

No. **21-7515**

In the Supreme Court of the United States

PAULA ANTONIA GORDON,

Petitioner

v.

LESLIE NELSON PARKER,
BRITTANI LEEANN FINCH,
and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES,

Respondents

*On Petition for a Writ of Certiorari to the
Louisiana Court of Appeal, First Circuit*

**CORRECTED PETITION
FOR THE REHEARING OF AN ORDER DENYING A
PETITION FOR A WRIT OF CERTIORARI**

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QUESTIONS PRESENTED FOR REVIEW

1. In light of the instruction in *Golan v. Saada*, 596 U.S. ____ (2022) that a Court's discretion must be constrained by sound legal principles and other requirements driven by a primary goal – the safety of the child; will this Court of Last Resort GRANT this Grandmother an equitable decision to preserve life and prevent irreparable harm, VACATE La. 1 Circuit's unconsidered affirmation of the arbitrary and capricious ruling of paternity by The Family Court, and REMAND for further proceedings?
2. Whether the state court judgments below should be VACATED and REMANDED because Grandma's preemptory exceptions and timely presented legal arguments were ignored and still stand unaddressed in state court, in contravention of this Court's direct admonition "that district courts bear the standard obligation to explain their decisions and demonstrate that they considered the parties' arguments," *Concepcion v. U.S.*, 597 U.S. ____ (2022) (slip op., at 17)?
3. Alternatively, a substantial ground not argued to this court before is whether the judgment upon which the Louisiana Court of Appeal judgment is based is void as defined in the Federal Rules of Civil Procedure Rule 60(b)4 – the record demonstrates that Grandma was not a party to the stipulated judgment for which she was convicted of criminal contempt of court and she has never been served with the petition nor amended petition to establish filiation and custody?

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Louisiana Court of Appeal, First Circuit

Parker v. Finch, Nos. 2019-1473, 19-1514 (La.App. 1 Cir. 6/3/21), *writ denied*,
324 So. 3d 624 (La. 9/27/21)

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Louisiana Supreme Court

Gordon, In re: Parker v. Finch, 20-987 (La. 9/23/20), *writ granted*,
301 So. 3d 1156

This was a direct order by Louisiana Supreme Court to the
First Circuit to CONSIDER THE MERITS.

CERTIFICATE OF COMPLIANCE

TABLE OF AUTHORITIES

CASES

<i>Concepcion v. U.S.</i> , 597 U.S. ____ (2022).....	i, 5, 8
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Art. 2030. Absolute nullity of contracts

A contract is absolutely null when it violates a rule of public order, as when the object of a contract is illicit or immoral. A contract that is absolutely null may not be confirmed.

Absolute nullity may be invoked by any person or may be declared by the court on its own initiative.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

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Art. 641. Joinder of parties needed for just adjudication

A person shall be joined as a party in the action when either:

- (1) In his absence complete relief cannot be accorded among those already parties.
- (2) He claims an interest relating to the subject matter of the action and is so situated that the adjudication of the action in his absence may either:
 - (a) As a practical matter, impair or impede his ability to protect that interest.
 - (b) Leave any of the persons already parties subject to a substantial risk of incurring multiple or inconsistent obligations.

Acts 1995, No. 662, §1.

**PETITION FOR A REHEARING
OF AN ORDER DENYING A PETITION FOR A WRIT OF CERTIORARI**

Petitioner (“Grandma”) respectfully prays for a rehearing of an order that denied her petition for a writ of certiorari to review La. App. 1 Circuit’s disposition that admits to denying Grandma her constitutional right to a fairly considered appeal. (See Appendix A p.7 – only considering the 8/27/2019 judgment.) The standard of review should have been *de novo*.

La. 1 Circuit is infamously recalcitrant when La. Supreme Court remands a case back to them with instructions to “consider the merits.” Grandma’s 36-page *pro se* appeal brief may as well have been written in invisible ink for as much consideration as La. 1 Circuit gave to it.

OPINIONS BELOW

The unpublished opinion of the Louisiana Court of Appeal, First Circuit appears at Appendix A to this corrected petition and can be found at *Parker v. Finch*, Nos. 2019-1473, 19-1514, 2021 WL 2251624 (La.App. 1 Cir. 6/3/21), *writ denied*, 324 So. 3d 624 (La. 9/27/21).

In a memorandum adjure, Louisiana Supreme Court remanded the case back to La.App. 1 Cir. importuning “in the interest of justice,” instructing them to “consider the merits.” A copy is here in Appendix B and is published at 301 So.3d 1156, (La. 9/23/2020).

All seven rulings by Louisiana Court of Appeal, First Circuit appear at Appendix A, pp. 1 – 20 to Petitioner’s corrected petition for certiorari filed here on 3/17/2022. All were “NOT DESIGNATED FOR PUBLICATION”

The 7/30/2019 *Judgment on Rule* [for Petitioner’s criminal contempt of court] signed in The Family Court in and for the Parish of East Baton Rouge; and the 3/18/2019 Stipulated Judgment between Respondents, Parker and Finch, upon which the contempt judgment is based even though Grandma is not a party, appear in Petitioner’s corrected petition for certiorari, Appendix B filed 3/17/2022.

STATEMENT OF JURISDICTION

For cases from state courts:

July 1, 2022, Petitioner timely filed (by placing in USPS Priority Mail with Tracking) a *Petition for the Rehearing of an Order* [June 6, 2022] *Denying a Petition for a Writ of Certiorari*.

July 6, 2022, Clerk Scott Harris' office notified Petitioner that her petition needs to be brought into compliance with Supreme Court Rule 44 no later than today, July 21, 2022.

The date on which the **Louisiana Supreme Court** denied discretionary review of my case was September 27, 2021. A copy of that decision is published at *Parker v. Finch*, 21-973 (La.9/27/21), 324 So.3d 624 (Mem). A copy can be found in **Appendix C** of Petitioner's timely, corrected petition for certiorari filed in this court on March 17, 2022.

Petitioner's original *Petition for Writ of Certiorari to Louisiana Court of Appeal, First Circuit and Motion to Proceed In Forma Pauperis* were timely filed in this Court on December 27, 2021.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED STATUTES AND RULES

Title 22 United States Code Chapter 78 TRAFFICKING VICTIMS PROTECTION

§7102. Definitions

In this chapter:

(1) Abuse or threatened abuse of law or legal process

The term "abuse or threatened abuse of the legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(3) Coercion

The term "coercion" means—

- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of the legal process.

(7) Debt bondage

The term "debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(8) Involuntary servitude

The term "involuntary servitude" includes a condition of servitude induced by means of—

- (A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or
- (B) the abuse or threatened abuse of the legal process.

(11) Severe forms of trafficking in persons

The term "severe forms of trafficking in persons" means—

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

STATEMENT OF THE CASE

When *pro se* grandmothers need help protecting our families from state actors and lack of a considered review by lower courts, we cannot swiftly reach out to Congress and have them pass a bill assigning protection by the U.S. Marshals Service for our granddaughters and daughters. Once the Louisiana Supreme Court denied discretionary review of Louisiana First Circuit's ill-considered disposition affirming the unlawful ruling of the Family Court judge that names a man with no biological connection to my granddaughter as her "*natural father*," we have to come to The Supreme Court of the United States seeking protection. Perhaps the Court has signaled that we are to take up arms and protect ourselves?

If Americans are expected to abide a social contract and live with rulings we do not like, this Court must take up the cases where LITERAL LIVES ARE AT STAKE. Human traffickers are hiding in plain sight. Child pornography arrests are up 300% according to the Office of the La. Attorney General. When this Grandma comes begging again and again, it is because irreparable harm is imminent. The Louisiana state courts have ignored my pleas as though spoken in a silent movie and have disregarded my pleadings as if they were written with invisible ink.

The state courts have not given consideration to the primary legal theories presented in pleadings, focusing instead on secondary theories to the exclusion of preemptory exceptions, non-joinder of a necessary party, and exceeding authority. This Court has the plenary power to vindicate our fundamental and constitutional rights. Please do not revoke our contract now. Vacate and remand for consideration.

INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT

This Court's observations in *Golan v. Saada*,¹ and *Concepcion v. U.S.*,² have brought to light a substantial problem festering in the lower courts that will further erode public confidence in our system unless a remedy is provided. The admonition that "discretion must be constrained by sound legal principals," should be controlling if our justice system is to remain credible. When litigants' valid legal theories timely presented are not given proper consideration, reversal is the cure. In cases involving children, courts should willingly demonstrate that the safety of the children was the priority in the consideration. When it is obvious, as in this case, that no consideration was shown for the safety of the child, the courts' decisions should be vacated and remanded for the consideration that should have been given to start with.

No Right of Action

La. 1 Circuit directs its attention to Respondent Parker's exception of no right of action to begin its discussion. (See App.A p.7.) Parker, rather than Grandma, is the litigant with no right of action! The Court ignored the fact that Parker has not proven that he has a biological connection to my granddaughter that I was granted custody of. The Court parroted Parker's attorney who latched onto a secondary legal argument, (i.e. duress, fraud, and ill practices) and completely

¹ 596 U.S. ____ (2022)(slip op. p. 11) ("As a threshold matter, a district court exercising its discretion is still responsible for addressing and responding to nonfrivolous arguments timely raised by the parties before it.")

² 597 U.S. ____ (2022) (slip op., at 17) ("It is well established that a district court must generally consider the parties' nonfrivolous arguments before it.")

ignored the primary argument that the 3/12/2019 stipulated contract is absolutely null under Louisiana Civil Code article 2030 for violating a rule of public order because its object – to obtain control over a child and her mother in order to continue evading child support – is illicit and immoral. Grandma had no binding obligation to a coerced stipulation between two outside parties that is against public policy and contravenes my granddaughter’s rights to her true biological family.

Contempt of Court

The most obvious example of La. 1 Circuit’s lack of consideration can be seen in their classification of the contempt of court sanction (App.A p.12) which is directly at odds with this Court’s explicit definition and method of correctly determining whether the sanction is criminal versus civil. The state court misapprehends its own citation of law, which correctly classifies the contempt sanction in that case. In this case, Grandma could not comply with the Court’s order. The penalty was purely punitive, or criminal, in other words. The lower court did not have discretion to ignore the Sixth Amendment, strip all constitutional protections away from *pro se* Grandma, fine her thousands of dollars and imprison her after manipulating the proceedings to obtain an unlawful bench warrant.

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

Federal Rules of Civil Procedure Rule 60(b)4 provides the court with power to grant relief for a judgment that is void for want of jurisdiction or for denying a litigant a meaningful opportunity to be heard; and in this case of criminal contempt of court, to be heard by counsel. Grandma was not named in the judgment for which

she was found in contempt of court for violating. The preemptory exception of non-joinder of a party, Louisiana Code of Civil Procedure article 641, was first pleaded in court on July 9, 2019, and again on July 30, 2019, and in the December 16, 2019 brief on appeal to La. 1 Circuit on pp. 7 – 10, 15, 16, 33, and 34. The appellate Court ignored the fact that The Family Court, by its own actions, deprived itself of subject matter jurisdiction; and because Grandma has not been served with Respondent Parker's petition or amended petition to establish filiation, and Parker has not proven a biological relationship, there is no personal jurisdiction over us either.

The judge conspired with Parker and his attorney, Dennis Fitzgerald; and upon information and belief they have had *ex parte* communications with La. 1 Circuit's judges and staff as no reply briefs have ever been filed in the case. La. 1 Circuit's disposition is littered with unsubstantiated allegations and sounds like it is coming straight out of Fitzgerald's mouth. The court record is wholly devoid of evidence that an unbiased and legally sound consideration would be able to discuss as justification for its findings.

Nowhere in La 1 Cir.'s discussion will you find consideration of Grandma's argument that the judgment of contempt is void because it is based upon a void judgment. Had that argument been given any consideration, my Granddaughter would have been restored back into Grandma's custody where she was before the judge threatened her mother and coerced a stipulation of paternity.

REASONS FOR GRANTING THE PETITION

In sum, literal lives are at stake. I'm just a grandma with nothing left to lose

and I am seeking protection for my granddaughter and daughter. Is it Grandma's responsibility to vindicate the stripping of my defenseless Granddaughter's fundamental and constitutional rights by a judge who has no personal or subject matter jurisdiction, who acted outside of his judicial authority, and placed my Granddaughter in an abusive environment in contravention of federal and state law? This Court can save lives and prevent irreparable harm by vacating the judgment below and remanding for the consideration that should have been given in the first place. Invoke Federal Rule 60(b)4(d) on the void judgment that began it all.

CONCLUSION

The petition for a rehearing of an order denying a petition for a writ of certiorari should be GRANTED, the judgments below should be VACATED, and the case should be REMANDED for further proceedings in light of the substantial rulings in *Golan v. Saada*, and *Concepcion v. U.S.* that the courts below must demonstrate that they have considered the valid, timely presented legal arguments before exercising their discretion; and their primary goal should be the safety of the children when cases impacting the life of a child are before those courts.

Date: July 21, 2022

Respectfully submitted,



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