ORIGINAL

No. 26-6021

FILED
JUL 05 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Johnny Lee Jones, III — PETITIONER ("Appellant")
(Your Name)

vs.

Officer T. Rybecki et.al — RESPONDENT(S)/Appellees

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Johnny Lee Jones, III
(Your Name)
Southern Desert Correctional center
P.O. Box 208
(Address)

Indian Springs, NV 89070
(City, State, Zip Code)

N/A incarcerated
(Phone Number)

RECEIVED
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1.

QUESTION(S) PRESENTED

(1) When the Ninth Circuit dismissed the Appellants' appeal as "frivolous" without providing any statement whatsoever that could possibly facilitate intelligent appellate review, did they abuse their discretion?

(2) Did the Appellate Court abuse it's discretion by sua sponte precluding Rehearing prior to any motion even being filed?

These two questions are:

Do "frivolous" determinations require explanation?

and

Can Courts effectively deny review of their decisions by precluding "further filings"?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Johnny Lee Jones, III, Petitioner

VS.

Officer J Rybecki, Dr NWapa, Spring mountain treatment center
Jamie heaps (Parole officer) Catherine Wiersch (Public defender)

RELATED CASES

9th circuit case 26-440
Jones V. Rybecki, 2026 US. App. Lexis 1639

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and

US District Court case 2:25-00046-APG-DJA
Jones V. Rybecki 2025 U.S. Dist Lexis 26985

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STATUTES AND RULES

28 USCS § 1915 (a), (e)(2)

F.R.A.P. 40

OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished. Attached "NO 26440"

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at 2025 US Dist LEXIS 270070; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

N/A

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was 4-22-2026.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 4-22-2026, and a copy of the order denying rehearing appears at Appendix ____. Attached copy * Also see footnote

[ ] An ~~extension of time to file the petition for~~ a writ of certiorari was granted to and including ____ (date) on ____ (date) in Application No. A____. N/A

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was ____. A copy of that decision appears at Appendix ____.

[ ] A timely petition for rehearing was thereafter denied on the following date: ____, and a copy of the order denying rehearing appears at Appendix ____. N/A

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including ____ (date) on ____ (date) in Application No. A____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

* The Court denied the Appellant the right to file a petition for rehearing of it's decision on same date.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

All from Denton V. Hernandez 504 U.S. 25,

Coppedge V. U.S. 369. U.S. 438 and Nictzke V. Williams 490. U.S. 3A

28 U.S.C. 1915 (a) (e)(2)

Due Process 6th, 5th Amendment

14th Amendment equal protection

STATEMENT OF THE CASE

The Appellant filed a civil suit in the U.S. District Court of Nevada while he was not incarcerated. He also filed his application to proceed in forma Pauperis at the same time in January of 2025. He was then arrested and later incarcerated. The District Court then subjected his suit to P.L.R.A. procedures even though he was not incarcerated or detained in any facility when he filed his suit. Furthermore, such a civil suit addressed issues outside of a prison context. The Appellant then filed a timely notice of Appeal to the Ninth circuit court of Appeals on about 1-16-2026. The Appellant then filed an informal brief and an application to proceed in forma pauperis. On February 20, 2026 the Court ordered the Appellant to file a statement explaining why the appeal is not frivolous (Dkt. entry #17). The Appellant complied. (Dkt entry #18). On 4-22-2026 the Court denied the Appellants motion to proceed in forma Pauperis and dismissed his appeal as "frivolous" without attempting to ever explain how it was frivolous at all. Furthermore, they, somehow denied rehearing on the same day.

REASONS FOR GRANTING THE PETITION

A plethora of prior precedent in myriad courts, including this one, seems to clearly suggest that any time that a Court dismisses an action as "frivolous" such frivolousness must be explained and even proven by the Court. See Coppedge V. United States 369 U.S 438. "The objective standard under 28 USC. §1915 is intended to place the burden of proof and persuasion in all cases on the same party, in these cases, on the government" (Id.). The Ninth Circuit made absolutely no attempt to explain to a prose litigant how his appeal was "frivolous". A case must arise to the level of "irrational", "wholly incredible" which "lacks an arguable basis in either law or fact" which "no reasonable person could suppose to have any merit". See Coppedge as well as Denton V. Hernandez 504 U.S. 25 and Nietzke V. Williams 490 U.S. 319. It appears to be quite clear that the particular classification of "frivolousness" is one that demands explanation. In the Appellants case, he cannot even discern whether his appeal was dismissed because it was factually frivolous, legally frivolous, or both. "Affording of a record of sufficient completeness to enable him to make a showing that the Courts' certificate of lack of good faith is in error and that leave to proceed in forma pauperis should be allowed" is fundamental. Coppedge. Such a form of dismissal essentially serves as a hurdle to future appellate review (Id.) "A statement must be provided that "facilitates intelligent appellate review". Moreover, "It is the duty of the U.S. Supreme Court to assure to the greatest degree possible within the statutory framework for appeals created by congress equal treatment

for every litigant before the bar." (Id.) Thus, the appeal must be so frivolous that it would be dismissed in the case of a non-indigent litigant. "An initial assessment of an in forma pauperis motion must be weighted in favor of the Plaintiff" Denton And a frivolous determination cannot serve as a fact finding process for the resolution of disputed facts. In this instant situation, the Appellant has absolutely no clue what facts or legal arguments were in dispute. Finally, the Courts' sua sponte precluding of a motion for rehearing was quite inexplicable. They essentially denied the Appellants right to rehearing En Banc that was filed after they denied it.

CONCLUSION

Such actions committed by the court of appeals are virtually unprecedented and clearly contradictory to this Honorable Courts prior rulings.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Johnny Lee Jones III

Date: 7-5-2026

I, Johnny Lee Jones, hereby declare under penalty of perjury under the laws of the United States declare under penalty of perjury that this Petition for Certiorari was handed to a correctional officer for mailing postage paid and addressed to the U.S. Supreme Court at 1 First Street NE Washington DC 20543 on 7-5-2026

Johnny Lee Jones III