No. 22-125

IN THE

Supreme Court of the United States

SCOTT FENSTERMAKER

Petitioner,

v.

STEPHEN FENSTERMAKER, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE APPELLATE COURT OF CONNECTICUT

BRIEF IN OPPOSITION

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INTRODUCTION

The decisions below dismissed Petitioner Scott Fenstermaker's case solely on state-law grounds. His federal constitutional arguments were not properly presented in the courts below, and those courts did not attempt to resolve them. Thus, this Court has no basis on which to consider the questions raised by Fenstermaker about the constitutionality of Conn. Gen. Stat. § 45a-273 or § 45a-128(a).

As laid out in the Superior Court decision below, Fenstermaker was dissatisfied with the outcome of a 2018 probate action under section 45a-273 involving his father's 2016 Last Will and Testament. He could have raised his constitutional arguments and otherwise challenged that final probate decree by (1) filing in that 2018 action an application for reconsideration with the probate court under Conn. Gen. Stat. § 45a-128(a), or (2) appealing the 2018 decree to the Superior Court under Conn. Gen. Stat. § 45a-186. Fenstermaker chose not to exercise either of those options. Instead, he waited eleven months and then filed a brand-new action with the probate court seeking to admit an old, revoked 1997 Will to probate. Relying on settled Connecticut law, the probate court found that it lacked statutory authority to entertain such a request and correctly dismissed Fenstermaker's action.

Fenstermaker tries to resuscitate his case by arguing that the Connecticut courts should have construed his second probate action as an application for reconsideration—filed 11 months later—of the original probate decree under section 45a-128(a). But that plea for relief from his own failure to file a timely request for

reconsideration is a matter of Connecticut procedural law, not a federal constitutional question. And it has nothing to do with whether the procedures established by section 45a-128(a) are constitutionally adequate when they are followed. In short, the federal constitutional issues raised by the Petition would not properly be before the Court if certiorari were granted.

STATEMENT

1. Fenstermaker is a New York litigation attorney representing himself in this case. *See* Appellant's Appendix in the State of Connecticut Appellate Court, p.9 (hereinafter "A.___").[1] He is the adopted son of the decedent, Lloyd Fenstermaker ("Lloyd" or "the decedent"). Lloyd had two other children, respondents Martha Czymmek and Stephen Fenstermaker. As described below, in and before 2016 Fenstermaker intentionally soiled and terminated his relationship with his father. As a result, Lloyd worked with two different lawyers in 2016 to disinherit Fenstermaker and ensure that upon his death his assets would be distributed in equal one-third shares to his other two children, Stephen and Martha, and to his daughter-in-law, Linda (Fenstermaker's estranged wife). To accomplish these goals, Lloyd executed new Wills and had an inter vivos trust established that similarly divided his assets between Stephen, Martha, and Linda.

When the decedent, then a Delaware resident, executed the last Will and Trust in November 2016, his attorney invoked Delaware's "pre-mortem" will and trust

1. All references to an Appendix refer to the Appellant's Appendix filed with the State of Connecticut Appellate Court.

validation statutes, 12 Del. C. §§ 1311 and 3546. A.184-190. Notwithstanding Fenstermaker's odd interpretation of those statutes, what they actually do is establish an extremely limited statute of limitations (120 days) for any unhappy heir to file a will contest. That short filing deadline increases the chances that the testator will still be alive and available to personally dispel any will challenge. Thus, Fenstermaker was sent copies of his father's newest 2016 Will and inter vivos Trust shortly after they were signed. A.184-85. Lloyd then relocated to Connecticut.

2. Soon thereafter in 2017, Fenstermaker sued his father Lloyd, his sister Martha, and the trustee of the inter vivos trust in the federal district court in Connecticut trying, *inter alia*, to contest Lloyd's new 2016 Will and accusing his father of intentionally inflicting emotion distress upon him by disinheriting him in the 2016 Will. *See Scott Fenstermaker v. PNC Bank, Nat'l Ass'n,* No. 3:17-CV-778 (JAM), 2018 WL 1472521 (D. Conn. Mar. 26, 2018) (the Federal Action). Lloyd's attorney obtained and filed sworn Affidavits from Lloyd, A.50-59, from the lawyer who drafted Lloyd's November 28, 2016 Will and Trust, A.173-178, from Lloyd's primary care physician, A.180-182, and even from a previous lawyer who drafted and oversaw the execution of two earlier Wills in 2016, A.127-130.[2] These witnesses attested to the Lloyd's sound mind, the lack of any undue influence, Lloyd's clear wishes to disinherit Fenstermaker, and the proper execution of the November 28, 2016 Will and the prior 2016 Wills. *Id.*

2. Two of the Wills had to be re-executed to correct typographical and scrivener's errors. The last was prepared because the decedent decided to incorporate the use of a trust in his estate planning. This was all explained in the attorneys' affidavits filed in the Federal Action.

Lloyd's affidavit describes why he disinherited Fenstermaker. With regret for airing such matters publicly, he discussed Fenstermaker's history of psychiatric problems and Fenstermaker's public praise of the 9/11 attacks. A.54-56. Lloyd also provided two emails the Fenstermaker sent to him in April 2016 stating *inter alia*:

> I ask that you cease communications with me. I've taken your shit for 53 years. As of today, I will no longer do so. Goodbye.
>
> [P]lease cease communicating with me. Any further communications from you will be ignored. Goodbye.

A.55, 100, 102, 106-111. Despite these caustic remarks, Lloyd attempted to contact Fenstermaker two more times by sending cards. Fenstermaker returned both unopened cards to his father in large envelopes addressing his father as "Mr. Lloyd Fensterfuck." A.55, 104.

On March 26, 2018, the district court granted defendants' motions for summary judgment and dismissal. Unfortunately, since Lloyd had relocated from Delaware to Connecticut, the Delaware pre-mortem statutes did not have dispositive effect.

3. Lloyd passed away on June 11, 2018. Under his last estate plan, his assets had been transferred into the inter vivos trust and his estate therefore had no assets. On June 26, 2018, Martha Czymmek, the nominated Executrix of the November 28, 2016 Will, commenced proceedings under Conn. Gen. Stat. § 45a-273 for the expedited

settlement of small estates. That case was assigned docket number 18-0399. A.24. The probate court's final decree entered on August 27, 2018. Decedent's estate then totaled $158.03 (representing two small credit card refunds received while #18-0399 was pending), which was consumed by funeral costs leaving no assets to distribute. The matter was closed. A.211-12.

Fenstermaker acknowledges that he was notified of his father's death in July 2018. A.8, fn.1. From the Federal Action, Fenstermaker knew that his father resided in Ridgefield, Connecticut and that Martha was nominated Executrix of the November 28, 2016 Will. From discovery in the Federal Action, Fenstermaker had copies of the November 28, 2016 Will and decedent's prior 2016 Wills, all of which disinherited him. And Fenstermaker admitted visiting the probate court and personally reviewing the court's file for #18-0399 in November 2018, well within the 1-year appeal period for the August 2018 final decree. A.10, par. 20. That file, of course, contained the August 2018 final decree.

Despite knowing of his father's death, Fenstermaker did not file the old 1997 Will with the probate court as required by Conn. Gen. Stat. § 45a-282, nor did he otherwise alert the probate court to his claim of conflicting wills. He did not enter an appearance in #18-0399 despite knowing of his father's death in July while that case was pending. He did not appeal from the August 2018 final decree of the probate court in #18-0399 despite learning of it within the one-year statutory appeal period under Conn. Gen. Stat. §§ 45a-186 and 45a-187(a). He did not file an application for reconsideration or reargument in #18-0399 under to Conn. Gen. Stat. § 45a-128(a). In sum, he filed nothing in connection with #18-0399.

4. On July 16, 2019, nearly one year after the probate court entered its final decree closing Lloyd's estate in #18-0399, Fenstermaker filed a new action in probate court petitioning for the probating of the decedent's old, revoked 1997 will. A.509-512. That new filing in the probate court was assigned docket #19-0444. With that petition, Fenstermaker sent the probate court a letter stating, *inter alia*: "***I am writing to initiate a probate proceeding*** regarding the Estate of Lloyd J. Fenstermaker, date of death, June 11, 2018 . . . ." A.544-545 (emphasis added). In response to Martha Czymmek's motion for summary judgment, the probate court issued a decree dated October 28, 2019 (which Fenstermaker erroneously describes as "without opinion") stating:

> After due hearing, THE COURT FINDS that:
>
> > Notice of hearing was given to all interested parties in accordance with the order of notice previously entered.
> >
> > ***The Will dated January 22, 1997 was revoked by a later Will dated November 28, 2016***.
> >
> > The later Will named Martha Czymmek as fiduciary.
>
> THE COURT FURTHER FINDS that:
>
> > ***The estate was properly handled and fully administered as a Affidavit in Lieu of Administration and was closed on August 27, 2018***.

And it is ORDERED AND DECREED that:

> The petition for admission of a copy of the Will dated January 22, 1997 and issuance of letters testamentary to Scott Fenstermaker is hereby denied.

A.19 (emphasis added).

On or about December 3, 2019, Fenstermaker appealed from the decision in #19-0444 to the Connecticut Superior Court. Paragraph 1 of Fenstermaker's Complaint stated: "This is an appeal of the October 28, 2019 Decree . . . of the Court of Probate, Northern Fairfield County, District No. PD45 . . . in the matter of the Estate of Lloyd J. Fenstermaker, Docket Number #19-0444." A.8.

After a motion for summary judgment was fully briefed, the superior court rendered judgment in favor of the defendants, concluding that under Connecticut law the probate court had no jurisdiction to entertain Fenstermaker's submission of the old 1997 Will because to do so would be irreconcilable with the prior decree entered in #18-0399 on the newer Will. A.551-94; *Fenstermaker v. Fenstermaker*, No. DBDCV205015863S, 2021 WL 1400928, at *15-18. The Superior Court also expressly rejected Fenstermaker's claim that his filing in #19-0444 was actually an application for reconsideration under Conn. Gen. Stat. § 45a-128(a). *Fenstermaker*, 2021 WL 1400928, at *13-15. And the Superior Court agreed with the probate court's finding that the 1997 Will had been revoked in any event. *Id.* at *1, *11, *16.

Fenstermaker appealed to the Connecticut appellate court. The appellate court heard argument on February

23, 2022, and affirmed the superior court in a *per curiam* memorandum decision on March 8, 2022. *Fenstermaker v. Fenstermaker*, 211 Conn. App. 901, 269 A.3d 973 (Mem.) (2022). Fenstermaker then filed a request for certification to the Connecticut Supreme Court, which was denied on May 10, 2022. *Fenstermaker v. Fenstermaker*, 343 Conn. 915, 274 A.3d 113 (Mem.) (2022). This petition followed.

ARGUMENT

1. As explained above, the only case on appeal is #19-0444, Fenstermaker's application to probate the old revoked will. The decisions below in case #19-0444 are correct and do not properly present any issue of federal law. Thus, Fenstermaker's first question presented—regarding a possible due process violation arising from Connecticut's "small estate" probate process—is purely academic.

a. Although probate docket #18-0399 was a "small estate" proceeding under Conn. Gen. Stat. §45a-273, this is not an appeal from the judgment in that case or from any other case under that statute. Rather, this is an appeal from probate docket #19-0444—Fenstermaker's separate action seeking to admit a revoked will to probate nearly a year after the final decree was entered in #18-0399.

While Fenstermaker attempted to argue about the constitutionality of section 45a-273 in connection with #19-0444, *see Fenstermaker*, 2021 WL 1400928, at *5-6, the courts below ultimately dismissed the action based on well-established Connecticut law, *see id.* at *18. Thus, the decisions below are not within this Court's jurisdiction. *See, e.g., Harris v. Reed*, 489 U.S. 255, 260 (1989) ("This

Court long has held that it will not consider an issue of federal law on direct review from a judgment of a state court if that judgment rests on a state-law ground that is both "independent" of the merits of the federal claim and an "adequate" basis for the court's decision." (citations omitted)); *see also Coleman v. Thompson*, 501 U.S. 722, 729 (1991) ("We are not permitted to render an advisory opinion, and if the same judgment would be rendered by the state court after we corrected its views of federal laws, our review could amount to nothing more than an advisory opinion" (citation omitted)).

b. Fenstermaker's attempt to probate the old revoked will in #19-0444 was rejected because probate courts in Connecticut do not have jurisdiction under Connecticut law to enter decrees that would directly attack decrees entered in previous cases. *In re Buckingham*, 197 Conn. App. 373, 380–81, 231 A.3d 1261, 1267 (2020); *Delehanty v. Pitkin*, 76 Conn. 412, 56 A. 881, 885 (1904), *cert. dismissed*, 199 U.S. 602 (1905). "The Probate Court is a court of limited jurisdiction prescribed by statute, and it may exercise only such powers as are necessary to the performance of its duties. As a court of limited jurisdiction, it may act only when the facts and circumstances exist upon which the legislature has conditioned its exercise of power. Such a court is without jurisdiction to act unless it does so under the precise circumstances and in the manner particularly prescribed by the enabling legislation." *In re Buckingham*, 197 Conn. App. at 378 (quoting *In re Probate Appeal of Cadle Co.*, 129 Conn. App. 814, 820, 21 A.3d 572, *cert. denied*, 302 Conn. 914, 27 A.3d 373 (2011)) (cleaned up).

Under firmly established Connecticut law, the superior court on an appeal from the probate court does not exercise

the power of a traditional court of common law jurisdiction. *Silverstein v. Laschever*, 113 Conn. App. 404, 409, 970 A.2d 123, 127 (2009). Instead, it "sits as the court of probate" and "exercises the powers, not of a constitutional court of general or common law jurisdiction, but of a Probate Court." *Id.* (cleaned up). So the Superior Court had no more jurisdiction to grant Petitioner's application than did the probate court below. The later appeals to the Connecticut Appellate Court and Connecticut Supreme Court could only answer the question whether the trial court, acting as a probate court, correctly decided the narrow issue in #19-0444.

c. Had Fenstermaker raised all his objections to #18-0399 "in the manner particularly prescribed" by the Connecticut probate statutes, *id.*, perhaps the Connecticut courts would have considered and decided Fenstermaker's federal constitutional claims, and perhaps a writ of certiorari would be colorable here. Fenstermaker had numerous procedural opportunities under Connecticut law to bring his federal claims before the state court in a proper and timely manner. He could have alerted the probate court to the existence of the 1997 Will under Conn. Gen. Stat. § 45a-282 while #18-0399 was pending. He could have filed a motion for reconsideration of the probate court's final decree in #18-0399 under Conn. Gen. Stat. § 45a-128(a). Or he could have filed an appeal from the final decree in #18-0399 under Conn. Gen. Stat. §§ 45a-186, 45a-187.[3]

3. The normal appeal period for most probate appeals in Connecticut is 45 days from the date the decree is mailed out. Conn. Gen. Stat. 45a-186(b). But in *ex parte* cases such as #18-0399, Connecticut law allows appeals within twelve months from the decree. *Id.* §45a-187. Petitioner knew of the final decree in #18-0399

But Fenstermaker failed to pursue any of the allowed options below for properly and timely raising his federal claims in #18-0399. Instead, he chose to commence a new action (#19-0444) seeking a probate court decree that would directly undermine a prior probate court decree entered in another case (#18-0399). Thus, the only question presented to the courts below in the pending case was whether the probate court in #19-0444 had subject matter jurisdiction under Connecticut law to consider Fenstermaker's application under those circumstances. The answer, according to the relevant Connecticut statutes and over 100 years of Connecticut case law, is no. *See Delehanty*, 56 A. at 883. Accordingly, the courts below did not have occasion to pass upon Fenstermaker's federal constitutional arguments and did not do so. This Court may not do so either. *See Herndon v. Georgia*, 295 U.S. 441, 442-43 (1935) (finding constitutional objections to a state court's decision unreviewable where the objections were not preserved in state court "as the settled rules of the state practice require").

d. The Connecticut Supreme Court's ruling in *Delehanty v. Pitkin*, 76 Conn. 412, 56 A. 881 (1904), is dispositive of Fenstermaker's case under Connecticut law. In *Delehanty*, the petitioner attempted to submit for probate a February 1899 will of the decedent 4 years after the probate court had already accepted for probate the decedent's December 1898 Will. On review, the court assumed the truth of the petitioner's allegations: that the Will offered by the petitioner was the decedent's true last Will, that the executors of the older Will had fraudulently

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well within that extended appeal period, yet chose to file nothing in connection with that case.

destroyed the real Will, and that the petitioner did not know of the existence of the real Will until after the probate court entered its final decree accepting the older Will. *Id.* at 884-85. Despite these compelling allegations, the Court held that the petitioner's case failed for lack of jurisdiction. The court reasoned that the probate court has only limited power to reverse its prior decrees, and that the legislature provided a right of appeal from probate decrees. Because the petitioner's action constituted an impermissible attack on the prior probate decree, it was beyond the limited powers of the probate court. *Id.*

The Connecticut Appellate Court recently reaffirmed the holding in *Delehanty*. "Presently, just as in 1904, there is no statute conferring broad jurisdiction on the Probate Court to adjudicate a direct attack on its prior decrees for any reason. . . . [O]ur Supreme Court›s conclusion in *Delehanty* remains relevant in the present day: In the absence of a specific statutory exception, the Probate Court does not have subject matter jurisdiction to set aside its prior decrees, even for fraud." *In re Buckingham*, 197 Conn. App. at 380–81. Fenstermaker here has replicated the defect in *Delehanty* by trying to file a second will after a decree had already entered in a prior case regarding another will of the same decedent. Thus, *Delehanty* and its progeny are dispositive of Fenstermaker's case under Connecticut law.

In sum, the constitutionality of Conn. Gen. Stat. § 45a-273 cannot properly be raised here since this is an appeal from #19-0444, which was not a "small estate" proceeding under section 45a-273 and which did not purport to decide the constitutionality of section 45a-273. Thus neither the merits of the decree in #18-0399 nor the propriety of

the proceedings under Conn. Gen. Stat. § 45a-273 are before this Court. Fenstermaker's attempts to make this issue sound interesting—for example, by falsely alleging missing assets—are factually wrong, but more importantly, they miss the point: This is an appeal from #19-0444, which did not apply section 45a-273 or opine on its constitutionality.

2. Fenstermaker's second question presented about Section 45a-128(a) is even more hypothetical. As the superior court found, Fenstermaker never filed a motion for reconsideration under Conn. Gen. Stat. § 45a-128(a) in either #18-0399 or #19-0444. *Fenstermaker*, 2021 WL 1400928, at *13-15. The record has no ruling on any motion for reconsideration. Nor is there any proceeding or decision under § 45a-128(a) for this Court to review. In fact, the first time Fenstermaker even mentioned § 45a-128 was in his briefing opposing the motion for judgment in the superior court when the case was already on appeal from the probate court.

a. Fenstermaker's attempt to argue about the constitutionality of Conn. Gen. Stat. § 45a-128(a), assuming hypothetically that such a motion had been filed in #18-0399, is an improper academic exercise. *See Herndon*, 295 U.S. at 442-43; *cf. Coleman*, 501 U.S. at 729 (discussing the prohibition on advisory opinions). To the extent that Fenstermaker claims the courts below erred in characterizing his filings under Connecticut law, that question is not subject to review in this Court. *See, e.g.*, *Beard v. Kindler*, 558 U.S. 53, 60-61, (2009) (affirming that even discretionary procedural rulings by state courts can serve as an adequate, independent state-law grounds for a decision); *Wolfe v. North Carolina*, 364 U.S. 177, 193-

95, 80 S. Ct. 1482, 1491-92, 4 L.Ed.2d 1650 (1960) (finding a state procedural decision an adequate, independent state-law ground where it relied on "well-established local procedural rules").

b. Even if Fenstermaker had filed in #18-0399 an application for reconsideration under Conn. Gen. Stat. §45a-128(a), the precedents of this Court make clear that the statute provides the necessary "full right to assail" the decree. *O'Callaghan v. O'Brien*, 199 U.S. 89, 118 (1905).[4] Conn. Gen. Stat. §45a-128(a) provides:

> (a) Except as provided in subsection (e) of this section, any order or decree made by a court of probate ex parte may, in the discretion of the court, be reconsidered and modified or revoked by the court. Reconsideration may be made on the court's own motion or, for cause shown satisfactory to the court, on the written application of any interested person. Such motion or application shall be made or filed before any appeal has been allowed or after withdrawal of all appeals which have been allowed. For the purposes of this section, an ex parte order or decree is an order or decree entered in a proceeding of which no notice is required to be given to any party and no notice is given.

On its face, section 45a-128(a) permits the probate court to exercise its discretion, for good cause shown, to reconsider, modify, or revoke its prior decrees, and

4. Petitioner cites this case as *Farrell v. O'Brien*.

it provides that right explicitly for ex parte decrees entered in a "proceeding of which no notice is required to be given to any party and no notice is given." *Id.* The statute explicitly provided Fenstermaker with the procedural means to request that the decree in #18-0399 be revoked or modified. This of course was in addition to Fenstermaker's ability to file an appeal from the decree in #18-0399. Thus, the Connecticut legislature has provided at least two means by which "full and adequate probate remedies are provided by which interested parties may subsequently, within a time fixed by law, be heard in the probate proceedings to question the existence of a will or its probate.'" *O'Callaghan*, 199 U.S. at 118.

c. The federal due process cases cited by Fenstermaker are inapposite. *Pennoyer v. Neff*, 95 U.S. 714 (1877), concerned whether a state court had personal jurisdiction over a nonresident defendant who did not have actual notice of a civil suit within its territory. That case has no bearing on the question whether interested parties have been given an adequate opportunity to be heard in a probate proceeding, as Fenstermaker was here, "irrespective of whether the notice on the preliminary probate had or had not been given." *O'Callaghan*, 199 U.S. at 118. Equally irrelevant is *Hanson v. Denckla*, 357 U.S. 235, (1958), which considered "whether [a] Florida [court] erred in holding that it had jurisdiction over the nonresident defendants" and whether a Delaware court erred "in refusing full faith and credit" to a Florida judgment. *Hanson*, 357 U.S. at 243. Unlike *Pennoyer* and *Hanson*, this case does not present questions of personal jurisdiction.

In *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306 (1950), the Court considered "the constitutional

sufficiency of notice to beneficiaries on judicial settlement of accounts by the trustee of a common trust fund established under the New York Banking Law." *Id.* at 307. Ultimately, the decision hinged on whether or not service of notice by publication in a newspaper met minimum federal constitutional standards for personal jurisdiction. *Id.* at 309-310, 315, 319-20. Here, the question is not whether Fenstermaker had actual notice or was given constitutionally sufficient notice of the original probate proceeding, #18-0399. Fenstermaker's own formulation of the question concedes that he had notice: "Whether Section 45a-128(a) of the Connecticut General Statutes[] . . . as applied to the facts of the instant matter, provides full right to assail the no-notice administration of a decedent's estate to cure any United States Constitution Fourteenth Connecticut property rights."

3. Fenstermaker's Petition does not present any "compelling reasons" and it does not satisfy any of the Court's guidelines under Rule 10 for when petitions for certiorari will be granted. The judgment below was rooted in the settled state-law principle that Connecticut probate courts cannot enter a new decree which would eviscerate a decree entered in a previous case. The state court decisions below reflect no discussion of or ruling on any federal question—let alone an important federal question that should be settled by the Supreme Court or that conflicts with a decision of a state court of last resort, a decision of a United States Court of Appeals, or the relevant decisions of this Court. So nothing in the judgment below or in the Petition for a Writ of Certiorari warrants review by this Court.

CONCLUSION

The fatal flaw in Fenstermaker's Petition is that he failed to avail himself of appropriate remedies expressly provided to him by the Connecticut probate statutes. He could have, but did not, appeal from the decision in #18-0399—the only decision made under Conn. Gen. Stat. § 45a-273. He also could have, but did not, ask the court in #18-0399 to reconsider, modify, or revoke its decree under Conn. Gen. Stat. § 45a-128(a). Instead, he sought to assert his claim through a procedurally-improper means, that is, by commencing a new action attempting to admit an old will for probate 11 months after entry of the prior decree in another probate case. Thus, he failed to properly raise his federal constitutional claims in the state courts below. For that obvious reason, the judgment below rested solely on state law grounds based on long-settled Connecticut law. Fenstermaker is attempting to use this Court's jurisdiction as an end-run around the now expired appeal period for #18-0399 or to revive claims that were properly thrown out for obvious procedural and jurisdictional defects under state law.

The salacious (and false) accusations scattered throughout the petition for certiorari were injected by Fenstermaker in an attempt to add curb appeal to meritless claims that have been rejected by the federal district court, and the Connecticut probate court, superior court, Appellate Court, and Supreme Court. This case certainly does not belong before the Supreme Court of the United States. Fenstermaker was disinherited by his father for his cruel and abusive behavior, and his father saw to it that his share of the Estate would go to support Fenstermaker's estranged wife and daughters.

The probate court administered the estate accordingly. In this posture, Fenstermaker cannot show that this was error, let alone error of federal constitutional magnitude.

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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