

APPENDIX A

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SJC-12793

CARE AND PROTECTION OF A MINOR.

March 6, 2020.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, the biological father of a minor child, appeals from a judgment of a single justice of this court denying his petition pursuant to G. L. c. 211, § 3.^{1,2} We affirm.

The child was the subject of a care and protection proceeding in the Juvenile Court. After the trial concluded, the petitioner filed a "Verified Emergency Time is of the Essence Ex Parte Petition for Answer to Question of Law" in the

¹ The petitioner purports to prosecute this petition "ex parte." The parties in the underlying litigation were not named as parties to the petition, and there is no indication that they were served with the petition. They have not appeared in this appeal. See S.J.C. Rule 2:22, 422 Mass. 1302 (1996) (requiring petitions filed pursuant to G. L. c. 211, § 3, to "name as respondents and make service upon all parties to the proceedings before the lower court"). See Adjartey v. Central Div. of the Housing Ct. Dep't, 481 Mass. 830, 833 n.6 (2019); G.G., petitioner, 462 Mass. 1004, 1004 n.2 (2012).

² This is the second petition, pursuant to G. L. c. 211, § 3, that the petitioner has filed seeking a determination that he had a right to a jury trial in a care and protection proceeding involving the minor child. A different single justice of this court denied relief on the first petition. After the petitioner failed to timely appeal from that judgment, his motion for leave to file a late notice of appeal was denied.

county court, which the single justice treated as a petition pursuant to G. L. c. 211, § 3, and denied. In essence, the petitioner sought a declaration that he had a right to a jury trial in the care and protection proceeding.

The single justice neither abused his discretion nor made a clear error of law in denying the petition. See Commonwealth v. Fontanez, 482 Mass. 22, 24 (2019). As we have said many times in circumstances like this, "[t]he single justice is not required to become involved if the petitioner has an adequate remedy," as the petitioner did here. Id. The petitioner could have filed a notice of appeal in the Juvenile Court, see Mass. R. A. P. 4 (a), as appearing in 481 Mass. 1606 (2019), and appealed to the Appeals Court from the decree of the Juvenile Court terminating his parental rights. See Adoption of Douglas, 473 Mass. 1024, 1026, 1029 (2016) (parent whose rights have been terminated "may press an appeal challenging the adjudication of the termination proceeding").

In addition, based on the materials before him, the single justice was well within his discretion in concluding that extraordinary circumstances requiring exercise of the court's supervisory power were not present. The petitioner failed to create a record demonstrating his allegations, i.e., he did not "provide copies of the lower court docket entries and any relevant pleadings, motions, orders, recordings, transcripts, or other parts of the lower court record necessary to substantiate [his] allegations." Gorod v. Tabachnick, 428 Mass. 1001, 1001, cert. denied, 525 U.S. 1003 (1998). And as stated, see note 1, supra, he also failed to "name as respondents and make service upon all parties to the proceedings before the lower court," in violation of S.J.C. Rule 2:22, 422 Mass. 1302 (1996).

Judgment affirmed.

The petitioner, pro se.

APPENDIX B

SJC-12403
Supreme Judicial Court of Massachusetts.

In re of

84 N.E.3d 1254 (Mass. 2017) 478 Mass. 1015
Decided Nov 10, 2017

SJC-12403

11-10-2017

CARE AND PROTECTION OF a MINOR.

The case was submitted on the papers filed, accompanied by a memorandum of law. Ilya Liviz, pro se.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Ilya Liviz, pro se.

1015 RESCRIPT*1015 The father of a child who is the subject of a care and protection proceeding in the Norfolk County Division of the Juvenile Court Department filed a petition pursuant to G. L. c. 211, § 3, with a single justice of this court seeking relief pursuant to the court's general superintendence power. The father is an attorney who is representing himself. The record of material he has put before us is confusing, to say the least. It appears that the child has been removed from his parents' custody and that the father contests the removal. In his G. L. c. 211, § 3, petition he sought, among other things, a jury trial in the care and protection proceeding. He also claimed that the Department of Children and Families has violated his due process rights and "non-party participants" in the care and protection proceeding should have been sequestered during certain motion hearings in the Juvenile Court.

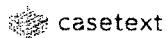
The single justice denied the petition without a hearing on May 5, 2017. The petitioner then filed a petition for a writ of certiorari with the United States Supreme Court on May 10, 2017. While the certiorari petition was pending, the petitioner filed a motion with the single justice, on August 7, 2017, for leave to file a late notice of appeal from the denial of the G. L. c. 211, § 3, petition. The single justice denied the motion on September 12, 2017. The petitioner then filed a notice of appeal from the denial of that motion, and his appeal was entered in this court on September 22, 2017. Shortly thereafter, the United States Supreme Court denied his certiorari petition, on October 2, 2017.

1. The petitioner's appeal to this court involves only the denial of his motion for leave to file a late notice of appeal. The single, very limited issue that is properly before us is whether the single justice erred or abused his discretion in denying that motion. Nevertheless, the multitude of papers that the petitioner has filed in this court focus almost exclusively on the underlying merits of his G. L. c. 211, § 3, petition, and address only minimally the issue of the late notice of appeal. He has set forth no cogent argument regarding that motion; he has not shown good cause or excusable neglect for his late filing; and he has not put forth any argument at all as to why the single justice erred or abused his discretion. In any event, we find no error.

2. Even if the single justice had authorized a late appeal, the petitioner would have fared no better. It was incumbent on the petitioner "to create a record—not merely to allege but to demonstrate, i.e., to provide copies of the lower court docket entries and any relevant pleadings, motions, orders, recordings, transcripts, or other parts of the lower court record necessary to substantiate [his] allegations—showing both a substantial claim of violation of a substantive right and that the violation could not have been remedied in the normal course of a trial and appeal or by other available means." Gorod v. Tabachnick, 428 Mass. 1001, 1001, 696 N.E.2d 547, cert. denied, 525 U.S. 1003, 119 S.Ct. 514, 142 L.Ed.2d 426 (1998), and cases cited. He did not do this. As we have noted, he has filed a multitude of papers in this court, as he did before the single justice, all of which are difficult to comprehend. His filings do not articulate any clear arguments regarding a violation of a substantive right, or the absence of an adequate alternative remedy. On the basis of the materials before him, the single justice acted well within his discretion in concluding that this case does not present a situation where extraordinary relief from this court is required.

The order denying the motion for leave to file a late notice of appeal is affirmed.

So ordered.



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ILYA LIVIZ DLD PETITIONER

ILYA LIVIZ JR
VS.

SUPREME COURT OF MASSACHUSETTS RESPONDENT(S)

PROOF OF SERVICE

I, ILYA LIVIZ D.L.D., do swear or declare that on this date, MAY 28th, 2020, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

ATTORNEY GENERAL'S OFFICE - BOSTON
1 ASHBURTON PLACE, 20th FLOOR, BOSTON, MA
02108

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MAY 28th, 2020

ILYA LIVIZ D.L.D.
(Signature)

EXHIBIT B

Order of First Circuit Court and Son's Emergency Verified Petition for
Writ of Habeas Corpus filed in district court

United States Court of Appeals For the First Circuit

No. 19-1604

I.L., JR., son, by his biological parent Ilya Liviz, Sr., Dad, the Chief Jurist for Justice of National
Academy for Jurist of USA,

Petitioner - Appellant,

v.

SUPREME JUDICIAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS,

Respondent - Appellee.

Before

Thompson, Kayatta and Barron,
Circuit Judges.

ORDER OF COURT

Entered: August 29, 2019

Appellant's "verified ex parte motion to: (1) vacate mandate (revoke)[;] (2) vacate judgment[;] (3) re-open case[;] and (4) partial waiver of rules," treated as a motion to recall mandate, is DENIED.

By the Court:

Maria R. Hamilton, Clerk

cc: Ilya Liviz Sr.
Maura T. Healey

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ILYA LIVIZ JR. ("Son") by his biological parent ILYA LIVIZ SR. D.L.D., ("Dad") the Chief *Jurist for Justice* of National Academy For Jurists of USA
Petitioners v. SUPREME JUDICIAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS ("SJC") Respondents
CASE NO. 1:19-cv-11289
"Dad and Son need to see each other for their well-being; it is inhumane to not allow it..."
from creators of
NATIONAL ACADEMY FOR JURISTS¹)

SON'S EMERGENCY VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
from creators of
NATIONAL ACADEMY FOR JURISTS¹

100 LINES OF TRUTH

for **Justice & Liberty** that is **Equal** for all
Civil Rights in association with **Civil Liberties**
a privately owned **National Academy For Jurists** production
written by *Chief Jurist for Justice Ilya Liviz Sr. D.L.D.* inspired by **True Events**
presented in **U.S. District Court for the District of Massachusetts**
pursuant to law of **United States Congress** and the **U.S. Constitution**
guaranteed by **Arts. I, §§ 9 & 10, and Amends. I, III, IV, V, VIII, IX & XIV**
authorized by **Civil Rights Act** codified under **42 U.S.C. § 1983**
in accordance with **Fed. R. Civ. Pro. and Jurist's Core Values**
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¹ Private authority conferring honorary *De Lex Doctorate* ("D.L.D."); graduate degree of a *Jurist for Justice*, with commitment to enforcing Civil Rights & Civil Liberties within the U.S. Courts.

(Jurisdiction & Venue)

1. This petition is presented to a federal Judge;
2. no whip cream, cherry, or chocolate fudge.
3. Nothing but truth I swear under pains and penalties;
4. the foregoing is true and correct by Dad as fiduciary.²

5. Deprived of rights you are of last resort,
6. redress to unlawful state custody falls upon this court.³
7. Pursuant to the U.S. Constitution you swore to uphold,
8. failure to do your job will come worse tenfold.

9. My Dad has been filling everything under the sun;⁴
10. I would go see him, but my legs too short to run.
11. You have power to hear us because Dad exhausted all options,⁵
12. and "there is an absence of available state corrective process;"⁶

13. You MUST hear us, please your honor don't be offended;
14. but; "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended,"⁷
15. As a reminder, this is not a "Case[] of Rebellion or Invasion;"⁸
16. it is based on sex discrimination; nothing to do with race cause we Caucasian.⁹

(Parties)

17. My name is ILYA LIVIZ JR.; live in the Commonwealth; I am 4 years old;
18. My Dad also lives there; a dead beat, or so I was told.
19. I whispered in his ear, "Dad what did you do?
20. But, all he said; don't worry Son, soon I will come for you.

21. This responded is the Supreme Judicial Court;
22. named as so because it gave DCF its full support.
23. DCF presented to the court what it intended to do,
24. and the court gave them the green light, requiring Dad to sue.

² See 28 U.S.C., § 1746(2).

³ See 28 U.S.C., § 2254(a).

⁴ See e.g. *Liviz v. Supreme Judicial Court of Massachusetts*, dk. no. 17-12345 (2017). (Dismissed pursuant to *Younger* abstention; petition for writ of certiorari denied.)

⁵ See 28 U.S.C., § 2254(b)(A).

⁶ See 28 U.S.C., § 2254(b)(1)(B)(i).

⁷ See U.S. Const. Art. I, § 9, at no. 2.

⁸ See *ibid.*

⁹ Mom is pasty white Irish American Jew, and Dad is Russian American Jew - but looks Spanish (FYI).

(Background)

25. Patiently I have been waiting;
26. sad night after day.
27. My dad is no where to find,
28. was it something I did, or say?

29. Last time I saw my Dad
30. seems like yesterday.
31. But, time is flying;
32. please help unite us tomorrow or today.

33. Keeping us in supervised room, was not fun at all;
34. we both felt the tension, no playing tag or dodge-ball.
35. I recall Dad lifting me up to touch the ceiling,
36. some stranger there admonished him and killed the feeling.

37. That is why I ask for over-night;
38. why are the judges not making this right.
39. He is my Dad; and best Dad in the world,
40. we need an emergency hearing to get this resolved.

41. This was all caused by one judge;
42. ruling against my Dad all along.
43. We should not have to resort to sue;
44. #OurOpinionMattersToo.

45. He has been fighting to see me;
46. but it seems that you don't care.
47. Stop looking at his finances;
48. don't treat me like a paid-for fare.

49. I used to live with my Dad before,
50. his jokes are bad; but with time I now adore.
51. And all of a sudden the State took me away,
52. nothing I can do, I'm helpless to my dismay.

53. It has been nine months as of now;
54. enough is enough, hear me out loud.
55. I love my Dad, he does not suck;
56. the State is hurting me I want him back!

57. Come find out Dad asked for a jury trial;
58. did the State respond, or answer with a denial?
59. No they did not, retain their power the State sought,
60. more important than liberty for which we all fought?!

61. *Care & Protection of Minor*, 478 Mass. 1015 (2017) is real;
62. Supreme Judicial Court for Commonwealth made a deal;¹⁰
63. They clearly stated my Dad can ask for a Jury on appeal
64. Two years later, and still no answer is beyond unreal.

65. My Dad fights hard for me and sued the Full Court;
66. filed a State Removal Motion "Fall On Your Own Sword".
67. If you don't believe me check it out for yourself,
68. Docket SJ-2019-0068 is still sitting on their shelf.

69. Their job requires them to answer questions of Law;
70. "... impartial interpretation,"¹¹ as said in the Constitution to be sure.
71. Moreover the state legislature has made it clear,
72. question of law shall be answered especially one that we hold dear.

73. Massachusetts General Laws chapter two-eleven, section six,¹²
74. requires questions concerning trials shall get fixed.
75. And Massachusetts General Law chapter two-eleven, section five¹³
76. mandates full court review without state judgment shall not survive.

(Civil Rights Violations)

77. The state allowed me to be with mom,
78. that is great, but why deny Dad all the fun?
79. Have you forgot the constitutional facts;
80. "equality under the law shall not be denied ... because of sex,".¹⁴

81. My current foster parent is my Aunt,
82. her fiancé is cool, he chills; smokes a blunt.
83. But, why does she get all this federal support,
84. none of which is given to my Dad; his willing to comport.

85. Moreover, why has the state not answered Dad's question of Law
86. "No State shall enter into any Treaty, Alliance, or ... pass any Bill of Attainder,".¹⁵
87. State took me away from dad under M.G.L. c. 119, § 24,
88. but the Commonwealth Constitution offers parents a lot more.

¹⁰ See *Care & Protection of Minor*, 478 Mass. 1015, at last ¶ (2017) ("... and that the violation could not have been remedied in the **normal course** of a trial and **appeal** or by other available means.") (Emphasis added and citation omitted.)

¹¹ See Part The First, Art. XXIX.

¹² See M.G.L. c. 211, § 6.

¹³ See M.G.L. c. 211, § 5.

¹⁴ See Arts. of Amendment, Art. CVI.

¹⁵ See U.S. Const. Art. I, § 10, at no. 1.

89. Pursuant to Arts. 12, & 15, with The Initiative II, § 2, at ¶ 3
90. my Dad has "... the right of trial by jury"; judgment is void - we are free.
91. Please let us see each other on his birthday tomorrow;¹⁶
92. I want to surprise him and cure his sorrow.

93. Clearly judge we badly need this honorable court's help,
94. no need for leap of faith, or overreach like backstroke of Michael Phelps.
95. Simply recognize the following is really simple,
96. it will not change state policy or cause a domino effect ripple.

97. My Dad has a mattress; a roof, and stable place;¹⁷
98. his drug free, no felonies, and a normal looking face.
99. He can pick me up on his birth-day, or any other day;
100. **please your honor just grant a hearing For God's sake.**

The aforementioned is true, and correct, to the best of my knowledge, recollection, and interpretation. Signed under pains and penalty of perjury on this eleventh day of June in the year of 2019 of our Lord.

Respectfully submitted

Chief Jurist for Justice Ilya Liviz Sr. D.L.D.

FOR THE PEOPLE
by
JURIST FOR JUSTICE
of
UNITED STATE OF AMERICA

Chief *Jurist for Justice* and Advocate for
Civil Rights & Civil Liberties in U.S. Courts
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¹⁶ Dad D.O.B. is June 12th, 1978 (turning 41 y.o.).

¹⁷ Dad has had a place to stay at 200 Central St., No.1, in Lowell, MA 01852 since October of 2012.