

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCReporter@sjc.state.ma.us

SJC-13339

IMRE KIFOR vs. COMMONWEALTH & others.<sup>1</sup>

December 1, 2022.

Supreme Judicial Court, Superintendence of inferior courts.  
Practice, Civil, Action in the nature of certiorari.

Imre Kifor appeals from a judgment of the county court denying, without a hearing, his petition for relief in the nature of certiorari under G. L. c. 249, § 4. We affirm the judgment.

Kifor has filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), although it is unclear what, if any, interlocutory ruling of the trial court is being challenged. Regardless of whether the rule technically applies here, it is clear that the single justice neither erred nor abused his discretion by denying relief. In his petition, Kifor was apparently seeking to have this court intervene in proceedings in the Probate and Family Court concerning the custody and support of his children. Such proceedings are reviewable in the ordinary appellate process.<sup>2</sup> "It would be hard to find any principle more fully established in our practice than the principle that neither mandamus nor certiorari is to be used as a substitute for ordinary appellate procedure or used at

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<sup>1</sup> Middlesex Division of the Probate and Family Court Department, Barbara A. Duchesne, and Cynthia S. Oulton.

<sup>2</sup> Indeed, Kifor has invoked the ordinary appellate process in this matter in the past. See Kifor v. Duchesne, 101 Mass. App. Ct. 1111, S.C., 490 Mass. 1106 (2022). The fact that the Appeals Court did not rule in Kifor's favor does not entitle him to additional review.

any time when there is another adequate remedy." D'Errico v. Board of Registration of Real Estate Brokers & Salespersons, 490 Mass. 1008, 1008 (2022), quoting Matter of Burnham, 484 Mass. 1036, 1036 (2020).

This is the third time that Kifor has sought some form of extraordinary relief from this court, all arising from the same litigation between him and the mothers of his children.<sup>3</sup> See Kifor v. Commonwealth (No. 2), 490 Mass. 1019 (2022); Kifor v. Commonwealth (No. 1), 490 Mass 1003 (2022). Each time, we have clearly advised him that he is not entitled to extraordinary relief, whether pursuant to the certiorari statute, our superintendent powers under G. L. c. 211, § 3, or otherwise, to correct errors that are reviewable in the ordinary appellate process. Kifor is on notice that further attempts to obtain such relief in like circumstances may result in the imposition of sanctions.

Judgment affirmed.

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

Imre Kifor, pro se.

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<sup>3</sup> We are also advised that Kifor has filed further petitions in the county court. Those petitions are not before us now, and we express no view as to them.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2022-0271

Middlesex Probate Court  
No. 07D-3172-DV1; 11W-  
0787-WD; 11W-1147-WD

**IMRE KIFOR**

v.

**THE COMMONWEALTH OF MASSACHUSETTS, MIDDLESEX PROBATE & FAMILY  
COURT, BARBARA A. DUCHESNE and CYNTHIA S. OULTON**

**JUDGMENT**

This matter came before the Court, Georges, J., on the petitioner Imre Kifor's petition in the nature of certiorari filed pro se. Upon consideration thereof, it is ORDERED that the petition be, and the same hereby is, DENIED without hearing.

By the Court, (Georges, J.)

/s/ Maura S. Doyle  
Maura S. Doyle, Clerk

Entered: September 30, 2022

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2022-0380

Middlesex Probate &  
Family Court  
No. 07D-3172-DV1; 11W-  
0787-WD; 11W-1147-WD

**IMRE KIFOR**

v.

**THE COMMONWEALTH OF MASSACHUSETTS, MIDDLESEX PROBATE & FAMILY  
COURT, BARBARA A. DUCHESNE and CYNTHIA S. OULTON**

**JUDGMENT**

This matter came before the Court, Gaziano, J., on the petitioner Imre Kifor's petition in the nature of certiorari and other papers filed pro se.

In regard to the relief requested, the Court notes that the petitioner previously has filed multiple petitions in this Court seeking the same or substantially similar relief. All of these petitions were denied. See SJ-2022-041 (certiorari petition); SJ-2022-0193 (G.L. c. 211, s. 3 petition), SJ-2022-271 (certiorari petition). Further, all of these denials were affirmed by the full court. Kifor v. Commonwealth, 490 Mass. 1003 (2022) (SJC-13263); Kifor v. Commonwealth, 490 Mass. 1019 (2022) (SJC-13310); Kifor v. Commonwealth, Supreme Judicial Court of Mass., No. SJC-13339, slip op. (Dec. 1, 2022) ("Kifor

is on notice that further attempts to obtain such relief in like circumstances may result in the imposition of sanctions").

Upon consideration thereof, it is ORDERED that all requests for relief set forth in the petition and other papers be, and the same hereby are, DENIED without hearing. See Watson v. A Justice of the Boston Division of the Housing Court Department, 458 Mass. 1025, 1026 (2011) ("extraordinary relief is properly denied where an alleged error can adequately and effectively be remedied through the normal trial and appellate process or by other available means"), quoting Watson v. Walker, 455 Mass. 1004, 1004-1005 (2009).

Further, in the interest of judicial economy and the effective administration of the Court, the petitioner is reminded that further attempts to obtain such relief in like circumstances may result in the imposition of sanctions, which may include restrictions limiting the petitioner's ability to file future pleadings.

By the Court, (Gaziano, J.)

/s/ Maura S. Doyle  
Maura S. Doyle, Clerk

Entered: December 9, 2022

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SJC-13263

IMRE KIFOR vs. COMMONWEALTH & others.<sup>1</sup>

June 22, 2022.

Supreme Judicial Court, Superintendence of inferior courts.  
Practice, Civil, Action in nature of certiorari.

Imre Kifor appeals from a judgment of a single justice of this court denying his complaint for relief in the nature of certiorari pursuant to G. L. c. 249, § 4. We affirm.

Through this action in the nature of certiorari, Kifor sought to correct alleged errors in judicial proceedings in the Middlesex Division of the Probate and Family Court Department and in the Appeals Court. The single justice denied relief "on the grounds that [Kifor] has an adequate, alternate remedy in the normal appellate process." Kifor timely appealed.

After his appeal was entered in this court, Kifor filed an "SJC Rule 2:21 Memorandum" in an attempt to comply with S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001). That rule applies when a single justice of this court "denies relief from an interlocutory ruling in the trial court." Id. Regardless of whether the rule applies to all of Kifor's claims, it is apparent from Kifor's submissions and from the record below that the single justice neither erred nor abused his discretion in denying relief.

"The purpose of a civil action in the nature of certiorari is to correct errors that 'are not otherwise reviewable by motion or by appeal.'" Johnson v. Commonwealth, 463 Mass. 1006,

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<sup>1</sup> Middlesex Division of the Probate and Family Court Department, Barbara A. Duchesne, and Cynthia S. Oulton.

1007 (2012), quoting G. L. c. 249, § 4. Kifor "bears the burden to allege and demonstrate the absence or inadequacy of other remedies." Kim v. Rosenthal, 473 Mass. 1029, 1030 (2016). He has not carried that burden here.

Kifor concedes that other appellate remedies are available to him, by acknowledging that, despite some delay, his appeals from various decisions and orders of the Probate and Family Court are now docketed and pending in the Appeals Court. Kifor's blanket assertions that such review will be inadequate are insufficient to demonstrate that he is entitled to review pursuant to G. L. c. 249, § 4.

Kifor has also availed himself of the procedures set forth in G. L. c. 231, § 118, first par., to obtain review of certain interlocutory orders by a single justice of the Appeals Court. Where an Appeals Court single justice has denied relief under that statute, Kifor "is not entitled as of right to any further interlocutory review." Padmanabhan v. Cooke, 483 Mass. 1024, 1025 (2019).

The single justice did not err or abuse his discretion in denying relief under G. L. c. 249, § 4.

Judgment affirmed.

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

Imre Kifor, pro se.

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SJC-13310

IMRE KIFOR vs. COMMONWEALTH & others.<sup>1</sup>

October 13, 2022.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, Imre Kifor, appeals from a judgment of a single justice of this court denying his petition pursuant to G. L. c. 211, § 3. We affirm.

In his petition, Kifor stated that he was seeking relief from "activities" of the respondents that "are continually not according to the course of the common law." His claims appear to stem from several different proceedings, both in the trial court and the Appeals Court, and he argued, among other things, that he has been subject to systemic fraud and "preclusion" of appeals. He also argued that his due process rights have been violated. The single justice denied the petition without a hearing.

Kifor has now filed what purports to be a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), even though, as best we can discern from the record, he is not challenging any interlocutory ruling of the trial court. Indeed, it is difficult to discern what, specifically, he is challenging, although it is clear that he is expressing general dissatisfaction with various lower court rulings and judgments. This is not the first time that Kifor has sought relief in this court. See, e.g., Kifor v. Commonwealth, 490 Mass. 1003 (2022). In that case, as here, Kifor had adequate alternative remedies available to him,

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<sup>1</sup> Attorney General and Middlesex Division of the Probate and Family Court Department.

notwithstanding his assertions to the contrary. Indeed, he has pursued several of those avenues, including in the Appeals Court. See, e.g., Duchesne v. Kifor, 101 Mass. App. Ct. 1111, S.C., 490 Mass. 1106 (2022). That those appeals were not successful -- that is, that they did not lead to decisions in Kifor's favor -- does not entitle Kifor to additional review. General Laws c. 211, § 3, "does not provide a second opportunity" for relief. Guzzi v. Secretary of Pub. Safety, 450 Mass. 1016, 1016 (2007). "Relief under G. L. c. 211, § 3, is properly denied where there are adequate and effective routes other than c. 211, § 3, by which the petitioning party may seek relief." Greco v. Plymouth Sav. Bank, 423 Mass. 1019, 1019 (1996).

The single justice did not err or abuse his discretion in denying relief under G. L. c. 211, § 3.

Judgment affirmed.

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

Imre Kifor, pro se.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2022-0193

Middlesex Probate &  
Family Court  
No. 07D-3172-DV1; 11W-  
0787-WD; 11W-1147-WD

**IMRE KIFOR**

v.

**THE COMMONWEALTH OF MASSACHUSETTS, ATTORNEY GENERAL MAURA HEALEY  
(OFFICIAL CAPACITY), and MIDDLESEX PROBATE AND FAMILY COURT**

**JUDGMENT**

This matter came before the Court, Kafker, J., on the petitioner Imre Kifor's petition pursuant to G.L. c. 211, § 3, filed pro se. Upon consideration thereof, it is ORDERED that the petition be, and the same hereby is, DENIED without hearing.

By the Court, (Kafker, J.)

/s/ Maura S. Doyle  
Maura S. Doyle, Clerk

Entered: June 27, 2022

**Additional material  
from this filing is  
available in the  
Clerk's Office.**