judge Curiel then threatened the Ryan's with civil and criminal sanctions, again, for purportedly sending correspondence to the Judge.[2] *Id. Dkt. No. 75.*

8. THREE SETS OF ATTORNEYS AND CLIENTS ANSWERED COMPLAINT

Three sets of attorneys, representing defendants associated with The County of Imperial, a local media entity and a group of private parties accused of acting in concert with County officials, responded to the Ryan's suit; filing three motions to dismiss in November and December of 2021. *See Dist.Ct. Dkt. entries No.'s 67, 88, 101.* In addition, attorneys representing the media filed an anti-SLAAP motion to strike, seeking dismissal of The Ryan's §1983 based federal cause of action based upon the Paul stigma doctrine, as well Appellant's only pendant state claim. *See Dist.Ct. Dkt. No. 87.*

Curiel's order (#65) indicating only one entry of default was thrown out, is not correct.

[2] Which did not happen. The Ryan's sent their correspondence to The Clerk of Court. See Dkt. 75, copy of letter to clerk.

9. NEW DISTRICT JUDGE LACKING BASIC JUDICIAL EXPERIENCE ASSIGNED TO RYAN FAMILY'S MATTER

On January 6th, 2022, about three weeks after honorable Judge Jinsook Ohta's was appointed to be a Federal Court District Judge, the Ryan's action was transferred to the Jurist docket. *See Dist.Ct. Dkt.No. 110.*

Unfortunately, Judge Ohta hadn't authored a single judicial order and hadn't ever overseen a single jury-trial before the full Senate approved the jurist appointment to the federal judiciary. *See 'SENATE QUESTIONNAIRE, PUBLIC', records of The Senate Judiciary committee, Nomination of Judge Jinsook Ohta, Section 13, Part (a)(i), and (b).*

10. TEN DEFENDANTS ANSWER SUMMONS OVER FOUR MONTHS LATE, AND REQUEST ENTRIES OF DEFAULT BE SET-ASIDE

On March 4th, 2022, ten defendants associated with the local Palo Verde *County* Water District appeared through an attorney and requested defaults entered against them the previous fall be set-aside. *See Dist.Ct. Dkt.115.* Without submitting a single declaration from any one of his ten clients, the attorney for the ten defaulted parties (attorney Orlando Foote Jr.) claimed in his own declaration, that he'd forgotten all about the action for a few months (*see 4-ER-548 §22, and 549 §23*), and that not one of his ten clients, his staff, nor anyone else, had reminded him the case was ongoing during the default-period (over four months time). Attorney Orlando Foote also submitted a declaration wherein he admitted

repeatedly inhibiting or avoiding service of process of the Ryan's FAC on his ten clients; and wouldn't even identify who he purported to be representing[3]. *See docket, 115.1, 4-ER-540-550, Dec. of Orlando Foote, specifically at Id at 4-ER-545-6, §§§12, 13, 14.*

11. PETITIONERS FILED REQUESTS FOR SANCTIONS AGAINST THREE SETS OF ATTORNEYS APPEARING IN THE ACTION

In August, and October of 2022, The Ryan's filed requests for terminating sanctions against three sets of attorneys appearing in the action, and by extension, their clients (petitioner's averred should be held responsible the conduct of their chosen representative). *See Dist.Ct. dkt. #128, 129, 131.*

12. AFTER THE RYAN'S REQUESTED SANCTIONS, JUDGE OHTA SET-ASIDE DEFAULTS AND DISMISSED ACTIONS

After the Ryan's filed their requests for sanctions, and terminating sanctions against two sets of attorneys (and their clients), in August of 2022, Judge Ohta released orders on September 29, 2022, granting all requests to set-aside defaults, dismissing all of The Ryan's actions, and granting the media defendant's anti-SLAPP motion to strike. *See Dist.Ct. dkt. No. 132, 133, 134, repr. in Pet. Appx. pg. 30-70.*

---

3 The attorneys intransigence caused the Ryan's to have to serve each of his ten clients with physical service of their FAC at each of their residences or offices. See dist. Ct. dkt. entries.

13. SAMPLE OF SOME DETAILS CONNECTED TO CONTENT OF JUDGE OHTA'S ORDERS:

14. REMOVAL OF WORD "ONLY" FROM CASELAW RULING , CHANGES STANDARD OF REVIEW. DISCOVERY AVOIDED

After Judge Ohta removed the word "only" from a caselaw ruling (*see Pet.App. at pg. 65, lns. 9-15, and at pg. 85)*, and then applied the 12(b)(6) standard to the adjudication of the media's anti-SLAAP motion, before any discovery took place, and after the media pled facts in their motions to dismiss and strike (*see 9th. Cir. Dkt. 41, MTCR, ex No. 8, listing fact based arguments in the media's motions to dismiss and strike*), the Ryan's opportunity to receive communications (in discovery) between persons they have alleged conspired to carry-out a pre-meditated plan to violate the Ryan family members civil rights, in violation of 18 *U.S.C. §241*, and other federal statutes *(see as-applied ordinance challenge, Id. at 2-ER-117-126)*, was, for all practical purposes, extinguished.

15. ANTI-SLAPP MOTION GRANTED AFTER COURT CONVERTED THE RYAN'S §1983 PAUL STIGMA CAUSE INTO A PENDANT STATE DEFAMATION ACTION

In Judge Ohta's order granting the media's anti-SLAPP motion to strike (Id. *Pet. Appx. pg. 60-78*), following the media attorney's lead, the Jurist repeatedly declared that the Ryan's had filed a pendant cause action for defamation, and then substituted the Jurist' cause of action in place of

the Ryan's federal cause of action based upon the Paul-Stigma Doctrine. Then the Court dismissed its' own judicially created defamation claims for exceeding a one-year statute of limitations. See *Pet. Appx. Order Granting Anti-SLAAP motion to strike, specifically at Pg. 63, lns. 29-31 cont. pg. 64, lns. 1-2; and see pg. 71, lns. 23-25, and compare to Pet. FAC, Paul-Stigma cause description, Dist.Ct. Dkt.9 in Pet. App. Excerpts, Counts 64-76 at 2-ER-74, ln. 19-26, cont. 2-ER-76. ln. 19.*

16. JUDGE OHTA CREATED A SECOND CAUSE OF ACTION RYAN'S DIDN'T PLEAD, THEN DISMISSED IT TOO, FOR EXCEEDING A TWO-YEAR STATUTE OF LIMITATIONS

Judge Ohta created facts concerning a supposed ongoing plot to actually kidnap the Ryan's child that purportedly began in 2018 (*id. at pet. Appx. pg. 41, lns. 30-31; and id. at 6-ER-956, exhibit #5, attached to Pet. Request for recusal showing evolving facts connected to Gilda Ryan's speech*), long before the meeting at issue took place on June 4th, 2019; and then declared the Ryan's hadn't pled the judicially created cause of action sufficiently, or how it was connected to the meeting at issue in 2019 *(Id. at pg. 42, lns. 1-29)*; and then dismissed most of the Ryan's actual 1st Amendment §1983 based causes of action for exceeding a two-year statute of limitations (*id. at pg. 42, lns. 29-31, cont. pg. 43, ln. 1-2*), that started at some unknown point in the year 2018. [4]

[4] Repeated in the Appeal Panel's memorandum, *repr. in Pet. Appx. at pg. 6, lns. 24-29, and pg. 7, lns. 1-3*

17. JUDGE OHTA RULED GILDA RYAN DISRUPTED THE MEETING AT ISSUE, DUE TO AUDIENCE REACTION TO HER SPEECH

In the Jurist order of dismissal (*Id. Pet. Appx. pg. 29-59*) Judge Ohta found that the words spoken by Gilda Ryan from the podium, which Judge Ohta's repeatedly referred to as Gilda Ryan's "conduct" (*id. at pg. 56, ln. 2, 10*) "sparked loud noises and shouting by the crowd" (emp. Added) *(id. at pg. 55, lns. 30-31, cont. pg. 56, lns. 1-4)* and alternately declared that Gilda Ryan's "conduct" "caused an immediate hubbub" (emp. Added) (*id. at pg. 55, lns. 3-5).* Finally, Judge Ohta extrapolated from such findings and concluded that Gilda and Joseph Ryan's "conduct" rendered them persons guilty of 'disrupting' the meeting at issue, as a matter of law. [5] *Id. at pg. 56, lns. 7-14.*

18. NEW FEDERAL MAGISTRATE APPEARED EX-PARTE BEFORE DEFENDANTS, MADE PLEDGES, AND ISSUED INVITATIONS

On October 11th, 2022, Judge Ruth Montenegro and newly appointed Magistrate Lupe Rodriguez addressed the County Supervisors and the Clerk of The board of Supervisors. The video of the honorable Jurist remarks are available at the County's website at the following web-link: https://imperial.granicus.com/player/clip/2226?view_id=2&meta_id=373306&redirect=true

---

5 In The Ryan's as-applied ordinance challenge, Petitioner's establish why Gilda Ryan's speech from the podium was in accord with applicable time and place restrictions, on an appropriate subject, and it didn't present a any clear and present danger. See Dist.Ct. Dkt.9.1, 2-ER-110-113

In the remarks, after Judge Montenegro declared the two jurist were speaking for all the Southern District's Judges, Magistrate Rodriguez declared that 'the Court would do whatever was necessary to keep the good relationship between the Court and the County intact'; and then he invited the defendants to visit him at his office, whenever they'd like. *Id. video of meeting at 46.45 to 48:00*

Then after defendant County Supervisor Michael Kelley referred to the Magistrate Rodriguez as his "homie", he declared that he was "tickled" that the Magistrate was "representing [pause] .... Us, on the federal court". *Id. at 48:00 to 48:40.*

19. COURT FINALIZES PREVIOUS ORDERS AND DENIES ALL OF THE RYAN'S REQUESTS FOR SANCTIONS AND RECUSAL

On December 7th, 2022, in addition to finalizing all orders of dismissal, the Court denied all of The Ryan's requests for sanctions, as well as the Petitioner's request that each Jurist recuse. The honorable Judge Ohta also affirmed the order setting aside ten defaults. *See District Court's orders, 151, 150, 149, and 148, in Pet.Appx. pg. 16-78.*

20. COURT'S SANCTIONS TEST WAS BASED UPON WHETHER ANY 'DEFENDANT' WAS ABLE TO *SUCCESFULLY* DECEIVE THE COURT

Judge Ohta's order denying sanctions, filed against attorneys appearing in the action, refers to "defendants" as being the target of the Ryan's

motion, before a sanctions test is applied that focuses on whether or not a "defendant" was able to successfully deceive the Court by altering caselaw text or via other misconduct, rather than whether *attempts* to connive the Court occurred. The sanctions test employed by Judge Ohta follows:

> Upon review of their motions and related filings, the Court does not find any instances where Defendants deceived the court by mis-stating the law or facts, or engaging in any other misconduct meriting sanctions. Emp. added.
>
> *Dist.Ct. Dkt.149, 1-ER-13, ln. 7-9, repr. Pet. Appx. pg. 27, lines 21-26.* .

21. IN APPELLATE BRIEF, ATTORNEY FOR COUNTY, ADDED THE WORD "ATTEMPTED" AND ALTERED JUDGE OHTA'S FINDINGS

Imperial County's Attorney Kristen Bush, recited the sanctions test Judge Ohta used in the district Court, but added the word "attempted", and deleted reference to a qualifier ("meriting sanctions") in her version. That enabled her to modify Judge Ohta's conclusion. Attorney Kristen Bush's altered conclusion, her version of Judge Ohta's sanctions-test follows:

> **A. County Appellees did not engage in any Litigation Misconduct**
>
> As Judge Ohta reviewed all of Appellant's motion related filings, she

> did not find any instances where County Appellants *attempted* to deceive the Court or engage in any litigation misconduct (Emp. Ad.)

See 9th Cir. App.Ct. dkt. No. 23, Cnty. opp. brief, pg. 16, lns. 8-11.

Changing the words of the sanctions test by adding "attempted" naturally altered the import of Judge Ohta's conclusion (that she wasn't successfully tricked) into a statement that expresses that no misconduct (including alterations of caselaw) happened at all.

22. THREE-JUDGE APPEALS PANEL IGNORES ARGUMENTS IN RYAN'S REPLY AND RATIFIES MANIPULATION OF SANCTIONS TEST AND ALTERATION OF JUDGE OHTA'S EVIDENTIARY FINDINGS

The Appeals court accepted the alteration of Judge Ohta's sanctions test by attorney Kristen Bush, as well as the conclusion that naturally flowed from such alteration, and stated:

> The district court did not abuse its' discretion in denying the Ryan's motions for sanctions, in the absence of misstatements of the law or other litigation misconduct. (Eph. Ad.)

See 9th Cir. App. Memo. Pg. 6, lns. 13-15. Repr. in Pet. Appx. at 7.

23. STANDARDS OF REVIEW UTILIZED BY APPEALS COURT PANEL

The Appeals Court stated that it applied denovo review to all of the orders of dismissal, the Petitioner's request that ordinance challenges be determined, and the media's anti-SLAAP motion to strike. *Id. Pet. Appx. 6, lns. 21-22.*

The Appeals Court applied abuse of discretion standard, to Petitioner's request for sanctions, the requests for recusal of Judge Ohta and magistrate Rodriguez, and the Petitioner's challenge to the District Court's decision to set-aside the defaults of ten defendants. *Id. at pg. 6-7.*

IX. JURISDICTION IN THE COURT OF FIRST INSTANCE

Plaintiff's action was filed pursuant to 42 U.S.C. §1983, and arises under the Constitution of The United States, and 28 U.S.C. §1343 (a)(3), to redress the deprivation of a right secured by The U.S. Constitution. Jurisdiction in United States Federal Court, Southern District of California, was proper pursuant to 28 U.S.C. §1331.

X. ARGUMENT FOR GRANTING CERTIORARI

24. NINTH CIRCUIT'S SEVERE DEPARTURE FROM USUAL AND ACCEPTED COURSE OF ADJUDICATION AT ISSUE

This is not your run-of-the-mill petition for certiorari. It's not just that it's been filed by extremely low-income (*Id. at 5-ER-684-5, 728, 823*), geographically isolated, self-represented Petitioners who aren't *incarcerated*.[6] There's nothing normal about what happened before Petitioner's matter might reach the Supreme Court. So, the form of argument offered here by Appellants doesn't follow the usual path, with numerous citations to caselaw advanced to support complicated conflicts of law, an army of legal scholars might want to weigh in on.[7]

---

[6] Yet. Note: only Appellant Joseph Ryan signed the request for Judge Ohta's recusal. *See Dist.Ct. Dkt. 140, pg. 29, avail. 6-ER-913.*

[7] Nonetheless, District Court unique style of adjudication created 108 issues, *See 9th, App. dkt. 10, Pet. Opening Brief, pages 17-45*; and many more issues were created via the arguments advanced in opposition briefs that the Ryan's opposed. Id. at dkt. No. 39, Pet. Reply Brief, pages 4-28 §§1-37.

While Petitioner's writ does touch upon the application of tests and rules that openly conflict with precedent set-down by This Court[8], Petitioner's writ of certiorari is simply about severe departures from the accepted and usual course of judicial proceedings, which at its base, concerns a complete breakdown in the normal and usual processes of the federal court, that happened in both the District and Appeals Court setting.

25. PETITIONERS AWARE SUPREME COURT HAS MORE IMPORTANT THINGS TO DO THAN REVIEW FINDINGS AND RULINGS FROM OBSCURE, UNPUBLISHED DECISIONS

Despite this matters obscurity, it's critical that this Court exercise it supervisory powers to reign-in a Circuit Court of Appeals, that's functioning as if *it's* The U.S. Supreme Court; and therefore can't be bothered with reviewing rulings from three-judge panels that – in sum - openly and obviously constitutes the commission of a charade or fraud upon the Federal Judiciary.

In a world with approximately eight billion inhabitants who all matter, it's not going to be the end of the world if the Appellant's don't get a remedy; but if the Supreme Court lets The Ninth Circuit Court of Appeals, and the District Court it sanctioned, get away with what they pulled in this matter, then the supposedly vaunted Federal Appeals Court process, which is touted as the

---

8. Which Petitioner's don't analyze in depth because it would be disrespectful to The Justices of This Court for a pro-per to explain how the heckler's veto or qualified immunity works; and that's not the point or focus of the Ryan's petition.

proper way to show disagreement with judicial orders (rather than disobeying orders or giving no import to facially flawed rulings) is hardly what it's cracked-up to be. The supposed existence of Constitutional or civil rights shouldn't be subject to being reduced into a cheap public relations scam, whenever pro-se litigants don't get any positive press from an honest journalist, have a case worth a million dollars, or enough income or savings to pay an attorney – who practices in Federal Courts – by the hour.

26. THIS MATTER INVOLVES SHOCKING ABUSE OF THE FIRST AMENDMENT TO FACILITATE RETALIATION BY PUBLIC OFFICIALS AGAINST PUBLIC SPEAKER

In Lozman v City of Riviera Beach, 585 U.S. ____; 138. S.Ct. 1945 (2018), Writing for the Court, and alluding to facts alleging retaliatory conduct pursuant to municipal policy targeting a disfavored party-of-one, Justice Kennedy found that

> An official retaliatory policy is a particularly troubling and potent form of retaliation, for a policy can be long-term and persuasive, unlike an ad hoc on-the-spot decision by an individual officer. An official policy can also be difficult to dislodge. A citizen who suffers retaliation can seek to have the officer disciplined or removed from service, but there may be little practical recourse when the government itself orchestrates the retaliation. For these reasons, when retaliation against protected speech is

elevated to the level of official policy, there is a compelling need for adequate avenues of redress. *Id at pg. 11; id. at 1954.*

But what happened to Gilda Ryan, her husband Joseph Ryan, after the Ryan's attempted to exercise speech rights on June 4th, 2019 in Palo Verde, California, absolutely dwarfs the depth and severity of the petition-rights violations alleged in Lozman v. City of Riviera Beach.[9] This matter is Lozman on steroids. *See below.* [10]

Both In Lozman and in this matter, members of a legislative body were alleged to have devised a pre-meditated plan to have a speaker engaged in public comment (from the government's podium) arrested (*id. at 585 U.S. ___(2018), pg. 1, 11; and see Id in Pet. FAC, at 2-ER-65, §33.* But in this matter, a group of public officials were involved in the creating of a non-organic rout to drown out lawful speech *(id at 2-ER-64 §28, 69 §49, 70 §53)*; The County Counsel, Katherine Turner *(id. 2-ER-65-66 §33, 2-ER-70 §52, 2-ER-71 §54; and see VOM 55:30 to 55:50 County Counsel instructing Deputy just before Gilda Ryan speaks));* and The County Clerk, Blanca Acosta, were directly involved in the commission of rights violations *2-ER-61 §15, 2-ER-80; and Id. VOM 57:07, 01:01:15 (Blanca Acosta directing Deputy in street)*; there was no probable cause for arrest of

---

[9] No disrespect intended to Fran Lozman or his attempts to defend his valuable speech rights.

[10] In Pet. Opening brief they also noted some similarities between how the Ryan's were ambushed by hecklers in Palo Verde and what happened to federal Judge Duncan, when he tried to speak at Berkeley. Id. at 9th Cir. App. Dkt. 10, Pet. Opening Brief, pgs.4-5.

either speaker *(id in Pet. As-applied ord. challenge, 2-ER-110-117 §5-10; 2-ER-124, lns. 13-18; and Id. in video of meeting at 55:45 to 57:10)*; The County Sheriff and UnderSheriff planned and orchestrated having subordinates unlawfully detain the Ryan's *(id at 2-ER-66 §35, 70 §50, 71 §55)*; Deputies were instructed to 'not intervene' while audience members and other Deputies violated rights *(id at 2-ER-67 §37)*; the media got paid, before the meeting at issue took place, by the County government, for agreeing to create a knowingly false narrative about the meeting, after the fact *(id at 2-ER-213-223, 235-237)*; and did publish a news article wherein the Ryan's were falsely portrayed as lawbreakers, while County policymakers and Sheriff Deputies were portrayed as innocent actors *(id at 2-ER-76 §E)*; the video of the meeting at issue was withheld from the public for over a year *(id at 2-ER-67 §38)*; its' existence was denied (id. at §39) and then it was altered before it was finally released *(id at 2-ER-68 §§ 40-41); and all risk of harm to the Ryan's children, who accompanied the Ryan's on June 4th, 2019, was disregarded in the most cold-hearted way imaginable by defendants intent on achieving goals and aims. Id. at 2-ER-57 §M.*

27. ALL ATTEMPTS TO HAVE ANY JURIST ACKNOWLEDGE THE INCONTROVERTIBLE TRUTH CONCERNING MISCONDUCT BY BAR MEMBERS HAVE BEEN FUTILE

So far, at both the district and Appeals court levels, there is no Jurist who has acted upon or even acknowledged in any way, shape, manner or form, that any attorney appearing in the action did

anything wrong whatsoever. *See writ §19-22 above, where handling of requests for sanctions by District Court and Appeals Court Panel are described.*

28. IT'S INDISPUTABLE THAT ATTORNEYS APPEARING IN THE ACTION ALTERED CASELAW TEXT AND ENGAGED IN OTHER MISCONDUCT

It is undeniable, that attorneys appearing in the action, not only altered caselaw text, but they did it in very conniving ways. *See Pet.Appx. at 86-87; Pet. App. Excerpts at 5-ER-557-578, 5-ER670-673, 5-ER-816-17, 5-ER-845-54 §§30-56,* and they also committed other serious acts of misconduct as well. Id. *Pet. MTCR, dkt. No. 41, pg. 14-19 §§§ B-D; and see Pl. request for sanctions, Dist.Ct. dkt. No. 128, and No. 131 databases cataloguing bad conduct at 5-ER-651-654, 655-659, 660-661, 810, 811, 812-813; 5-ER-628 §41 and 5-ER-635 §77; 5-ER-877-879 (altered exhibit submitted to Court to support argument); 5-ER-621-2 §§3, 7; 5-ER-626-7 §§§30, 31, 32; 5-ER-627-8 §§§35, 36, 37; 5-ER-630 §§§47, 48, 49; and see Pet. App. excerpts, Vol. 5, in entirety.*

29. BAR MEMBERS NEVER CAME CLEAN WITH COURT ABOUT HIGHLY MANIPULATIVE ALTERATIONS OF EVIDENCE BY CLIENTS

It's beyond dispute that The Petitioner's allegation, that the County of Imperial manipulated the video-recording at issue, before releasing the video to the public, is true (see writ §4 above); and most of the defendants named in the action who attended the meeting at have benefited from having the County's manipulation

of the recording at issue obscure the noise they created with associates, (*see pet. FAC, 2-ER-68 §41, 2-ER-61 §16),* that even the attorney for the County defendants admitted occurred. *Id. at 3-ER-505, lns. 2-5.* [11]

Even in the Appeals Court, the attorney for the media, Jonathan Segal, won't come clean about the creation of a specially prepared version of the article at issue that was substituted in place of the original article at issue, in order to provide support for an argument, by his co-counsel, Samantha Lachman. *See 9th. Cir. Dkt. No. 25, Media Reply Brief, pg. 30-31.*

30. RYAN FAMILY DENIED ACTUAL DUE PROCESS BY ABYSMAL QUALITY OF ADJUDICATION IN DISTRICT COURT

It's hard to imagine any litigants in federal court ever having had to tolerate being subjected to a worse course of judicial proceedings than the Petitioners were subjected to by honorable Judge Jinsook Ohta, including, just for starters, the Jurist dependence on a horrible factual record, wherein the Jurist got every fact of material significance wrong in some way; which according to the Supreme Court, violates her oath of office. See Liteky v. United States, 510. U.S. 540, 561-2 (1994); and s*ee Pet. Opening appellate brief, 9th Cir. dkt. 41, exhibits 3, and 5; and see summary of mistakes of facts and law by Judge Ohta. Id. at 6-ER-914-997.; and see arguments centered on mistakes of law in Pet. App. Opening Brief, §1 thru*

---

[11] Nonetheless, attorneys appearing in the action still went ahead and represented large groups of clients with conflicting interests. *See writ §1-4 above.*

§108, pg. 17-45; and see §13-17, and §27, 28, 29, above, and §32 below.

31. AFFECT OF USING BAD RECORD COMPOUNDED BY JURIST LACK OF FAMILIARITY WITH CIVIL RIGHTS LAW

After Judge Ohta got every single fact of significance wrong in some way or manner, and combined such distortions with the Jurist own judicially created facts, there was no hope the honorable Jurist could apply the law in a way that had material relevance to the action, but it also didn't help that Judge Ohta lacked familiarity with First Amendment speech issues (at least at the time of her confirmation). *See Judge Ohta's response to Questions from Senator Thom Tillis for Jinsook Ohta, Nominee to be United States District Judge for the Southern District of California, part 15D.*

32. A NON-COMPREHENSIVE LIST OF ADDITIONAL MATTERS OF LAW THAT JUDGE OHTA BOTCHED IN HER ORDERS

A. It's apparent that honorable Judge Ohta doesn't have any significant grasp on what the 'heckler's veto' is, (or even a cognizable notion that it exists in the law). The honorable Jurist clearly believes that speech about a public official's conduct in office can result in the speaker being instantaneously detained, if the lawful speech upsets listeners. *See Pet. Writ §17 (above), and compare to Pl-Pet. Facial Ordinance challenge, 2-ER-87-100, where the relationship between features*

of ordinance at issue and County's utilization of its' own heckler's veto, are explored

B. Judge Ohta also doesn't understand what might constitute an 'actual' meeting 'disruption'. It starts with not having knowledge related to the heckler's veto (*see above and writ §17*), but also encompasses a very basic failure to understand, or recognize, the importance of a warning clause contained in a speech ordinance[12], as opposed to or compared to an ordinance regulating speech taking place at a public meeting, that lacks such a safeguard. *See Pet. Appx. 50-51, where warning clause is not part of consideration of issue by Judge Ohta; and see Pet. Appx. 84 (warning clause in City of Norwalk's speech-ordinance, that Imperial County's lacks).*

C. Since the Judge doesn't understand the significance of a warning clause in an ordinance regulating speech (see proceeding section, above), the Jurist found that The City Of Norwalk's ordinance is equivalent to Imperial County's version (*See Pet. Appx. pg. 50, ln. 28 cont. pg. 51, ln. 28)*; and then concluded that since the City of Norwalk's ordinance was constitutional so was Imperial County's. *Id. at Pg. 51, lns. 13-15.*

D. That enabled the Judge to basically ignore all the arguments in Appellant's ordinance challenges, concerning how the Ryan's allege The County's

---

[12] Which was illustrated at the State of The Union speech that took place on March 4, 2025, attended by the Justices of this Court, wherein a person who had physical frailties was first given two warnings to stop disrupting, before physical removal was considered proper, and was commenced.

alterations of The State of California's, presumptively Constitutional, Brown Act meeting-ordinance, evidences County policy. See Pet. Facial ordinance challenge, *Id at. 2-ER-87-91, §§6-9.*

Additionally, Judge Ohta also refused to entertain the Ryan's facial ordinance challenge because it supposedly didn't name the correct party (*id. Pet. Appx. pg. 52, lns. 9-16)*, even though it names the County and the policymakers responsible for maintaining the ordinance at issue, on the books. *Id at 2-ER-81.*

E. After illogically labeling both Gilda Ryan and Joseph Ryan as lawbreakers, for Judge Ohta's purposes, everything that followed was rendered a non-issue. So none of the Ryan's 1st or 4th amendment claims related to their extended detention outside of the venue, were acknowledged by Judge Ohta in her order of dismissal. *Id in Pet. FAC at 2-ER-73, lns. 7-20; and see Judge Ohta's order of dismissal in entirety, Id. in Pet. Appx. 29-59.*

F. Honorable Judge Ohta misunderstands how qualified immunity works. The Jurist apparently not only believes that heat-of-the-moment analysis applies to every fact situation *(see Dist.Ct. dkt. 134, order dismissing Petitioners causes of action, in pet. Appx at 20-59, specifically in Pet. Appx. pg. 54, lns. 13-16, 17-22; pg. 55 lines 24-29; pg. 55, lns. 30-31 cont. pg. 56. lns. 1-6, 12-14)*, but also that qualified immunity from liability immunizes persons alleged to have separately and independently plotted to retaliate to violate a citizen's rights, just because the doctrine protects

an arresting officer from liability, in particular circumstances. *See Judge Ohta's order of dismissal, Dist. Ct. dkt. 134, in Pet. App. Excerpts at 1-ER-31, lns. 12-17, and compare to Supreme Court's holding in Lozman v. City of Riviera Beach, which affords qualified immunity to arresting officer, that doesn't extend to legislators who allegedly ordered a speaker's arrest, pursuant to a pre-meditated plan to retaliate against the speaker (Fran Lozman). Lozman v City of Riviera Beach, U.S. 585 ___(2018), pg. 6 §3, pg. 10-13.*

G, Judge Ohta found the Ryan's were basing Monell liability on *respondeat superior,* even though no where in the Ryan's complaint (or ordinance challenges) do they claim liability on such grounds *(Id. Pl. FAC, 2-ER-50-130),* and the Ryan's description of the basis of the Monell claims doesn't rely upon such grounds *(id. at 2-ER-57 §C, and §0).* Judge Ohta (and the Appeals Panel) then decided Monell issues based upon such 'findings'. S*ee Pet. Appx. §D, pg. 48-52, and at pg.7, lns. 17-24.* The Court never reached the four basis of Monell claims, Petitioners did actually plead. *Id. Pet.Appx.* pg. *104-09, where petitioners provide relevant parts of FAC text, illustrating where Petitioners pled Monell longterm policy, direct involvement of policymakers in violations, supervisory liability, and ratification by policymakers.* [13].

---

[13] The Courts did consider whether Imperial County's ordinance reflected County policy, but circumcised that line of inquiry by declaring that the ordinance at issue was constitutional in all respects. *Id. at Pet.Appx. pg. 49-51.*

H. As it concerns the liberal pleading standard: In the matter below, bar members unwilling to stick to the actual facts at issue that indicate their clients broke the law (*Id. at 2-ER-117-126 list of crimes committed by defendants to carry-out premeditated ambush of Ryan family*), were given more leeway with their pleading than one might imagine possible. See *9th Cir. Dkt. 41, Appellant's Motion to Correct the Record, exhibits 7, 8; and id. Pet. App. excerpts 5-ER-663, 5-ER-631, §50; 5-ER-814, 815, 880-81, 6-ER-956; 6-ER-956, exhibits illustrating use of faulty facts by attorneys, accepted and repeated by Judge Ohta in her orders.*

In contrast, the Ryan's were required to plead fourteen somewhat complicated causes of actions, including novel claims seeking to extend the recognition of clearly established law (*id. at 2-ER-55 §E, 2-ER-56 §H, 2-ER-73-4 No. 3, and counts 29-35*), plus Monell policy claims against over fifty defendants using thirty pages or less (*Id. Pet. Appx. pg. 79-80, Judge Burns Order of dismissal with refilling conditions*).[14]

Additionally, in Judge Ohta's various orders, every allegation the Ryan's made in their FAC was either wholly disregarded, distorted, considered out of context, or changed into something they didn't plead or even recognize. *See Pet. Request for recusal of Judge Ohta, 6-ER-926-952, 956, where distortions of the record Judge Ohta used to support her findings and conclusions are listed in*

---

14 Which necessitated the Ryan's dropping damning details about Imperial County's longterm policy causing previous harms to Ryan family members, (*id. .at 2-ER-180-189, sample text dropped from initial complaint*)) .

an exhibit; and see Pet. Motion to correct the record, 9th Cir. App. dkt. 41, App. MTCR, ex. #3, exhibit detailing 102 mistakes of fact made by Judge Ohta, and exhibit #5, listing material facts not taken into consideration by Judge Ohta in the Jurist' orders.

I. The Ryan's were denied Leave to Amend on all fourteen express causes of action against all defendants, based upon Judge Ohta's reliance on all the other mistakes of fact and law the Jurist made (*see writ §14-17, above; and see progression in Pet.Appx. pg. 71, ln. 25, 31 cont. pg. 72, lns. 1-2, 9-13, and finally ruling the Ryan's claims must be stricken without leave, pg. 72, lns. 17-22)*; and the Jurist supported her rulings with reliance on non-analogous caselaw applied to the procedural facts relevant in this matter (for example *see Pet. Appx. pg. 37, lns. 27-29; pg. 38, lns. 11-13*), which herein, concerns Plaintiffs who only amended their claim one time to reduce it's size, as a condition of re-filing before any motion had taken place. *Id. Pet. Appx. pg. 80-81; and see Dist. Ct. dkt. entries 1-9.*

J. In Judge Ohta's orders setting-aside the defaults of ten sophisticated defendants, the Court found that all ten defaulters had each met their burden to establish good faith and lack of culpability, even though attorney Orlando Foote's excuses for defaulting were far beyond preposterous (*id. Dist. Ct. dkt. 115.1, dec. atty. Orlando Foote jr., avail. id. at 4-ER-548 §22, 4-ER-549 §23*); he admitted he fastidiously and repeatedly avoiding service of process for his ten clients (Id. at *see 4-ER-545 §§§ 11, 12, 4-ER-546 §14)*, and didn't supply any declarations to

establish the mental state and conduct of each of his ten clients during the four months they spent in default. *Id. at Pet. Appx. pg. 77, lns. 27-29 cont. pg. 76, lns. 1-7.*

Additionally, Judge Ohta supported her good-faith and culpability findings with judicially created facts attributed to attorney Orlando Foote; incorrectly stating that Orlando Foote suffered "various" medical "emergencies" during the default period; and that the attorney in question was confused about which complaint "was operative" (Id. Pet. Appx. 76, lns. 13-25). Further support for setting aside the defaults involved reliance on invalid criteria (the crush of business). *Id. at 4-ER-ER-558 lns. 23-26, 4-ER-559, lns. 1-8); and Id. at Pet. Appx. 76, lns. 22-23*); *and id. at 4-ER-525, lns. 7-14.*

K. In the Court's order granting the media's anti-SLAAP motion to strike, attacking Plaintiffs First Amendment based actions, Judge Ohta made the astonishing claim that the Ryan's allegations against the media were based solely on 'the media attending a meeting and publishing a news article about it' (*Id. Pet. Appx. pg. 47, lns. 25-31*)[15]; and then, in accord with the Court's judicially created narrative, concluded that the Ryan's whole §1983 action 'arose from' the publishing of said article (a simple overt act done in furtherance), rather than the agreement to act in concert that allegedly binds all defendants, and is at the crux of the Ryan's causes of action. *Id. Pet. Appx. pg. 69, lns. 9-16; and id. at 5-ER-875, 882, ex. No's. 6, and 13,*

---

[15] Which was picked up and repeated in the Memorandum released by the Appeals Court. *Id. Pet.Appx. pg.9, lns. 17-20*

describing what the Ryan's causes actually arise from. [16]

L. In denying recusal, Judge Ohta claimed that the Petitioner only made one accusation involving conduct that might defile court processes (*Id. Pet. Appx. at bot. pg. 23 cont. to pg. 24). But* that's just semantics. Joseph Ryan was required by circumstances to advance his charges using the objective standard, and to disavow making any subjective claims. See *Pet. Request for recusal, 6-ER-897-912, §23-74, where Joseph Ryan makes over fifty allegations, many which involve conduct that defiled processes and which has already left a permanent stain on the federal Judiciary.* [17]

Additionally, Judge Ohta applied §455(a) without considering the extra-judicial bias exception that Petitioners relied upon in their request *(Pet. Appx. pg. 24, ln. 31 cont. to pg. 25; Id. at 6-ER-894 §§§ 2, 3, 4)*, and then quoted an allegation verbatim where Joseph Ryan wrote that it looked like Judge Ohta was a 'wholly dishonest, sneaky Judge acting for corrupt reasons' (*id. at Pet. Appx. pg. 25, lns. 8-11*)[18]; and finally, claimed

---

[16] All of Petitioner's arguments going to whether the County was acting as a business, as opposed to performing a personal service, and whether Petitioner's pleading were 'conclusory' weren't even acknowledged by the Court; *Id. at 3-ER-460-61*, or it could be Judge Ohta simply doesn't understand what 'conclusory' even means. *Id at ; 3-ER-399, ln. 21 cont. to 3-ER-400, line 12.*

[17] Using the objective standard keeps pro-se litigants out of jail, so, unfortunately, subjective standard had to be put aside for another day.

[18] Which, in context, seems like a dog whistle to judicial colleagues to retaliate against the Ryan's for saying 'bad things' about a member of the federal judiciary.

the Ryan's didn't produce even a scintilla of evidence that indicated that the Jurist could be biased or failed to act with impartiality, *Pet. Appx. Id. at pg.25, lns. 14-16*, before denying recusal. *Id. at lns. 16-28*. Such finding is ridiculous on the face.

33. REQUEST FOR RECUSAL OF MAGISTRATE HANDLED IMPROPERLY

In the Jurist order denying recusal, after mentioning the disappearance from the federal courthouse of the Ryan's reply document exposing judicial misconduct (*see details in exhibit form, at 6-ER-1026-39*), Magistrate Rodriguez also relied upon non-applicable caselaw (*id. at pg. 21, lns. 15-20, 20-23, 30-31*), that he failed to apply to the actual facts put at issue by the Ryan's (*id. at 6-ER-1007-22*). Then Magistrate Rodriguez stated he wouldn't 'countenance'[19] the Court being accused of wrongdoing by petitioner (*id. at pg. 22, lns. 19*).

34. ATTORNEYS APPEARING IN MATTER INVOKE JUDICIAL BIAS TO ABORT ANY SERIOUS INQUIRY INTO THEIR CONDUCT

Throughout the running of this matter, right up into the Appeals Court, attorneys appearing in the matter invoked the bias of the Court. *See Pet. Motion for sanctions, Dist. Ct. dkt. 128, ex. 1, 2, and dkt. 131.2, ex. 1-2, §11, where the location of many instances of 'invocation of bias' by attorneys are compiled.* For example, In the County Water District's opposition (*Dkt.45*) to the Appellant's Motion to Correct the Record (*9th. App. Ct. Dkt. 42*) attorney Melissa Blackburn Joniaux decried that "Additionally, Appellants' briefing contained

[19] Whatever that means.

personal attacks on all parties, their counsel and the presiding judges"; and then just ten lines later wrote ". . . in addition to further personal attacks on Appellees, their counsel, and the presiding judges". *9th. App. Ct. Dkt. 45, pg. 2, lns. 10-12, and 16-18.*

These invocations illustrate why every attorney who essentially cries out for their fellow bar members on the bench to protect them from the 'mean' pro-per plaintiffs, which is essentially a call for Jurist to harm the Ryan's by depriving them of the full and *fair* due processes of The federal Court because the Ryan's wrote 'bad things about members of the bar' in their various pleadings, is not just being unprofessional, but letting members of the judiciary know that so-called officers of the court expect favoritism from Jurist when they're opposing self-represented litigants, and they aren't afraid to all but demand it from bar members sitting on the bench, as if it's an obligation owed other club members.

35. 'ROYAL' ATTITUDE DOES NOT BECOME THE DISTRICT AND APPEALS COURT

The Ryan family doesn't represent a gaggle of serfs begging for some cake at the gates of the federal court's castle. The Appellant's pleadings – including this one – may not have all the hallmarks of a polished litigator and Petitioner's don't pretend to be anything other than inexperienced amateurs when it comes to litigating in federal court. Nonetheless, a careful examination of the facts pled by The Ryan's compared to the elements of the causes of action at issue, reveals The Ryan's operative complaint – if

subjected to normal processes of adjudication – contains sufficient allegations asserted using non-conclusory facts, to carry most of their causes of action to trial, without even requiring the benefit of discovery. *See Pet. FAC in entirety, avail. in Pet. App. Excerpts at 2-ER-50-80.*

36. ANGER ISSUES AFFECTED QUALITY OF JURISDICTION

In this matter, judge Ohta proceeded in all regards with callous disregard for the detrimental effect her unfair, malignant approach to the Ryan's matter (*see 6-ER-911 §69, lns. 12-19; §70; §71, lns. 24-26; 6-ER-912, lns. 1-2; §§ 72-73; 6-ER-1015 §43(A), lns. 16-25; 6-ER-907 §61*) would have, not only upon the Appellants, but also upon the Ryan's minor children, who were named as plaintiffs in Appellant's initial complaint, due to the damage they've suffered at the hands of government actors on June 4th, 2019, and at all other relevant times. *See Dist.Ct. dkt. 141, 142, minute orders of Judge Ohta, issued early on the morning after Petitioner's requested the jurist recusal, cutting off the Ryan's reply rights. See dist. Ct dkt. 141, 142, rprd. Pet. Appx. at 80; and id. at 6-ER-1015-19.*

37. NINTH CIRCUIT COURT ABDICATED JUDICIAL DUTIES BY ALLOWING STAFF TO ENGINEER A DENOVO CHARADE

Comparing the content of the Ryan's opening brief, reply brief, and motion to correct the record to the Appeals Court Panels' memorandum of decision, establishes beyond any doubt that not one of the three judges on the panel ever read anything the Ryan's submitted to The Appeals Court, or the

most, couldn't be bothered to give any weight or a single drop of consideration to any material contained in their opening brief, reply brief, motion to correct the record, replies to MTCR opposition, and the voluminous excerpts of record the Ryan's painstakingly created for the Court's benefit, before unsigned orders were released in the three-judge panel's name(s). *See App. dkt. 10, 11, 39, 41, 48, 49, 50, 51, 54, 58.*

Either nothing was read or given due material consideration by any of the Judges on the panel, or every one of them was willing to sign-on to what unequivocally constitutes the commission of a fraud upon the federal court system, It's one or the other; there are no other possibilities in play. *See Pet. Writ §§ 20-22 (above).*

38. MOTIONS FOR REHEARING LIKELY 'HANDLED' BY THE SAME STAFF MEMBER WHO ENGINEERED DENOVO CHARADE

If the judges assigned to the panel couldn't be bothered to read the Appellants' briefing material, it doesn't seem logical to presume any of the Jurist developed a sudden interest in finding out how The Ryan's Appeal was being 'taken care' of by the staff during the rehearing process.

By all indications, a staff member was given permission or leeway to simply clear The Ryan's matter off the docket, without the material involvement of any judge, whatsoever.; and which came entirely at the Ryan Family's expense; with their Constitutional right to due process being

jettisoned, at least in some part, for the sake of expediency. [20]

39. IMMORAL TO INVITE PRO-SE LITIGANTS INTO COURT, ALLOW ATTORNEYS TO AMBUSH THEM WITH PROCESS ABUSES, AND USE MATTER AS A PRACTICE FIELD FOR NEW JURIST

If Judges won't police so-called 'officers of The Court', the rules allowing pro-pers to file are just a set-up for vulnerable litigants to be harmed by bar members. The Federal Court simply morphs into a convenient forum for attorneys to carry-out speech based retaliation – against citizens criticizing public officials in court documents – at the behest of their government clients; which is exactly what occurred in this matter. For example, *see 9th. Cir. Dkt. 39, pg. 11-13, §12, where County's use of reply document to mock death of the Ryan's second child is described; and id. at ex. 5-ER-666.*

The Petitioner's lives have to matter as much as the career advancement of any individual federal District Judge. The lives and due process rights of four people living in the middle of the desert shouldn't be disregarded on those illicit grounds.

---

[20]. Although the Ryan's status as pro-pers, the desire to obstruct justice for clients who obviously were involved in the commission of serious crimes, and to continue to carry-out County policy regarding retaliating against persons who say 'bad' things about Imperial County's public officials, using federal court processes, were also critical factors at play.

40. THIS MATTER CRIES OUT FOR A REMEDY DUE TO DEPRAVITY OF CONDUCT AT ISSUE

After Appellant's filed claims with The County of Imperial and alleged bad conduct by a public official, had caused the Ryan's 2-year old little girl to suffer nightmares (*see Pet. App, at 112, a reproduction of text from a claim for damages sent to The Count; and see text from Petitioner's subsequently filed complaint at 2-ER-230-231),* Imperial County's policymakers intentionally caused a whole mass of angry adults, and adults feigning anger, to yell directly in the direction of the Ryan's 3-year old, impressionable little girl; which resulted in her suffering further nightmares connected to what she witnessed happen to her parents. *Id. in VOM at 58:05 to 1:02:50 (where child tries to not be separated from Mother, as Mother bothered by Deputies).*

The Ryan's would have never brought their minor daughter to a public meeting, again, if they thought for an instant that the various defendants would carry-out a boisterous, confrontational speech-ambush in the presence of a large group of public witnesses; but unfortunately for the Ryan's minor children, harmed deeply by the defendant's conduct, that's water under the bridge; just like the Petitioner's matter flowed through the Appeals Court setting.

41. WITHOUT RELIEF FROM THIS COURT, A BLATANTLY UNCONSTITUTIONAL STATUTE, WHICH MAKES ONE RISK LIFE AND LIMB TO CRITICIZE A PUBLIC OFFICIAL IN IMPERIAL COUNTY CALIFORNIA, WILL LIVE ON IN INFAMY

See Pet. Facial ordinance challenge, avail at 2-ER-81-104, where Petitioners describe how Imperial County's ordinance does not regulate speech within Constitutional acceptable bounds. (rprd. in part in Pet. Appx. pg. 88-101).

XI. PETITIONER'S REQUESTS:

1. Grant Certiorari; and then:

2. Recall Mandate issued by Appeals Court

3. Decide matter(s) on merits, or remand for meaningful adjudication of causes of action.

4. Decide all sanctions related issues on the merits, or remand for proper consideration

5. Order Appeals Court to appoint special master to investigate why normal, acceptable processes of adjudication broke down in this matter.

6. Review the facial Constitutionality of Imperial County's Meeting law (including the attached declaration establishing Petitioner's standing); and declare it to be unconstitutional as appropriate.

XII. PETITIONER'S INFORMATION

Respectfully Submitted

Gilda Ryan _____ April 29, 2025

Joseph Ryan _____ April 29, 2025

Gilda Ryan
Joseph Ryan
Self-represented
53 Sunset Way
PO Box 183
Palo Verde, Ca. 92266
itsjoeryan@gmail.com
760-854-1009