

IN THE SUPREME COURT OF THE UNITED STATES

Roger Quinn

Applicant

V.

Joanne Kibodeaux

Respondent

(20-36070 Ninth Circuit) Quinn v. Kibodeaux

EMERGENCY APPLICATION FOR A TEMPORARY INJUNCTION PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI (TIME CRITICAL BY 3-18-21)

To the HONORABLE ELENA KAGAN, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Background. Applicant was a full time stay at home Dad and enthusiastically embraced his role (after leaving a career as a successful business owner). Applicant literally changed every single diaper from JA's very first at the hospital to her last. (JA is Applicant's daughter, now 9 yrs old, soon to be 10 within days, and is being referred to by her first two initials for her protection). Applicant bottle fed JA and took devoted care of his daughter her entire life just as any other stay at home parent or mother would. Applicant cooked all the meals, shopped, and cleaned for the entire family every day. Play dates, birthday parties, homework, holiday projects, school volunteer, JA's team coach, and so many laughs and giggles. (See more details in Applicant's initial complaint and amended petition filed in federal court). JA's mother simply did not want children and JA's arrival was unplanned. JA's mother returned to her career immediately and *lead a separate life*. Applicant was the Tender Years parent, the sole Primary Caregiver parent, and the Best Interests of the Child Parent.

At issue. 1st Amendment (the right to Petition). 5th and 14th Amendments: At the heart of the issue before this court, is whether, a full time stay at home Dad for his child's entire life has Equal Protection guaranteed under the 5th and 14th Amendments of the Constitutional to that of a stay at home mother would have received, and *similarly situated* parents? Additionally, can a *Fit* Parent be denied their *Fundamental* parental rights when the Supreme Court has time and again ruled this unconstitutional and cannot stand? Is Due Process violated when there is no adjudicative hearing as to fitness?

Applicant has demonstrated clearly in his original federal court complaint that had the parties been identified simply as Parent A and Parent B, and their genders had be unknown, the result would have been the polar opposite. Applicant was discriminated

against and received unequal Due Process and was held to a different standard, *and the result*, in itself, proves Applicant's Constitution rights were violated. A *Fit* parent was stripped of *All* their parental rights in favor of an *Unfit*, abusive parent, diagnosed with a severe mental disorder. A mental disorder the entire Psychology Profession has designated as 1 of only 3 mental disorders that is too dangerous for a child, is incurable, and *Unfit* to parent. The reciprocal rights of JA are at stake too, to live *Free* of injuries, to live *Free* of fear, and to live *Freely* with the parent of her choice she has so adamantly begged for. The emergency nature of this motion and the literal threat to human life and severe psychological damage to follow.

"A child has an equal right to be raised by the Father, and must be awarded to the Father if he is the better parent, or Mother is not interested. STANLEY V. ILLINOIS, 405 US 645 [1972]".

(Cases cited in this motion are just a partial list. Please see all citations in Applicant's amended petition filed in federal court as each provides important and relevant case laws)

The defendant did not conduct an adjudicative hearing on fitness before issuing orders in violation of Applicant's Constitutional Rights. So stated in the case above, the Equal Protection Clause had been violated because it denied a fitness hearing to certain parents. In fact, it began with a hearing in Applicant's *absence* (and over Applicant's objections) where the defendant (an Idaho family court judge) *arbitrarily* ordered an abusive parent back into the home with the majority of time and unequal time. Applicant *had sole custody* prior in what JA refers to as "The best time ever". After so much time away of JA's mother, *years of neglect* living a separate life, and following a vicious *planned* attack on JA by JA's mother which left JA severely injured with 23 cuts, bruises, scrapes, and red welts all over her body (and resulted in a TRO against JA's mother). This planned attack occurring on the very day JA's mother *Abandoned* the family to be with a lover she had been secretly having an affair with. *JA's mother had transferred and hid all the family assets*, changed passwords, even took the family's only car, and left Applicant and his daughter stranded with only Applicant's personal credit cards. Imagine a husband/father doing all this and injuring his daughter? There would be outrage (and rightly so). He would have been arrested and he certainly would not be allowed to return to the home and not have any custody. The defendant would not have knowledge of, nor allow any of this to be heard, would not look at photographs of JA's injuries (and still has not to this day or subsequent injuries that followed), would not hear of a lifetime of devoted care by Applicant, nor hear from JA herself, who begged relentlessly to be with and live with Applicant.

The violation of Applicant's rights had consequences. This arrangement lead to further horrific abuse. JA's mother ran down JA in a car and *Hit* JA with the car "deliberately and without hesitation" (according to witnesses), severely injuring her leg, to stop her, on her bicycle riding down the street, peddling as fast as she could, on her 4th attempt to run away from home. Had the impact caused JA to fall (be thrown) to the left instead of the right, she would have been killed instead of just a mangled leg. The bike was crushed.

Her helmet cracked and scraped. (These are all separate incidents), JA was choked and while being choked, dragged across the floor to the point where JA vividly describes she thought she was going to die and passed out. JA was smothered with pillows and bedding to keep her from shouting out for help and describes being unable to breathe to the point of panic. When JA was sick, she was forcibly put in a dark closet and left alone to sleep in her own vomit all night, where she continued throwing up on herself in a cramped sitting position and describes the smell, and the burning in her nose and mouth, her hair caked and stuck to her, all before succumbing to sleep, terrified in that closet of every little sound. 3 different times she had black eyes from being hit in the head, at least one a probable concussion where JA describes feeling “tingly” in her head and unable to stand up after being struck so hard. JA calls 911 on 4 different occasions for help. Neighborhood children report seeing JA’s mother hitting and kicking JA. On one occasion JA’s mother inexplicably calls 911 and tries to have JA arrested. No one exactly knows why because JA was next door at the time watching a movie. Officers don’t even bother to go talk to JA and JA’s mother is reprimanded. JA’s mother regularly spits in JA face, deprives her of food, and calls her the “B*****” word, and tells JA she wishes JA were never born, as a form of discipline. JA’s mother inexplicably removes doorknobs throughout the house so JA cannot lock herself in out of fear. JA hides in kitchen cabinets, on the top shelf of her closet, under beds, and under laundry, scared and terrified. Much of this is texted out in real time or soon after by JA to neighbors and Applicant. Her texts are both chilling and heartbreaking to read (never read by defendant despite multiple motions). Again, had JA’s mother been male, JA’s mother would have been arrested and removed from the home and custody of JA handed over to the parent who raised her, her entire life. None of this should have ever happened had defendant acted constitutionally.

Not a single one of these incidents has ever been disputed nor denied. How could they? There are coming straight from JA herself, and that of other witnesses, and from physical evidence.

A world renowned Pediatric Neuropsychologist and expert, who has known both JA’s mother and Applicant socially for their entire marriage, wrote a 10 page professional report to the court. What better witness could exist? He recounted many personal observations and interactions with JA. In conclusion, he stated (JA’s mother) “is clearly a cunning and dangerous individual” and stated he would “dare not let (JA’s mother) watch a child of mine”.

Comments about Applicant included being a “natural” at parenting, and detailing Applicant’s parenting skills, and a close, endearing relationship between father and daughter.

JA’s mother has been in and out therapy, on and off medication, her entire life. JA’s mother had been recently diagnosed as having a 46/64 personality disorder. Specifically, a Psychopathic Deviate/Paranoia and Psychotic. The diagnosis and quantifiable examination is irrefutable. It is confirmed by JA’s mother own life story in that she was abandoned at birth for more than a year, and then twice more. (It is not

unlike the abandoned Romanian orphan babies adopted by Americans in the 90's who had severe incurable mental illnesses). This also combined with physical and sexual abuse by family members and *growing up in a cult* where JA's mother was forced to Proselytize door to door as a child and never celebrated a birthday or holiday (and still doesn't). Scales within the testing measure many personality traits and/or disorders. JA's mother tested so far out of range she exceeded even the scale's upper limit by nearly double the average mean of a healthy individual. Terrifying accounts of other dangerous psychopaths (both non famous and famous, male and female), that were tested, share identical profiles with JA's mother. The chameleon-like and extremely manipulative nature of psychopaths make them extremely dangerous but able to fly under the radar often for decades. Out of hundreds of possible combinations and traits there are only 3 that are deemed unfit for parenting. The other two are Psychopathic Deviate/Hysteria and Paranoia/Hysteria (paranoid schizophrenia).

For Applicant's part, Applicant does not drink, smoke, do drugs, or have any vices. Applicant has never been in any trouble, ever, and has lead a squeaky clean life. Applicant has had 7 work related federal background checks spanning 3 decades. Although, Applicant had already a clean psychological profile on record, Applicant went through another. (It was far too late as defendant turned a blind eye to JA's mother's continued abuse and withholding JA from Applicant against standing court orders, and had already created a de facto sole custody). Nevertheless, Applicant went through an exhaustive all day 8 exam evaluation with the most qualified psychologist in the state, the sitting Chairman of the Board of Psychology License Examiners for the State of Idaho. Applicant did not test out of bounds on a single scale on any test. Something deemed "impressive" and somewhat rare. Applicant is literally the picture of perfect mental health. An opposing counsel psychologist stated "no one can do better than this". Defendant, again, would not review, and any adjudication as to fitness never happened. Applicant went so far on as to be polygraphed to disprove false allegations. With 100% truthfulness, Applicant was not engaged in anything inappropriate and was not at odds with JA's mother, just the opposite. It is common sense (and any wonder?) JA is begging to live with her Dad and the one who raised her.

Despite Applicant's efforts and motions (never ruled on nor denied), defendant would not acknowledge JA's mother's negative and dangerous assessment, nor Applicant's positive one. No Fitness hearing would ever take place, and Applicant has been blocked from seeing or speaking to his beloved daughter. Defendant would not acknowledge JA's genetic medical condition that needs daily care and is no longer receiving any, endangering her health. After being treated by specialists at Stanford University Medical, it has been asked of JA and Applicant to participate in a joint research study at Stanford University Medical and UCSF in hopes of finding a cure. Applicant has the same genetic condition and is in a unique position to help JA cope.

In a Community Property state, 3/4 of a million dollars which was from the sale of Applicant's businesses he had before marriage and a half million dollar home goes to the other party and Applicant receives only what he can put in a suitcase. Even then, none of what was awarded to Applicant is ever enforced, despite many motions,

including basic essentials such as Applicant's winter clothing, cooking utensils, family heirlooms, or varying dollar amounts from a paycheck, tax refunds, etc. Again, if Applicant had been female and a stay at home parent, he would have been allowed to continue to stay in the home with the child(ren) where he had been living with sole custody as is customary. While much of this may be unnecessary, for violation of Applicant's Constitutional Rights is enough, it hopefully will put in context what Applicant faced.

"A parent may not be permanently deprived of his or her parental rights absent a clear and convincing showing of unfitness, abandonment, or substantial neglect." *Id*; *Santosky v. Kramer*, 455 U.S. 745, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982).

"The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and basic as to rank among the rights contained in this Amendment (Ninth) and Utah's Constitution, Article 1 § 1." *In re U.P.*, 648 P 2d 1364;Utah, (1982).

Again, a polar opposite situation exists between *similarly situated* parents not merely on the merits and outcome, but in the extreme, once it is examined in detail. Applicant is entitled to Equal Protection and his Due Process rights were violated.

The U.S. Supreme Court, in *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original].

Forrester v. White, 484 U.S. at 227-229, 108 S. Ct. at 544-545 (1987); *Westfall v. Erwin*, 108 S. Ct. 580 (1987); *United States v. Lanier* (March 1997) "Constitutionally and in fact of law and judicial rulings, state-federal "magistrates-judges" or any government actors, state or federal, may now be held liable, if they violate any Citizen's Constitutional rights, privileges, or immunities, or guarantees; including statutory civil rights."

Zeller v. Rankin, 101 S.Ct. (2020), 451 U.S. 939, 68 L.Ed 2d 326 When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

Pierson v. Ray 386 U.S. 547, 568 When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a "minister" of his own prejudices. A judge is liable for injury caused by a ministerial act.

Cooper v. O'Conner, 99 F.2d 133 There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign.

Scores of case laws cited state when a judge deprives an individual of his Constitutional rights, or likewise involved in misfeasance, or fraud, etc, the judge loses complete jurisdiction. It does not matter how well intended a judge may be, the bottom line is Applicant's Constitutional Rights have been violated and deprived. Although, the federal district court wouldn't call it by name the domestic relations exception created from dicta clearly does not apply to federal question. Family matter cases come into federal court all the time on constitutional issues and rightly so. The citation given in federal district court in a Wisconsin state court would seem to falter under the numerous Supreme Court citations given by Applicant. In *Marshall v Marshall* (2006) I was pleased to see Justice Ruth Bader Ginsburg, speaking for the majority, began by quoting Chief Justice Marshall in *Cohens v. Virginia*. It is one of Applicant's first citations as well in Applicant's amended petition. In part "We have no more right to decline the exercise of jurisdiction which is given, than usurp that which is not given". The Supreme Court was not there to probate a will, but rather determine the constitutional issues that overshadowed the very same subject. Justice Ginsburg referenced the domestic relations and probate exceptions as "so called", stating "Neither is compelled by text of the Constitution or federal statute". Justice Ginsburg continued "Both are judicially created doctrines stemming in large measure from misty understandings of English legal history". Justice Ginsburg also references *Ankenbrant v. Richards* (1992) where the Supreme Court reversed and refuted both the domestic relations act and the Younger abstentions. A quick search and Applicant found that in *Courthouse News Service v. Planet* (2014) the Ninth Circuit refuted Younger as well and allowed the case because claims "raise novel and important First Amendment questions that the federal courts ought to decide. It would seem the Ninth Circuit is contradicting itself in its opinion when it comes to 5th and 14th Amendment Constitutional Rights. Applicant submitted these to the Ninth Circuit as well as in an earlier filing *Mitchum v Foster* where the Supreme Court found unanimously (7-0, 2 abstained) refuting Younger again, that a federal court can enjoin proceedings that are pending in a state court when 42 U.S.C. 1983 is involved (as in Applicant's case) since this law falls within the expressly authorized exception of the Anti-Injunction Statute (28 U.S.C. Section 2283) and "expressly authorizes" federal injunctions of state proceedings because its purpose was to "interpose the federal courts between the states and the people" and to enforce the Fourteenth Amendment against state action, "whether that action be executive, legislative, or *judicial*". The court was ordered to enjoin the state proceedings. Applicant's argument that jurisdiction was lost when defendant violated Applicant's Constitutional Rights and voiding the proceedings also would make Younger moot. It is simply untrue that the Ninth Circuit is unable to hear a federal question case and Constitutional Rights issues because of Younger. The federal district court also cited "the Rooker-Feldman" doctrine. It is not applicable as it applies to cases where a final decision was already made. Applicant filed *Before* and well in advance of a final decision based on Constitutional Rights violations that had already occurred. The suggestion that Applicant's grievances be heard on appeal in state court

doesn't pass muster either. In the lengthy time the federal district court took on an emergency filing, Applicant already undertook that and the state appellate judge denied consideration of a federal question. If Applicant can't be heard before a trial has concluded and can't be heard after a trial has concluded, and a state court is an inappropriate or unwilling forum, exactly where does Applicant go when his Constitutional Rights (and clearly Fundamental and Liberty Rights) are violated? Of course, the federal courts are the correct venue. Where would we be without seminal cases previously cited like Loving v Virginia (1967), Obergefell v Hodges (2015), Roe v Wade (1973), Troxel v Granville (2000), Griswold v Connecticut (1965) to name just a few. These cases all had state's rights implications. All but one were against immune persons or entities. Any of them could have been dismissed under the same abstentions claimed by the federal district court of Idaho. One cannot simply separate a Constitutional Right from the underlying substance of a case, anymore than you can separate race discrimination from marriage, discrimination of gender in same sex marriage, privacy rights and abortion, etc. Details of the underlying case must be discussed. Not only are these overlapping with state jurisdictions they were all family related issues. Is the Supremacy Clause subordinate to Younger? Is the Constitution subordinate to doctrine?

As Justice Ginsburg noted these doctrines are not federal law and they are not the Constitution. The Supremacy Clause insures adherence by all and no single act is excusable.

The Supreme Court ordered the States to issue marriage licenses to same sex couples. Equal Protection is Equal Protection. Father's rights are no less important. Any wonder father's rights are called the last civil right? In Applicant's case *especially* as a full time stay at home Dad for his child's entire life, and circumstances are at polar opposites, there is no clearer case to apply this Fundamentally Protected Right.

What began with Applicant not afforded a hearing, ended with the same. While not in Applicant's original filing because it hadn't happened yet, a hearing was rushed in Applicant's absence while he lay in a hospital with a broken back (fractured T4, T5, T6, T7 vertebrae). The unconstitutionality of this is beyond the pale (Applicant's right to a fair tribunal, right to present evidence, to present witnesses, confront witnesses, to cross examine, to object, to take the stand, etc. all deprived and not addressed by the federal district court either on Applicant's Amended petition. Again, orders issued without Due Process and in violation of Applicant's rights. Stripped of basic Liberty and Fundamental rights without Strict Scrutiny. By happenstance, Applicant becomes aware of emails regarding this hearing where opposing counsel is emailing winking smiley faces to judges chambers, with enthusiastic return replies, in a three way conversation with the judge and judge's clerk, discussing strategy, and accommodations for counsel, depicting a team effort. Highlighted in my original complaint is defendant and opposing counsel regularly engaged in ex parte conversations without Applicant.

There was no argument to the merits of Applicant's complaint. Is Due Process violated when there is no adjudicative hearing as to fitness? Does a full time stay at home Dad for his child's entire life have Equal Protection under the Constitution to that of a stay at home mother given they are *similarly situated* parents? Can a Fit parent have all their Fundamental parental rights taken from them when clearly time and again the Supreme Court has ruled this is unconstitutional and cannot stand?

EMERGENCY APPLICATION: Emergency motions are appropriate "when irreparable damages or loss result before the normal course of action would occur". Irreparable harm has already occurred as detailed and is ongoing requiring emergency intervention to safeguard the life of a child from bodily harm, death, and psychological and emotional damage. JA has nearly been killed on 3 occasions. Being deliberately run down with a car, severely injuring her. JA being choked and dragged to the point where JA vividly describes how she thought she was going to die and passed out, and JA being smothered with pillows and bedding, panicked and unable to breathe. (A 4th could be added when a potentially fatal blow to the head left JA dizzy ("tingly") and unable to stand up. Children are more susceptible to this type of injury and brain damage. JA has received countless blows to the head). Any one of these taken a bit further and JA is no longer alive. With the car, it's a matter of inches in how she is hit on her bicycle and where she lands. If not being left in a closet in your own vomit all night isn't disturbing enough or the planned attack on the day you abandon the family leaving 23 injuries. Experts say its not a matter of if but when the next abuse goes too far. No one knows what has happened in the interim as JA's phone has long since been taken, the house hastily sold, and JA's whereabouts unknown. JA's mother has ended the affair (with the one were it all started), but has subjected JA to at least 6 men in short order that are known of. A year end statement from the hospital system here, sent to Applicant as primary caretaker, indicates JA was taken to an emergency room 2 weeks after missing her annual check up with her pediatrician. JA was taken at 6 am, a time JA is not awake, during a Covid lockdown. JA was treated for a severe infection in her private parts. Consulting a doctor, little girls simple do not get these. It is extremely rare and only under 2 circumstances. Contact with another person transmitting it (i.e. fondling or something worse) or when a child is kept under extremely filthy conditions. It is beyond troubling to ponder either.

The newest incident involves a report of seeing JA with a badly bruised face and wrist (area around the cheekbone and temple and bruising around her left wrist). JA would not speak when spoken to by a friend she should have been excited to see, and looked to the ground without saying a word as JA's mother quickly took her by the arm and lead her away. JA's odd and speechless demeanor is very atypical of her personality. Unlike the well documented horrific incidents referenced, Applicant does not know the full extent of JA's injuries and if there were more injuries under her clothing. Applicant finds the description of JA's lack of response extremely disturbing and Applicant is being told this is "trauma" that needs to be addressed immediately.

Other disturbing revelations Applicant did not know. Applicant had no clue of JA's mother secret double life. JA's mother stalked her biological father and half brothers she

never met, and stalked a childhood bully, she referred to as her "Nemesis". JA's mother was investigated a second time for *attempted felony murder* and other related crimes (that came to light because of a statute of limitations). A long history of petty theft. Pictures found by JA showing JA's mother involved in S & M activities, complete with leather whip, boots, choker, leather outfits with cut outs, sexually explicit, and engaged, alcohol and paraphernalia, holding a tray of vials, etc. (pictures from multiple occasions). Continued death threats from JA's mother, first documented in the TRO issued against JA's mother. JA's mother killed JA's pet Cockatiel and then horribly tried to blame JA. JA tearfully told the story a couple weeks after, despite JA's mother's threats. A deliberate act by JA's mother. Applicant has not been able to detail all the stories of the cruel psychological abuse which will leave tremendous emotional scars. All these behaviors are consistent with JA's mother's personality disorder. The severe psychological and emotional damage and eminent danger posed by a psychopathic parent is enough that the entire Psychological Profession deems such a parent unfit and too dangerous for a child.

The dangers to JA, warnings from multiple sources, cannot be stressed enough. Applicant lives in fear everyday of receiving "that phone call" that JA is in the hospital or worse. JA needs to be placed in safety, somewhere, anywhere.

RELIEF: Order an immediate temporary injunction pending filing and disposition of a Writ of Certiorari, (for the protection and safety of JA she so desperately needs, in her best interests, and consistent with her wishes she has so adamantly expressed) to the pre-rights violations status quo, with care of JA restored to Applicant, JA's life long caretaker.

In the alternative, order an indefinite injunction to end the uncertainty for JA in her best interests so she may heal, and may still have a chance to aspire to become whatever she wishes. A properly adjudicated proceeding would end up here anyway (effectively).

There is no reason for JA to be subjected to more trauma, psychological harm, physical harm, and potential risk of life, during this process.

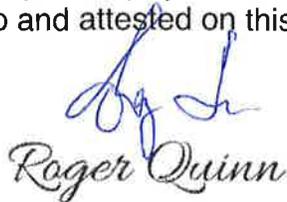
Order other relief as the court may deem appropriate. For Applicant the *well being* of JA is all that matters. For the Court that which matters is Applicant's Constitutional Rights be restored that should have never been infringed upon nor deprived of, in the first place.

A final footnote: Applicant is aware of the stereotyping done against "protective parents" when the subject of abuse arises. Applicant cannot help that so many people use false allegations against one another. Facts are facts though. Look at the photographs of the multiple injuries JA has had. Injuries all over her body, eye(s) swollen shut, red welts in the shape of JA's mother's hand print still visible hours later, a severely injured leg, etc. They ended up on JA somehow? And never disputed nor denied. They are all JA's

accounts, and Applicant has only recounted what JA and others reported. Applicant was uninvolved in JA's mother's diagnosis by professionals as an actual psychopath. Any other diagnosis would be more palatable (than this charged word) but it is what it is. Applicant cannot change facts. A world renowned Pediatric Neuropsychologist and expert who lectures world wide, has authored books, and is on countless State Boards and University Boards need not wade into this yet wrote an extensive report and stated unequivocally that (JA's mother) is clearly a cunning and dangerous individual, and stated he would "dare not let (JA's mother) watch a child of mine". Everything Applicant has stated are actual facts and events, backed by volumes of documentation, texts, photographs, audio recordings, and JA herself. The Constitution is there to protect individuals and ensure fairness and proper outcomes. Look what has happened when Due Process and Equal Protection are violated and the all the damage that has occurred needlessly.

On behalf of JA, Applicant sincerely and wholeheartedly thanks you.

Under penalty of perjury,
So sworn to and attested on this date, 3-14-21



Roger Quinn

FILED

FEB 22 2021

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROGER QUINN,

Plaintiff-Appellant,

v.

JOANNE KIBODEAUX,

Defendant-Appellee.

No. 20-36070

D.C. No. 1:20-cv-00291-DCN

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
David C. Nye, District Judge, Presiding

Submitted February 17, 2021**

Before: FERNANDEZ, BYBEE and BADE, Circuit Judges.

Roger Quinn appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging claims related to a family court proceeding. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the application of abstention under *Younger v. Harris*, 401 U.S. 37 (1971). *ReadyLink Healthcare*,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Inc. v. State Comp. Ins. Fund, 754 F.3d 754, 758 (9th Cir. 2014). We affirm.

The district court properly dismissed Quinn’s action as barred under the *Younger* abstention doctrine because federal courts are required to abstain from interfering with pending state court proceedings where “the federal action would have the practical effect of enjoining the state proceedings.” *Id.* at 758-59 (setting forth requirements for *Younger* abstention in civil cases, and explaining that “the date for determining whether *Younger* applies is the date the federal action is filed” (citation and internal quotation marks omitted)); *H.C. ex rel. Gordon v. Koppel*, 203 F.3d 610, 612-14 (9th Cir. 2000) (explaining that *Younger* abstention is appropriate where federal action seeks to challenge ongoing state child custody proceedings).

Quinn’s motion for temporary injunction pending appeal (Docket Entry Nos. 9 and 10) is denied.

AFFIRMED.

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IN PAUPERIS

As detailed in his emergency application, Applicant was denied assets from the sale of his businesses, home, and even his personal belongings. Applicant has been forced to represent himself pro se and in pauperis. The Ninth Circuit granted Applicant in pauperis and was able proceed without fees. Applicant's understanding is this sworn attestation is sufficient for Applicant to proceed in pauperis in the Supreme Court.

Under penalty of perjury,
So sworn to and attested on this date, 3-14-21



Roger Quinn

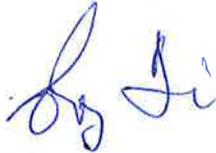
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SERVICE

Applicant could not find any forms regarding service. Applicant's understanding is this sworn attestation is sufficient for Applicant to proceed in the Supreme Court. Copies of all documents submitted to the Supreme Court have been served on the defendant at the address below at the same time.

Joanne Kibodeaux
200 W. Front Street
Boise, ID 83702

Under penalty of perjury,
So sworn to and attested on this date, 3-14-21



Roger Quinn

Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

CONTACT INFORMATION

Roger Quinn
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EMERGENCY APPLICATION FOR A TEMPORARY INJUNCTION PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI (TIME CRITICAL BY 3-18-21)

I am writing to in regards to the above referenced application sent to the clerk of the court and received at the clerk's office via Fedex delivery on 3-17-18. My contact information did not make it into the envelope with the application and other documents. The return address on the Fedex label is incorrect and belongs to another person who it would be inappropriate to receive any correspondence. Please do not use this address.

Can you please add my correct contact information to the above filing which may or may not have yet been processed as I am overnighting this as well. I spoke with Mara Silver who is aware of the situation and am sending this per her instructions.

The documents are otherwise in order other than having my contact information which is as follows:

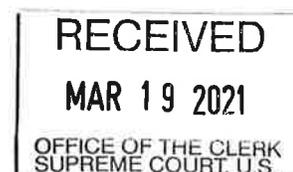
Roger Quinn
P. O. Box 1094
Eagle, ID 83616

(561) 843-0555

rogerquinn@me.com

My sincere apologies and my sincere thanks,


Roger Quinn



Via Fedex Priority Mail

Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Roger Quinn
Applicant
V.
Joanne Kibodeaux
Respondent
20-36070 (Ninth Circuit) Quinn v. Kibodeaux

Attached is Applicant's EMERGENCY APPLICATION FOR A TEMPORARY INJUNCTION PENDING THE FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI. Time is of the essence due to yet another eye witness report of severe injury and irreparable harm. Experts describe "trauma" that needs to be "addressed immediately" and warn of further eminent bodily harm or death (with at least 3 already existing documented events nearly resulting in death). Applicant respectfully requests the emergency application be granted due to the nature of the emergency, no later than 3-18-21.

