

No. _____

IN THE SUPREME COURT OF UNITED STATES

RICHARD RYNN, next friend and parent of MR, a minor,
Applicant Petitioner

V.

GEORGE A Mckay, in his official capacity as Director of the Arizona
Department of Child Safety, and personally, et al

Respondents

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI, TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Richard Rynn
1299 E. Marlin Drive
Chandler, AZ 85286
(520)510-6370
richardrynn@yahoo.com
Petitioner//Plaintiff
Pro Se

Petitioner Richard Rynn requests a 60-day extension of time within which to file petition for writ of certiorari in accordance to Supreme court Rule 30.4 and from the disposition of appeal from the Ninth Circuit of Appeals on April 23, 2024. Petition for certiorari, was due by July 22, 2024. Petitioner requests an extension of sixty days until September 20, 2024, to file petition for a writ of certiorari.

Plaintiff emailed all Defendants on July 1, 2024 for their position on the sixty-day extension to file certiorari, Defendants replied with Desert Vista agreeing to sixty-day extension, state defendants and Quail Run opposing the extension, no response from defendant La Frontera at this time. Petitioner required to file in Ninth circuit first for motion to vacate per U.S. Supreme court rule 23.3 but is restricted by failure of Ninth circuit to address Rule 23.3.

Petitioner requires additional time due to fraud infecting Ninth Circuit court and district court. A dispute between Petitioner and Ninth circuit remains not addressed due to failure of Ninth circuit failing to respond to Petitioner motion to vacate causing a delay in petitioner filing a certiorari without a final ruling from Ninth circuit. Petitioner filed motion to vacate and motion to expedite ruling and Ninth circuit

failed to respond to violations of constitutional rights, violation of due process and failed to address evidence and Rule 60 motion for fraud on the court. Additionally, the Ninth circuit and district court judges illegally ordered the court on multiple cases of Rynn to not accept further filings from petitioner Rynn in violation of due process, and fraudulent concealment in disrespect to the law.

Petitioner has multiple cases at the same time in state and U.S. district court related to this Appeal that void the judgements of district and Ninth circuit court and require additional briefing to resolve. Plaintiff is requesting for an extension of time to file certiorari. It will take more time than allotted in the rules for filing certiorari for the multiple Defendants and cases. Petitioner is overburdened by being required to file multiple briefs and multiple certioraris with same due dates. Petitioner needs more time to read, analyze and make cross references to complete brief. This motion is not filed for purposes of delay.

1. Ninth Circuit Opinion (copy attached).
2. Jurisdiction exists in this court under 28 U.S.C 1254(1)

Ninth Circuit court of appeals affirmed district courts rulings but failed to respond to Plaintiffs motion to vacate.

Wherefore, petitioner prays that this court find good cause to extend the time to file a writ of certiorari to this court to September 20, 2024 and to enter such orders as are just and proper in these premises.

RESPECTFULLY SUBMITTED

this 2nd day of July 2024


RICHARD RYNN

CERTIFICATE OF SERVICE

A copy of this application was served by email or and U.S. mail to Defendants listed below in accordance with Supreme Court Rule 22.2 and 29.3.

Elizabeth Peterson
Megan A. Evans
SLATTERY PETERSEN, PLLC
340 E Palm Ln #250,
Phoenix, AZ 85004
Attorneys for Desert Vista Behavioral Health Center

Carolyn Armer Holden
Michael J. Ryan
Nathan S. Ryan
HOLDEN AND ARMER, PC
4505 E. Chandler Blvd., St. 210
Phoenix, AZ 85048
Attorneys for Quail Run Behavioral Health

James Bowen
ATTORNEY GENERALS' OFFICE
2005 N. Central Ave
Phoenix, AZ 85004

Broening, Oberg, etc.
2800 North Central Avenue Suite 1600
Phoenix, AZ 85004
Attorneys for EMPACT

this 2nd day of July 2024

By: 
RICHARD RYNN

APPENDIX

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

Ninth Circuit Court of Appeals
Summary affirmance Oct. 23, 2023

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

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

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 23 2024

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

RICHARD RYNN, next friend and parent of
MR, 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.

No. 23-15607

D.C. No. 2:18-cv-00414-JJT
District of Arizona,
Phoenix

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.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 23 2023

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

RICHARD RYNN, next friend and parent of
MR, 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.

No. 23-15607

D.C. No. 2:18-cv-00414-JJT
District of Arizona,
Phoenix

ORDER

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. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating summary affirmance standard). Accordingly, the motion to dismiss (Docket Entry No. 10) is treated as a motion for summary affirmance and is granted.

AFFIRMED.

1 WO

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Richard Rynn,
10 Plaintiff,

11 v.

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

No. CV-18-00414-PHX-JJT
ORDER

14
15 At issue are *pro se* Plaintiff Richard Rynn's Motion for Summary Judgment
16 (Doc. 108), For Retrial and to Set Aside Judgment (Doc. 110), and for Recusal (Doc. 111).
17 Because the Court will deny all these motions, the Court will not await responses from
18 Defendants and will not hold oral argument. See LRCiv 7.2(f).

19 Over four years ago, on November 6, 2018, the Court entered judgment dismissing
20 Plaintiff's claims in this lawsuit with prejudice. (Docs. 59, 71, 72.) Plaintiff moved for a
21 new trial (Doc. 75), which the Court denied (Doc. 77). Plaintiff then moved to set aside the
22 judgment (Doc. 82) and filed a supplemental motion to set aside the judgment (Doc. 84),
23 which the Court denied (Doc. 96). Plaintiff appealed the Court's decisions (Doc. 102), and
24 on March 9, 2023, the Ninth Circuit Court of Appeals affirmed the Court's decisions
25 (Doc. 107). Plaintiff now requests again to set aside the judgment, for summary judgment,
26 and for the undersigned to recuse. The Court has already addressed Plaintiff's arguments
27 in its multiple prior Orders, and Plaintiff has given the Court no basis in the new set of
28

1 Motions to set aside the prior judgment—which has been affirmed on appeal—or to grant
2 summary judgment in favor of Plaintiff, or for the undersigned to recuse from this case.

3 This matter has been and now remains closed. No further filings will be permitted.

4 **IT IS THEREFORE ORDERED** denying Plaintiff's Motion for Summary
5 Judgment (Doc. 108), For Retrial and to Set Aside Judgment (Doc. 110), and for Recusal
6 (Doc. 111). This case remains closed.

7 **IT IS FURTHER ORDERED** that the Clerk of Court shall not accept any further
8 filings in this matter.

9 Dated this 30th day of March, 2023.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28


Honorable John J. Tuchi
United States District Judge

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Richard Rynn,
10 Plaintiff,

No. CV-18-00414-PHX-JJT

ORDER

11 v.

12 Gregory A. McKay, *et al.*,
13 Defendants.
14

15 At issue are three Motions to Dismiss (Docs. 61, 62, 64) filed by the remaining
16 Defendants in this matter, as well as a Motion for Summary Adjudication (Doc. 70). The
17 Court resolves the Motions without oral argument. *See* LRCiv 7.2(f).

18 The Court previously entered an Order (Doc. 59) dismissing all of the claims in
19 Plaintiff's Complaint but granting Plaintiff leave to amend certain claims. Plaintiff then
20 filed a First Amended Complaint (Doc. 60, FAC), which all remaining Defendants now
21 seek to dismiss (Docs. 61, 62, 64).

22 Plaintiff requested an extension of time (Doc. 67) to respond to the Motion to
23 Dismiss filed by EMPACT Suicide Prevention Center (Doc. 61), which the Court granted
24 (Doc. 68), and Plaintiff then filed a Response (Doc. 69) to EMPACT's Motion to
25 Dismiss. Because the Court will grant EMPACT's Motion, it did not await a Reply.

26 Plaintiff did not timely file a Response to the Motions to Dismiss filed by the State
27 Defendants (Doc. 62) or the Quail Run Defendants (Doc. 64), and the Court will
28 therefore grant those Motions both under LRCiv 7.2(i) and because Plaintiff failed to cure

1 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 (Doc. 70).

4 With regard to Plaintiff's remaining claims against EMPACT, the Court found in
5 its prior Order (Doc. 59) that Plaintiff's claims in the Complaint failed because, among
6 other reasons, (1) Plaintiff did not make any allegation as to an action taken by EMPACT
7 that would give rise to a claim, plainly failing to meet the pleading requirements of
8 Federal Rule of Civil Procedure 8; and (2) Plaintiff did not allege any facts to show that
9 EMPACT is a state actor, as required to sustain a claim under 42 U.S.C. § 1983 against it.

10 In the FAC, Plaintiff has done nothing to cure these defects. As in the original
11 Complaint, the sole allegation even implicating EMPACT is that one of its employees
12 "asked to keep M.R. for 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
15 will now dismiss those claims with prejudice.

16 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
19 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
21 U.S.C. §§ 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
27 enough in the complaint for the court to conclude it has subject matter jurisdiction. *See*
28 Fed. R. Civ. P. 8(a); Charles Alan Wright & Arthur R. Miller, *5 Fed. Practice &*

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

4 **IT IS THEREFORE ORDERED** granting Defendant EMPACT-Suicide
5 Prevention Center, an Arizona Nonprofit Corporation's Motion to Dismiss (Doc. 61).

6 **IT IS FURTHER ORDERED** granting the State Defendants' Motion to Dismiss
7 (Doc. 62).

8 **IT IS FURTHER ORDERED** granting Defendants Quail Run Behavioral Health
9 and Candy Zammit, *et ux.*'s Motion to Dismiss (Doc. 64).

10 **IT IS FURTHER ORDERED** granting Defendants Quail Run Behavioral Health
11 and Candy Zammit, *et ux.*'s Motion for Adjudication of their Motion to Dismiss
12 (Doc.70).

13 **IT IS FURTHER ORDERED** that all of Plaintiff's claims in the First Amended
14 Complaint (Doc. 60) are dismissed with prejudice.

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

17 Dated this 6th day of November, 2018.

18
19 
20 Honorable John J. Tuchi
21 United States District Judge
22
23
24
25
26
27
28