

No. 23-5536

IN THE
Supreme Court of the United States

KINLEY MACDONALD

v.

Maine

Petition for Rehearing

To The Supreme Court of the United States

PETITION For REHEARING

+

REHEARING EN BANC

KINLEY MACDONALD
YORK COUNTY JAIL
1 LAYMAN WAY
ALFRED, ME 04002

QUESTION(S) PRESENTED

Before the Court is a matter involving unabused children trafficked into foster care by mere hearsay, creating irreparable harm. The mother suffered emotional distress as result. The defendants weaponized that distress to retroactively justify the removal of the children, refusal to reunify, refusal to intervene on behalf of the children experiencing foster abuse/neglect, and to continue to elaborate imaginary and extrajudicial accusations to terminate a family in absence of all jurisdiction for which abstention sanctions such a cruel deprivation of human rights and departure of settled state, federal, and international law such that this petition is a Mother's desperate plea for this Court to exercise it's supervisory power. Start to finish, this case - THESE CHILDREN deserve your time. Thank you.

1.) When the Supreme Court of the United States has decided, reproductive rights of women is fundamentally important to litigate across the nation, can that same Court then, refuse to hear cases of a state Unconstitutionally make decisions of the literal fruits of labor?

2.) Can the Supreme Court of the United States disregard a Mother's petition concerning legal issues in front of the court regularly - simply because she made errors in certain parts of her petition?

3) Even though a Mother petitions with clean hands, can her case, involving a matter of importance to The Supreme Court of the United States, be denied simply because she is a non-skilled pro se litigant, indigent + incarcerated while States and non-indigent parties' petitions on Reproductive/Family rights are welcomed in the most high American Court?

List of Parties

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is in the subject of this petition is as follows:

Petitioner

Kinley MacDonald

c/o York County Jail

1 Layman Way

Alfred, ME 04002

A [REDACTED] ("A [REDACTED]" or "AJ"), minor child of Petitioner

B [REDACTED] M [REDACTED] ("B [REDACTED]" or "BM"), minor child of Petitioner

W [REDACTED] M [REDACTED] ("W [REDACTED]" or "WM"), minor child of Petitioner

Respondents

Daniel Johnson, "father" of AJ, Pro Se
908 Pierre Rd
Phenix City, AL 36870

Bruce Kile, "father" of WM, Represented
by: Roger Champagne
13 Crescent St
Biddeford, ME 04005

by: Mark James
131 S. Taylor St
South Bend, IN 46601

Respondents Continued

David S. Barron, Chief Judge

William S. Kayatta Jr., Circuit Judge

Gustava A. Gelpi Jr., Circuit Judge

Maria R. Hamilton, Clerk

United States Court of Appeals

For the First Circuit

John Joseph Moakley United States Courthouse

1 Courthouse Way, Suite 2500

Boston, MA 02210

Judge John/Jane Doe(s) 1-4 Circuit Justice(s)

Chanda S. Beita, Assistant Clerk

John or Jane Doe I, Clerk of the Court

United States Court of Appeals

For the Seventh Circuit

219 S. Dearborn St

Chicago, ILL 60604-1874

Damon R. Leichty, District Judge

Michael G. Gotsch, Sr., Magistrate Judge

N. Corle, Clerk or Deputy Clerk

John or Jane Doe I, Clerk of the Court

United States District Court

Northern District of Indiana

South Bend Division

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Suite 1108

204 Main St

South Bend, IN 46601

Respondents Continued

John C. Mivison, Magistrate Judge

John A. Woodcock Jr., District Judge

Christa K. Berry, Clerk

United States District Court

District of Maine

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Portland, ME 04101

John or Jane Doe(s) 1-5, Maine Supreme Court Justices

J.S. Connors, Supreme Court Justice, Maine

Wayne R. Douglas, Supreme Court Justice, Maine

Horton, Supreme Court Justice, Maine

Jabar, Supreme Court Justice, Maine

Rick E. Lawrence, Supreme Court Justice, Maine

C. B. Stanfill, Supreme Court Justice, Maine

John + Jane Doe(s) 1-3, Clerk

State of Maine

Supreme Judicial Court

205 Newbury St, RM 139

Portland, ME 04101-4125

John + Jane Doe(s) 1-3, Magistrate/Judges

St. Joseph County Probate Court, South Bend

100 S. Michigan St

South Bend, IN 46601

John + Jane Doe(s) 1-5, Magistrate/Judge

Michael Duddy, Judge, Maine

Robert Mulhern, Maine

Respondents Continued

Lee Ann Sutton, Judge, Maine
John + Jane Doe(s) 1-10, Clerk
Alfred Superior Court
45 Kennebunk Rd
Alfred, ME 04002

Biddeford District Court
28 Adams St
Biddeford, ME 04005

Springvale District Court
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Springvale, ME 04083

Maine Committee for Judicial Responsibility + Disability,
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Augusta, ME 04333

Respondents Continued

Board of Overseers of the Bar, Maine

John + Jane Doe(s) 1-15, Bar Counsel Members

John + Jane Doe(s) 1-5, Lay person Members

Maine Department of Health + Human Services (DHHS)

Seane Lambrew, Commissioner

Jesse Cummings, CPS social worker

Kelly Jo Anne Deardorff, CPS social worker

Laura Fisher, Riverview Psychiatric Center Legal Liaison

Robin Grant, Riverview Psychiatric Center Provider

Shelene M. Kirkley, PhD Forensic Examiner

Tara Lynn Picard, CPS Social Worker, Supervisor, Notary

Dr. Rondon, Riverview Psychiatric Center Provider

Megan Thomas, CPS Social Worker

John + Jane Doe(s) 1-15, CPS Social Workers

John + Jane Doe(s) 1-25, Riverview Psychiatric
Center Employees

John + Jane Doe(s) 1-15 Community Care,

Contractors of Maine Department of Health + Human
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by Office of Attorney General, Maine

Aaron Fry, Attorney General

6 State House Station

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Aron Fry, Attorney General ("AG"), Maine

Martha Hallisey - Swift, Assistant AG, Maine

Maura Keaveney, Assistant AG, Maine

Justina A. McGeHigan, Assistant AG, Maine

Respondents Continued

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Augusta, ME 04333-0006

York County Sheriff's Department
John Doe, Sheriff
Steven D Boyd, Deputy
John/ Jane Doe(s) 1-15, Deputies

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Respondents Continued

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Respondents Continued

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Ramirez, former counsel of Daniel Johnson
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Respondents Continued

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Brunswick, ME 04011

Foster Care Contractors
John + Jane Doe(s) 1-10
Edwin + Amanda Santana

Megan Valente
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Parsonsfield, ME

Sheriff John Doe I
John + Jane Doe 1-5, Deputies
John Doe I Chief of Police, Old Orchard Beach P.D., ME
John + Jane Doe(s) 1-5, Town of Old Orchard Beach P.D., ME

Lily Stopnicki, social worker/counselor contractor with DHHS

Jane + John Doe(s) 1-5, Counselors for minors

Jane + John Doe(s) 1-10, Counselors, providers

John Doe 1, Former appointed standby counsel for
Mother

RELATED CASES (RC('s))

State of Indiana

- I. Mary Angela Johnson (now Kinley Mary Angela MacDonald) v. Daniel Johnson, (involving A [REDACTED] J [REDACTED]), Probate Court, Marion County, IN transferred to St. Joseph County, IN
- II. In Re B [REDACTED] M [REDACTED], Probate Court, St. Joseph County, IN
- III. In Re W [REDACTED] M [REDACTED], Probate Court, St. Joseph County, IN

State of Maine

- IV. In Re A [REDACTED] J [REDACTED], PC 21-01, District Court, Judgement Oct. 3, 2022
- V. In Re B [REDACTED] and W [REDACTED] M [REDACTED], District Court, PC 31-02, Judgement Oct. 3, 2022
- VI. Petition for Declarative Judgement, Supreme Judicial Court, Cum 22-327, Judgement Aug. 6, 2022
 - In Re Children of Kinley M., Supreme Judicial Court, Judgement May 30, 2023
- VII. State v. Kinley MacDonald, Superior Court, YRKCD-CR-20-00522
- VIII. MacDonald v. State of Maine, Supreme Judicial Court, 23-32

United State District Court

- IX. Maine, MacDonald v. Duddy, et al, 2:22-cv-00293-JAW
- X. Maine, In Re Kinley MacDonald, 2:22-cv-00336-JAW
- XI. Indiana, MacDonald v. Duddy, et al, 3:22-cv-01002-PRL-MGG
- XII. Maine, MacDonald v. State of Maine, 2:22-cv-00329-JAW

RELATED CASES (RC('s), Continued)

XIII. Maine, MacDonald v. York County Sheriff, et al, 2:22-cv-00302-JAW

XIV. Maine, MacDonald v. Cumberland County Sheriff, et al 2:22-cv-00304-JAW

United States Court of Appeals

For the First Circuit

XV. In Re Kinley MacDonald, 22-1319, Judgement May 16, 2022

IX.A MacDonald v. Duddy, et al, 22-1921, Judgement May 25, 2023

IX.B MacDonald v. Duddy, et al, 22-1949, Judgement May 25, 2023

X.A In Re Kinley MacDonald, 23-1042

XII.A MacDonald v. State of Maine, 23-1381

United States Court of Appeals

For the Seventh Circuit

XI.A MacDonald v. Duddy, et al, 23-1181

Supreme Court of the United States

VI.A Kinley MacDonald v. Jeanne Lambrew, et al 23-5186

VIII.A Kinley MacDonald v. Maine, 23-5217

XVI. Kinley MacDonald v. Michael A. Duddy, 23-5216

XVII. Kinley MacDonald v. Lea-Ann Sutton, 23-5184

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

State v. Akers, 259 A.3d 40, 2021 ME 43 (ME) 2021 8.

"The Maine Constitution requires the State to meet a higher standard for demonstrating voluntariness [of a confession] than does the Federal Constitution."

STATUTES AND RULES

See Jurisdiction ,

Appendix D

OTHER

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Denying Petition for Writ of Mandamus

APPENDIX B - State District Court of Maine Order

lacking mandated abuse/neglect + Unlawfully coerced
APPENDIX C - Mother's Provider Exhibits ruling out

Mental illness; no parental concerns identified.
APPENDIX D - Jurisdictional Statutes

APPENDIX E - United States Constitutional Amendments Involved

APPENDIX F - Maine Constitutional Articles Involved

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

Petitioner respectfully prays that a rehearing issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States Supreme Court appears at Appendix A to the petition and is

☒ reported at Unknown; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Supreme Court decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

U.S. Supreme Court Rules 10, 11, 12.4, 20.1, 20.2, 20.3, 20.4, 44

28 U.S.C. § 1292, § 1331, § 1343(a), (1), (2), (3), (4), § 1357, § 1367(a), § 1369(c), (1), (2), § 1443(1), (2), § 1651(a), (b), § 2101(c), § 2201(a), § 2202, § 2241, § 2243, § 2254, § 2283, 42 U.S.C. § 1983, § 1985(2), (3), § 1986, § 1988, §§ 12101-12213

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitutional Amendments Appendix E

Maine Constitutional Amendments Appendix F

STATEMENT OF THE CASE

Petitioner, Mother (hereafter "Mother") is a single mother from Indiana that originally sought refuge in the state of Maine because of a stalker, but continued to use the services available in Maine for Domestic violence ("DV") when her husband became abusive to her alone - the children were never physically or emotionally abused.

The state of Maine made multiple fraudulent petitions to provoke judges to remove children from Mother's care without any supporting evidence as required by statute except their intentionally fraudulent affidavits despite exculpatory evidence in their possession. Un-notified + unserved, Mother went about her life + tried to recover + rest as a family after filing for divorce from the children's "stepdad" when a secret hearing took place to remove Mother's children on an emergency basis when the family was riding bikes while the eldest attended internet school.

Mother was falsely arrested + her children taken to unknown locations + separated with no required information presented to the mother. The criminal court usurped jurisdiction by restricting contact between Mother + her children.

Mother suffered severe PTSD/depression as any mother would after the kidnapping of her children. The ransom was to cooperate; the Judge threatened more difficult reunification if Mother didn't come to an "agreement" with the state. Ineffective counsel advised there would be "no appeal" if Mother challenged that threat.

A mother will agree to anything for her children. Mother agreed she had exposed the children to someone abusive to Mother - but didn't agree they knew anything of the abuse or that they were abused in anyway. Mother agreed to continue D.V. involvement, that she would undergo a neuropsychological evaluation + counseling.

This "agreement" was turned into an admission of guilt with no mandated opportunity for the family to reunify.

No fundamentally fair opportunity took place and Mother was denied appeals, counsel, support from the state. By unconstitutional "preponderance of evidence" standards a process commenced to break the bonds between a family, while clear evidence of foster abuse was disregarded.

When Mother attempted to investigate on behalf of her children, she was maliciously prosecuted again, but in a criminal court where

excessive bail/bond conditions, ineffective counsel, the state creating a false record with a Mother denied a Constitutional/fundamentally fair process for relief.

Mother was again, without required "cause shown" accused of Mental illness to justify (unlawfully) deprivation of due process rights + prolonged confinement.

Holding a Mother in jail - denied contact with her children (non-parents) in Criminal Court serves to sever bonds + aid in the termination of her parental rights while the state prepares to use the CPS case of her children - the unlitigated abusive record - to slander Mother in a criminal case.

Beginning in December of 2022, after attempts of Mother to seek Pro Se relief in District Court (being denied counsel), Mother brought Petition for Certiorari/Mandamus + included all of the cases under one petition.

The amazing clerks at the United States Supreme Court patiently helped Mother separate the cases of the single initial petition. Although Mother invoked the "All writs act," and requested writ of

Certiorari/mandamus on some of the paperwork, Mother clearly failed to make that correction on all of the paperwork as it came pre-printed as a pro se packet stating writ of certiorari. Yet, "Mandamus" was denied. Appendix A

Denying this petition misunderstands the harm potential- the reversal of precedent by the Supreme Court of the United States, the Sister Circuits, and Constitutions - allowing war crimes to occur on American soil if this case goes unheard. Children + Families + Freedom should NEVER be marginalized in the American Court system in favor of any other case. None other is worthy of your appointment + responsibility.

REASONS FOR GRANTING THE PETITION

1.) The State of Maine targetted a Mother, removing her children in absence of all jurisdiction + ransomed them in exchange for an agreement when "The Maine Constitution requires the State to meet a higher standard for demonstrating voluntariness [of a confession] than does the federal Constitution." State v. Akers, 259 A.3d 40, 2021 ME 43 (Me 2021) see also Me Const. art 1 § 6, 6A; U.S. Const. amends V, XIV, §1. Yet, this agreement was somehow turned into an "admission of guilt" when, even though the agreement language was modified by the State without Mother's knowledge / consent; No child abuse / neglect is ever alleged / discussed. Appendix B

2.) With no mandated assistance from the State, and in spite of the State causing delays, Mother completed all of her "agreed" reunification requirements including a full neuropsychological evaluation ruling out any mental illness except the expected PTSD from the removal of her children. Appendix C

3.) The State trial Judge maliciously created a false finding - made extra judicial accusations; reversing expert testimony and the State Court of last resort denied any interlocutory appeal for relief. A termination of a family without jurisdiction was impending without intervention.

4.) The children suffered foster abuse/neglect for which the state turned a blind eye. When Mother lawfully investigated - More malicious prosecution followed with the criminal court, again, usurping jurisdiction to impose lawless bail/bond conditions preventing a Mother from having contact with her non-party children & the State Court of last resort refusing to provide Constitutionally mandate relief (state & federal).

5.) Seeking relief from all matters, Mother petitioned the U.S. District Courts, where, she was denied any opportunity to be heard unless, until she paid filing fees that she had satisfied the standards that the filing fees were unaffordable to her. The U.S. Court of Appeals demanded the same filing fees - refusing a Mother access to the Courts simply because of filing fees.

6.) Permying this case allows Domestic Terrorism to go unlitigated - affecting generations of innocent people - ripping a Mother from her children because she is financially powerless to stop it.

7.) I beg you. Please reconsider.

CONCLUSION

The petition for a **Rehearing** should be granted.

Respectfully submitted,



Date: November 17, 2023

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