24-6532

ORIGINAL

No. _____

FILED
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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

TIMOTHY DASLER

Respondent,

V.

JENNIFER KNAPP(F.K.A DASLER)

Petitioner,

On petition for Writ of Certiorari
to the Supreme Court of Vermont

PETITION FOR WRIT OF CERTIORARI

Timothy Dasler,
pro se, petitioner
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Orford, NH 03777

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Statement of the Issues Presented for Review

1. Whether the Federal Court's "virtually unflagging obligation" to exercise jurisdiction prohibits Domestic Relations or Younger abstention when:

   A. State remedies for the civil claims in the federal suit are inadequate;

   B. Allegedly parallel litigation lacks remedies for the same claims raised; and/or

   C. Federal abstention would prejudice the rights of the plaintiff.

2. Whether private discretion becomes state action under § 1983 when a state creates a hierarchy that delegates power to a private party, allowing that party to act as the gatekeeper of another's constitutional rights, and state power enforces the private discretion to sever those rights without due process of law.

3. Whether the "Constitutional shoals" that led this Court in Griffin v. Breckenridge, 403 U.S. 88, 102 (1971), to impose a "class-based animus" requirement under § 1985(3) have been removed by subsequent equal protection jurisprudence, particularly Village of Willowbrook v. Olech, 528 U.S. 562 (2000), which expanded Fourteenth Amendment protections to include "Class of One" claims, requiring realignment of § 1985's plain language with modern constitutional standards to protect "any person or class of persons

Parties to the Proceeding

The parties to the proceeding in the court below were:

TIMOTHY DASLER,

Plaintiff-Appellant

Jennifer Knapp, Defendant-Respondent,

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Constitutional and Statutory Provisions Involved

Fourteenth Amendment to the United States Constitution; Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. § 1983

Civil action for deprivation of rights:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

42 U.S.C. § 1985

Conspiracy to interfere with civil rights:

(3) Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws...

Opinions Below

Second Circuit Court Summary Affirmance of dismissal of Petitioner's claims is available at Dasler v. Knapp, 2024 U.S. App. (2d Cir. 7/12/24) and attached as(A.P.0019). Rehearing denied on 9/6/24(A.P.0021) and mandate issued on 9/16/24(A.P.0022)

Relevant orders from the United States District Court for the District of Vermont include:

The October 13, 2023, order dismissing Petitioner's federal claims under 42 U.S.C. § 1983 and § 1985 on abstention grounds and for failure to state a claim (A.P.0003); and

The October 31, 2023, order denying Petitioner's motion for reconsideration and clarification(text only order).

These opinions were not reported but are available in the district and circuit court records.

Jurisdiction

The Second Circuit summarily affirmed the 10/13/23 dismissal(A.P.0003) of Petitioner's claims on July 12, 2024(A.P.0019). Rehearing and rehearing en banc were denied on September 6, 2024(A.P.0021), and the mandate was issued on September 16, 2024(A.P.0022)

On 12/11/24, Justice Sotomayor granted an extension until 2/3/25 to file a Petition of Writ of Certiorari pursuant to Rule 13.1

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1), which provides for review of cases decided by the United States Courts of Appeals by writ of certiorari.

Statement of the Case

1. This case arises from the District Court's dismissal of Petitioner's tort claims and federal claims under 42 U.S.C. § 1983 and § 1985(A.P.0012), premised on alleged constitutional violations, including deprivation of due process and equal protection. Petitioner challenged the delegation of state power to a private individual, who effectively acted as a gatekeeper to Petitioner's rights, without sufficient judicial oversight or state-provided remedies.

2. Petitioner also sought Declaratory Judgment to set the goal posts for due process in the state proceedings as prospective relief after suffering violations of his Constitutional Rights, exhausting state remedies, and being vulnerable to ongoing harm that could be avoided by Declaratory Judgment as to his Due Process Rights.(Opposition to Summary Affirmance(4/8/24) Pages 5-7 and Original and Amended Complaint

3. The District Court dismissed these claims, taking Judicial Notice of the Vermont Family Court case(10/13/23 Order Pg. 4, A.P.0007), citing abstention doctrines, including Younger and the Domestic Relations Exception, despite the federal constitutional questions presented and the inadequacy of state court remedies to redress Petitioner's claims(Raised in Appellate Brief, pp. 23-33 and District . In doing so, the court sidestepped its "virtually unflagging obligation" to exercise jurisdiction over federal claims(Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976)).(raised Appellate Brief (3/25/24) Pages 23-33) (See District Court Order, Oct. 13, 2023, A.P.0003.)

4. Following the initiation of family court proceedings, Petitioner's parental rights were severely restricted through an ex-parte order, without prior notice or an opportunity to be heard. Despite subsequent challenges, the restrictions were never meaningfully reviewed in a manner that considered the constitutional implications of parental deprivation. Instead, Petitioner's rights remained restricted as a consequence of the initial ex-parte

action, rather than any adjudicated finding of unfitness or harm. Vermont's legal framework allows such restrictions to become effectively permanent, even without the need to adhere to Constitutionally Required standards of evidence.

5. The Second Circuit summarily affirmed without substantive analysis, leaving unresolved whether:

1. The delegation of state authority to a private actor—coupled with the lack of procedural safeguards—constitutes state action under Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982), and
2. 42 U.S.C. § 1985 encompasses "Class of One" equal protection claims, as recognized in Village of Willowbrook v. Olech, 528 U.S. 562 (2000), rather than requiring traditional class-based animus.

6. Without federal intervention, Petitioner faces an indefinite continuation of his parental rights restrictions, with no clear mechanism for meaningful review. As Vermont precedent demonstrates, such deprivations can persist for years without any showing of present harm or procedural reevaluation. Similar cases, such as Knutsen v. Cegalis, 2016 VT 2, illustrate how non-custodial parents in Vermont remain indefinitely deprived of rights simply because the status quo favors the custodial parent, rather than due to any adjudicated fault or risk of harm.

7. The denial of rehearing and rehearing en banc, followed by the issuance of the mandate, left unresolved critical questions of constitutional law and federal jurisdiction.

8. The issues presented implicate the scope of civil rights protections, uniform application of federal law, and access to federal courts for constitutional claims, warranting this Court's review to prevent further judicial misapplication of abstention doctrines and civil rights statutes.

Reasons for Granting Certiorari

1. The Federal Courts Are Divided on the Application of Abstention Doctrines

A. The Second Circuit's Expansion of Abstention Conflicts with Supreme Court Precedent

9. The Second Circuit's decision improperly applied Younger abstention and the Domestic Relations Exception to dismiss Petitioner's claims, despite the presence of substantial federal constitutional questions. This Court has long held that federal courts have a "virtually unflagging obligation" to exercise their jurisdiction, and that abstention doctrines must be construed narrowly. See Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976); Sprint Communications, Inc. v. Jacobs, 571 U.S. 69, 78 (2013). However, the Second Circuit's expansion of abstention contradicts this Court's precedent and creates an unwarranted jurisdictional barrier to federal adjudication of constitutional claims.

10. The District Court dismissed Petitioner's claims under Younger abstention and the Domestic Relations Exception, despite Petitioner raising clear federal constitutional questions under 42 U.S.C. §§ 1983 and 1985. The court's reasoning failed to address the inadequacy of state remedies(See District Court Order, 10/13/23, A.P.0017.), a fundamental requirement of abstention doctrines.

11. The Second Circuit then summarily affirmed, characterizing the appeal as frivolous, even though Petitioner raised substantial constitutional issues. The court did not engage in meaningful analysis of the abstention misapplication, state action under § 1983, or the evolving interpretation of § 1985.

12. Summary affirmance is intended only for cases that lack an arguable legal basis. However, as noted in United States SEC v. Daspin, 557 Fed. Appx. 46, 49 (2014),

arguments that are non-frivolous—even if ultimately unsuccessful—are not proper candidates for summary affirmance.

13. The Second Circuit's dismissal ignored the well-established principle that federal jurisdiction cannot be declined where state remedies are inadequate. This error highlights the urgent need for this Court's review to resolve the national inconsistencies in abstention jurisprudence and federal civil rights enforcement.

14. In Ankenbrandt v. Richards, 504 U.S. 689 (1992), this Court made clear that the Domestic Relations Exception is limited to divorce, alimony, and child custody determinations and does not apply to constitutional or federal statutory claims. Yet the Second Circuit relied on abstention doctrines to dismiss Petitioner's 42 U.S.C. § 1983 and § 1985 claims, even though they did not seek custody modification, but instead challenged state court procedures and the delegation of authority to a private party. The district court's dismissal failed exemplifies this overreach, wrongly treating a federal constitutional challenge as a domestic matter warranting abstention.(See District Court Order, 10/13/23, A.P.0017.)

B. Circuit Courts Are Divided on Whether Abstention Applies When State Remedies Are Inadequate or Parallel Litigation Lacks Remedies

15. This Court has repeatedly emphasized that abstention is inappropriate where the state court does not provide an adequate forum for the federal claims. See Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982). The Second Circuit's ruling ignored this principle, failing to consider that Petitioner lacked an adequate state remedy to address his constitutional claims.

16. Some circuits have correctly limited Younger abstention, recognizing that federal claims must proceed where the state forum does not provide an adequate remedy. See, e.g., Hoffman v. Pursue, Ltd., 420 U.S. 592, 610 (1975)(finding abstention inappropriate where state procedures are insufficient to protect federal rights). However, the Second

Circuit, like other circuits that have expanded Younger abstention, declined to examine whether the state forum actually provided a mechanism to redress the constitutional harms at issue. This failure is evident in the summary affirmance, which simply accepted abstention without addressing whether state remedies were sufficient.

17. Further, parallel litigation does not bar federal jurisdiction unless the state proceedings fully address the same claims, which was not the case here. Petitioner's claims were rooted in federal constitutional violations, including the improper delegation of state power to a private actor(8/17/18 Divorce Order, A.P.0030-0038), and yet the Second Circuit refused to recognize the distinction between domestic matters and constitutional claims that warrant federal intervention.

C. The Second Circuit's Decision Encourages Federal Abstention Without Adjudication of Constitutional Claims

18. Allowing the Second Circuit's ruling to stand effectively forecloses federal review of serious constitutional violations, insulating state court decisions from scrutiny even when they violate federal law. This Court has cautioned against using abstention to evade federal jurisdiction over clear constitutional issues. See New Orleans Public Service, Inc. v. Council of City of New Orleans, 491 U.S. 350, 368 (1989) (stating that federal courts may not abdicate jurisdiction simply because a case touches upon state law concerns).

19. The Constitution commands that every individual receive equal protection and due process under the law, guarantees that can only be preserved when litigants have access to a full and fair judicial forum—including the right to a jury trial in civil proceedings. In recognition of these fundamental rights, courts in multiple states have long held that family court proceedings are "entirely distinct" from civil litigation. For example, in Ward v. Ward, 155 Vt. 242, 583 A.2d 577, 580–81 (Vt. 1990), the Vermont Supreme Court made clear that the streamlined, expedited procedures in family court—designed solely to resolve divorce and child custody matters in the best interests of the child—

necessarily sacrifice certain procedural protections, such as the right to a jury trial. This reasoning is rooted in New Hampshire authority from Aubert v. Aubert, 129 N.H. 422, 529 A.2d 909 (N.H. 1987)(see also O'Holleran v. O'Holleran, 171 Idaho 671, 676-677, 525 P.3d 709, 714-715, 2023 citing NH, VT, ID, AL, and UT in support of these "generally recognized" Constitutional principles and Henriksen v. Cameron, 622 A.2d 1135, 1142, 1993 adding Fl, MI, CO, and ME to the concensus again citing Aubert)

20. Together, these decisions reflect the distinct Constitutional interest at stake and establish a clear, multi-state consensus that family and civil matters are adjudicated under entirely different standards

21. Given that family courts are designed to expedite proceedings at the expense of procedural safeguards, a federal court cannot abstain from adjudicating civil claims arising from the same facts. To hold otherwise would deny litigants a proper forum and violate their fundamental right to due process. Just as a civil lawsuit for wrongful death is not precluded by a criminal acquittal, a subsequent civil suit alleging spousal abuse, custodial interference, or abuse of process must remain separate from a custody proceeding. Abstaining from jurisdiction merely because a case "verges on matrimonial" (see Deem v. Dimella-Deem, 941 F.3d 618, 625 (2d Cir. 2019)) inappropriately expands abstention doctrine beyond its intended scope.

22. As demonstrated in decisions such as *Patterson v. Patterson*, 306 F.3d 1156, 1161–62 (1st Cir. 2002) and *Conley-Lepene v. Lepene*, 2023 U.S. Dist. LEXIS 219597 (Dist. Maine 12/11/23), treating family and civil claims as one and the same is unfairly prejudicial and effectively bars a proper federal forum. The state, therefore, has no compelling interest in permitting family-court proceedings—which are designed to be fast-tracked and equitable—to obstruct the Constitutional right to a full, adversarial civil trial.

23. In short, the distinct purposes and procedures of family versus civil forums demand

that federal jurisdiction remain intact over civil claims, ensuring that litigants are not deprived of their fundamental rights by an inappropriate application of abstention

24. Petitioner's case exemplifies the dangers of overbroad abstention, where federal courts refuse to exercise jurisdiction even in the face of due process and equal protection violations. The district court dismissed Petitioner's claim without addressing the inadequacy of state remedies or the constitutional necessity of federal review(See Plaintiff's Response to Order to Show Cause, 10/25/21, A.P.0023 and appellant Brief Pg. 23-33). The Second Circuit's refusal to consider these issues on appeal further underscores the urgent need for this Court's review.

25. The necessity of declaratory relief is underscored by Vermont's pattern of indefinite deprivations based on ex-parte orders rather than adjudicated findings. In Knutsen v. Cegalis, 2016 VT 2, the non-custodial parent proved that abuse allegations lacked any credible factual basis, yet Vermont courts still upheld restrictions for another 18 months. In Knutsen v. Cegalis, 2017 VT 62, the deprivation extended to five years, solely because the court prioritized preserving the status quo over constitutional protections.

26. The necessity of declaratory relief is underscored by Vermont's pattern of indefinite deprivations based on ex-parte orders rather than adjudicated findings. In Wooley v. Maynard, 430 U.S. 705 (1977), this Court recognized that prospective relief is required when state actions continually threaten constitutional rights, and no adequate remedy exists at the state level.

27. Petitioner is similarly trapped in a cycle of deprivation: His parental rights remain indefinitely restricted, not due to any adjudicated finding of unfitness, but because the status quo favors the custodial parent regardless of constitutional protections, and she can prevail on the fruits of her misconduct in Family Court. The lack of procedural safeguards and meaningful review means that, absent federal intervention, Petitioner could face the same five-year deprivation seen in Knutsen v. Cegalis, 2017 VT 62.

28. The misuse of non-prejudicial agreements to justify permanent restrictions is another example of Vermont's failure to protect due process. In DeSantis v. Pegues, 2011 VT 114, the Vermont Supreme Court upheld a lower court ruling that transformed a "without prejudice" visitation suspension into a permanent deprivation, despite the state dropping all criminal charges with prejudice. The ruling effectively meant that agreeing to a temporary suspension became an admission of wrongdoing, even when the allegations were proven baseless.

29. This precedent eliminates any viable recourse for parents subjected to ex-parte suspensions, demonstrating why declaratory relief is necessary to prevent future unconstitutional deprivations. Without intervention, the same procedural trap that deprived DeSantis—and Knutsen—of their parental rights for years will be used against Petitioner in this case.

30. Vermont's judicial erosion of evidentiary standards further demonstrates why federal review is necessary. In Newton Wells v. Spera, 2023 VT 18, the Vermont Supreme Court upheld long stading state precident that any evidence in the record, is sufficient to satisfy any standard of evidnce, rendering due process protections meaningless.

31. This Court has consistently held that due process requires meaningful fact-finding standards, particularly in cases involving fundamental rights. By eliminating substantive evidentiary thresholds, Vermont courts have made judicial fact-finding immune from constitutional scrutiny, necessitating federal oversight to ensure compliance with due process mandates.

32. The 12/4/23(74-6-17 Oedm VT Superior Court) order further demonstrates the structural inadequacy of state remedies. The order restricts Petitioner from filing any motions in Vermont Family Court without pre-approval, but interprets "abusive litigation" to mean any "substantially similar" filing rather than considering the merits. By susbstituting factors in 15 V.S.A §1183(12/4/23 Vermont Family Court Order

A.P.0026) to satsify the definition in §1181, merit of the filing is irrelevant to the consideration of whether a filing is abusive.

33. This interpretation obligates the court to dismiss any filings by Petitioner to be dismissed "with prejudice" without reaching the merits based on the court's subjective assessment under a vague and expansive application of 15 V.S.A. § 1181 and § 1183.

34. The danger posed by this order is twofold:

1. It effectively prevents Petitioner from seeking state court relief, reinforcing the need for federal intervention, and
2. It sets a precedent for similar procedural roadblocks against federal litigants, making this a matter of national importance.

35. This order goes beyond mere procedural inconvenience; it shields state court deprivations from judicial review, violating Petitioner's fundamental right to access the courts. The order echoes concerns raised in Wooley v. Maynard, 430 U.S. 705 (1977), where the Supreme Court found that prospective federal relief was necessary to prevent the state from repeatedly depriving constitutional rights.

36. This effectivel prevents petitioner(who has IFP status) from seeking modification, enforcement, or review of unconstitutional deprivations because he cannot afford counsel

37. This is precisely the type of systemic failure that justifies federal intervention under Wooley v. Maynard. When a state court prevents a litigant from even raising constitutional claims, federal courts cannot abstain—they must step in to preserve access to justice.

1. The Vermont Supreme Court Disregarded Landgraf and Ex Post Facto Protections

A. The retroactive application of the Abusive Litigation Statute contradicts this Court's ruling in Landgraf v. USI Film Products, 511 U.S. 244 (1994),

which held that Ex Post Facto principles apply in civil cases as a matter of common law when new legislation retroactively disadvantages a party's substantive rights.

B. The Vermont Supreme Court ignored this precedent, allowing courts to relitigate long-resolved filings predating the statute's implementation, and retroactively convert prior unsuccessful but legally proper filings into abusive litigation.

2. Relitigation of Denied Sanctions with a Presumption Against Petitioner

A. Jennifer Knapp had already sought sanctions under existing law, and those requests were denied on the merits.

B. Under the new interpretation of 15 V.S.A. § 1181, § 1183 factors were substituted to satisfy the definition of abusive litigation, creating a presumption against Petitioner and eliminating the requirement to prove that the filings were "without merit."

3. The Abusive Litigation Order Issued the Same Day (12/4/23) Confirms These Due Process Violations

A. The Contempt Motion was dismissed "With Prejudice" under the Abusive Litigation Statute and ORAL—despite the fact that:

B. It was filed in response to a clear violation of a court order.

C. It involved the mishandling of an exhibit that allowed opposing counsel to ambush Petitioner at trial.

38. This confirms the systemic dysfunction in the Vermont judiciary, where procedural safeguards are removed, and post hoc legal interpretations erase due process protections.

39. If left uncorrected, the Second Circuit's decision will embolden lower courts to

dismiss constitutional challenges under the guise of abstention, denying litigants access to federal remedies. This case provides a crucial opportunity for this Court to clarify the limitations on Younger abstention and the Domestic Relations Exception, ensuring that federal courts fulfill their constitutional duty to adjudicate federal rights.

II. Federal Courts Are Split on When Private Discretion Becomes State Action Under § 1983

A. The Second Circuit's Decision Conflicts with Supreme Court Precedent on State Action

40. This Court has long recognized that private actors may be deemed state actors under Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982), when they exercise power that is delegated by the state and backed by state enforcement mechanisms. The Second Circuit's ruling ignored this principle, failing to consider whether the delegation of state authority to a private individual created a state action nexus sufficient to trigger liability under § 1983.

41. In Brentwood Academy v. Tennessee Secondary School Athletic Ass'n, 531 U.S. 288 (2001), this Court articulated factors for determining state action, including whether a private party exercises a function traditionally within the exclusive prerogative of the state and whether the state exerts significant influence over the private party's decision-making. Here, the 8/17/18, Divorce Order(A.P.0038) explicitly delegated Primary decision-making authority to a private party, requiring a quorum(both parents) fully informed and involved in major decisions. In practice, however, Ms. Knapp can simply sever Mr. Dasler's rights because state power prevents Mr. Dasler from accessing his rights if she decided to close access without a hearing.

42. She can therefore act as a gatekeeper to fundamental parental rights without meaningful state oversight.(Raised Appellate Brief (3/25/24) Pages 57-64) and District (See Plaintiff's Motion to Reconsider, Sept. 16, 2021, AND

Show Cause, Oct. 25, 2021, A.P.0023.)

43. The key issue here, is that she was not given the authority to exercise Parental Decisionmaking alone, but was granted only a tie breaking majority vote that required full involvement and information sharing with Mr. Dasler. When she instead exercises that power to fully exclude Mr. Dasler from either access to information or decisionmaking it effectively eliminates Mr. Dasler's rights by extending her delegated authority, and when the state power enables this and fails to enforce Mr. Dasler's rights it is state power giving her the ability to sever a Constitutional Right without due process of law.

44. The circuits remain divided over whether a private actor, exercising discretion authorized by state law, should be considered a state actor for purposes of § 1983. For example, the Ninth Circuit in Howerton v. Gabica, 708 F.2d 380, 385 (9th Cir. 1983), held that when police officers intervened "at each step" of a private landlord's eviction, the landlord's actions were attributable to the state. Similarly, the Second Circuit in Cruz v. Donnelly, 727 F.2d 79, 82 (2d Cir. 1984), concluded that a private party's unilateral invocation of state procedures can substitute its judgment for that of the state. By contrast, other courts have taken a more restrictive approach. In Blum v. Yaretsky, 457 U.S. 991, 1004–05 (1982), the Court declined to find state action where a privately run facility, though regulated and funded by the state, exercised independent professional judgment. These conflicting approaches demonstrate that in some circuits a private party becomes a "gatekeeper" of constitutional rights once state enforcement is invoked, while in others the state must play a more direct role. This split leaves litigants facing similar factual scenarios subject to radically different outcomes, underscoring the need for this Court's clarification.

45. The 3rd Circuit also noted the inconsistent application by the SCOTUS "The Supreme Court appears to employ varying approaches to this issue. Sometimes the Court seems to identify the function broadly, as in Rendell-Baker, which held in a teachers' suit for unlawful termination that the "education of maladjusted high school students" is not

traditionally and exclusively governmental. 457 U.S. at 842. At other times, the Court takes a narrower view, as in Blum, which held in a patients' suit for unlawful transfer from a nursing home that "decisions made in the day-to-day administration" of the home were not traditionally and exclusively governmental. 457 U.S. at 1012.

*Leshko v. Servis, 423 F.3d 337, 343, 2005 U.S. App. LEXIS 19481, *16 (3d Cir. Pa. September 9, 2005)*

46. The improper delegation of state authority to private individuals is at the core of some torts this case as well as the Declaratory Judgments seeking prospective relief. The 8/17/18 Family Court Order created a hierarchical decision-making structure where Petitioner's co-parent was designated as the 'final decision-maker' on all matters affecting their child. In practice, this allowed the co-parent to act as the gatekeeper to Petitioner's constitutional rights—effectively converting private discretion into state-enforced deprivation of rights. This Court has long held that when the state authorizes private actors to wield decision-making power over constitutional rights, such delegation implicates state action under § 1983. See Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982).

47. Multiple jurisdictions have emphasized that constitutional violations arising from family court proceedings must not be insulated from federal review. In Jordan by Jordan v. Jackson, the Fourth Circuit noted that delays of even a few days in due process hearings following an ex-parte deprivation of parental rights raise significant constitutional concerns

48. Yet, in Vermont, the court in Knutsen v. Cegalis found that five years of delay was only 'approaching' the point where due process must prevail This stark contrast demonstrates why federal courts must intervene to prevent the arbitrary deprivation of rights. The need for federal oversight is even more pressing given that states like Vermont have acknowledged that family courts do not seek to achieve equity between the parties, but rather focus exclusively on the 'best interest of the child'—a subjective standard that, as demonstrated in Knutsen and Cabot v. Cabot, 166 Vt. 485 (Vt. 1997),

can be manipulated to deprive parents of their fundamental rights

49. Federal courts further conflict on the application of abstention doctrines in family-law contexts, leading to unpredictable outcomes for constitutional claims. Some courts adopt a narrow view of the domestic-relations exception, holding that a claim raising constitutional violations may proceed even if it touches on family-law issues. For instance, the Sixth Circuit in Holloway v. Brush, 220 F.3d 767, 778 (6th Cir. 2000) (en banc) explicitly recognized that constitutional claims are not categorically foreclosed by their context in family disputes. In contrast, other courts, such as in LaMontagne v. LaMontagne, 394 F. Supp. 1159, 1169 (D. Mass. 1975), affirmed by the First Circuit in 533 F.2d 927, dismiss federal claims because they are intrinsically linked to family matters. Similarly, regarding Younger abstention, some courts, as in Falco v. Justices of the Matrimonial Parts, 805 F.3d 425, 427 (2d Cir. 2015), reflexively dismiss federal claims in any pending family-court action, whereas others apply the limited "exceptional circumstances" test from Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69 (2013), as further elaborated in Sirva Relocation, LLC v. Richie, 794 F.3d 185, 192–93 (1st Cir.). These divergent applications of abstention principles contribute to a patchwork of federal-court access in family law and reinforce the necessity of this Court's intervention to ensure uniform constitutional protection.

B. Circuit Courts Are Divided on the Application of the State Action Doctrine

50. There is an ongoing circuit split regarding the threshold for private actors to be considered state actors under § 1983. Some circuits, such as the Ninth and Seventh Circuits, have held that a private individual or entity wielding state-conferred authority can be held liable under § 1983, while others, like the Second Circuit here, require additional state involvement beyond mere delegation of authority.

51. This inconsistency results in vastly different applications of constitutional protections, depending on the jurisdiction. For example, in Brentwood Academy, this

Court found that state action existed when a private entity's decisions were entwined with state policies, while the Second Circuit here dismissed the case despite clear state-backed delegation of power.

C. The Court Should Clarify When Private Delegation of Authority Constitutes State Action

52. Given the growing trend of privatization of state functions, it is imperative for this Court to clarify when private discretion becomes state action under § 1983. The Second Circuit's ruling creates a dangerous precedent that allows state-backed private actors to wield unchecked authority, depriving individuals of constitutional rights. This Court's intervention is necessary to ensure uniform application of the state action doctrine and to prevent states from evading liability by outsourcing key governmental functions to private individuals.

III. This Court Should Clarify That "Class of One" Equal Protection Claims Are Actionable Under § 1985

A. The Second Circuit's Decision Conflicts with the Plain Language of § 1985 and Supreme Court Precedent

53. This Court in Griffin v. Breckenridge noted that a broad reading of § 1985(3) as a general civil conspiracy statute would run into "Constitutional shoals." 403 U.S. at 102. However, the expansion of Equal Protection to "Class of One" claims in Village of Willowbrook v. Olech, 528 U.S. 562 (2000), has since removed those obstacles. The refusal of lower courts, including the Second Circuit, to recognize this shift has resulted in § 1985 claims being unduly restricted based on outdated reasoning. This Court's intervention is necessary to ensure that § 1985(3) aligns with the modern interpretation of Equal Protection, protecting individuals who suffer arbitrary and irrational discrimination by state-backed private actors. (Raised; Appellate Brief, pp.62-64)

54. The Second Circuit's application of 42 U.S.C. § 1985(3) relies on the outdated class-based animus requirement that contradicts the plain statutory text. The statute explicitly

protects "any person or class of persons", yet courts—including the Second Circuit—continue to read in a requirement that does not exist in the language of the statute.(Raised (Appellate Brief (3/25/24) Pages 39-41) and See Plaintiff's Motion to Reconsider, Sept. 16, 2021)

55. If § 1985(3) is interpreted consistently with modern equal protection principles, it must protect individuals subjected to irrational, arbitrary, and intentional discriminatory treatment, just as Willowbrook allows for under the Fourteenth Amendment.

56. This Court should grant certiorari to resolve the circuit split on whether § 1985(3) covers Class of One claims. Some circuits recognize broader § 1985 protections, while others, including the Second Circuit, impose a restrictive "class-based animus" requirement that conflicts with the statute's plain language and modern equal protection jurisprudence.

57. In Griffin v. Breckenridge, 403 U.S. 88 (1971), this Court held that § 1985(3) was designed to protect individuals from conspiracies aimed at depriving them of equal protection under the law. Yet, concludes that the law only protects certain classes due to the outdated application of the 14th Amendment. This effectively nullifies the "any person" language by imposing a stricter standard than the statute itself requires. The district court's reasoning mirrored this flawed approach, dismissing Petitioner's § 1985 claim despite the clear deprivation of equal protection rights through arbitrary, state-backed decision-making.

58. Worse, in this case it is the usurpation of a Constituitonally protected right for her to exercise on Petitioner's behalf and without due process.

B. Circuit Courts Are Divided on Whether § 1985 Extends to "Class of One" Equal Protection Claims

59. Federal courts have issued conflicting decisions on whether § 1985(3) applies to claims brought under the "Class of One" theory of equal protection. Some circuits, such

as the Seventh and Ninth Circuits, have recognized that § 1985 claims may apply where the government treats a single individual differently without rational basis. Other circuits, including the Second Circuit here, require a traditional class-based animus, even where the statutory text does not impose such a limitation.(Appellate Brief (3/25/24) Pages 39-41)

60. This inconsistent application of § 1985 creates substantial legal uncertainty and deprives individuals of remedies against arbitrary discrimination by state-backed actors. The Second Circuit's approach allows constitutional violations to persist without redress, contrary to this Court's modern equal protection jurisprudence. See Engquist v. Oregon Dep't of Agric., 553 U.S. 591, 598 (2008) (acknowledging that government action lacking rational basis may violate equal protection even when it targets a single individual).

C. The Court Should Reaffirm That § 1985 Protects Against Arbitrary State Action

61. The plain language of § 1985(3) and this Court's equal protection precedents confirm that class-based animus is not a required element for every claim. Instead, the statute's broad protections should align with modern equal protection principles, ensuring that victims of irrational, arbitrary state-backed discrimination have a viable federal remedy. Without this Court's intervention, individuals will continue to face inconsistent and restrictive interpretations of § 1985, allowing constitutional violations to go unchallenged depending on jurisdictional happenstance.The need for federal review is further demonstrated by the wide disparity between interpretation of Due Process Rights in Vermont vs. the Federal Courts.

62. The Vermont Supreme Court's handling of due process concerns in Knutsen v. Cegalis, 2016 VT 2, and 2017 VT 62. The 2016 case found that a parent could be deprived of their rights based on an ex-parte order with 'no credible factual basis,' and the 2017 case reinforced that the best interest of the child standard could effectively override

due process considerations if enough time had elapsed. This runs contrary to federal due process principles outlined in Jordan by Jordan v. Jackson, where the Fourth Circuit found that even a brief delay in a due process hearing posed significant constitutional concerns

63. By granting certiorari, this Court can resolve the circuit split, reaffirm that § 1985 applies to all individuals facing equal protection violations, and ensure that the federal judiciary uniformly applies statutory and constitutional protections against arbitrary discrimination.

IV. The Court Should Clarify the Scope of Third-Party Liability When Medical Providers Infringe on Fundamental Parental Rights

A. The Second Circuit's Decision Conflicts with This Court's Precedents on Parental Rights

64. This Court has consistently held that parental rights are fundamental under the Fourteenth Amendment, requiring heightened scrutiny when state actions interfere with a parent's ability to direct the upbringing and care of their child. See Troxel v. Granville, 530 U.S. 57, 65 (2000) (plurality opinion) (recognizing the "fundamental right of parents to make decisions concerning the care, custody, and control of their children"). However, the Second Circuit failed to recognize this fundamental right when it dismissed Petitioner's claims regarding medical decision-making interference by third-party providers.(See Amended Complaint, Sept. 10, 2021, A.P.0031.)

65. Petitioner alleges that medical providers, acting without parental consent, interfered with fundamental parental rights and facilitated restrictions on Petitioner's legal authority over his child's medical care (See Amended Complaint, Sept. 10, 2021, A.P.0031-0038.)). Despite this, the Second Circuit held that such interference was not actionable under federal law, directly contradicting this Court's recognition that parental decision-making is constitutionally protected.

B. Circuit Courts Are Divided on Whether Third-Party Liability Extends to Medical Providers Who Infringe on Parental Rights

66. Federal courts have reached conflicting conclusions regarding whether medical providers can be held liable when their actions infringe on parental rights. Some circuits have held that medical professionals may be liable under 42 U.S.C. § 1983 when their actions, in conjunction with state enforcement mechanisms, effectively deprive a parent of their constitutional rights.

67. By contrast, other circuits, including the Second Circuit in this case, have narrowly construed third-party liability, concluding that medical providers cannot be held liable absent explicit state coercion. This restrictive approach leaves parents without a federal remedy when third parties act in concert with state agencies to undermine parental authority. The Second Circuit's decision reflects this troubling trend, necessitating this Court's intervention to clarify the limits of third-party interference in parental rights cases.

C. This Court's Review Is Necessary to Establish a Uniform Standard for Third-Party Liability

68. As states increasingly delegate decision-making authority over medical and educational matters to private actors, this Court must establish clear boundaries for third-party liability when such actors infringe on constitutional rights. Without guidance from this Court, parents face inconsistent legal protections across jurisdictions, and medical providers can evade liability even when their actions directly impact fundamental parental rights.

69. By granting certiorari, this Court can resolve the circuit split on third-party liability, affirm that medical professionals cannot override parental rights without due process, and ensure that parents retain their constitutional authority over their child's well-being. The Second Circuit's decision effectively shields third parties from liability for actions that

clearly implicate fundamental rights, and this Court's intervention is necessary to uphold the longstanding constitutional protections afforded to parents.

V. The Issues Presented Are of National Importance and Widespread Impact

A. Misapplication of Abstention Doctrines Is Closing Federal Courts to Civil Rights Litigants

70. The increasing reliance on Younger abstention and the Domestic Relations Exception to dismiss federal constitutional claims has significantly curtailed access to federal courts for civil rights litigants. This Court has previously recognized that abstention must be limited to exceptional circumstances and must not be used to avoid adjudicating federal questions. See Sprint Communications, Inc. v. Jacobs, 571 U.S. 69 (2013). Yet, lower courts, including the Second Circuit, have expanded abstention doctrines in ways that effectively bar entire classes of plaintiffs—particularly those asserting constitutional claims arising from state family court proceedings—from obtaining federal relief.

71. This trend has created a systemic barrier to justice, particularly for parents challenging state court decisions that improperly delegate state authority to private actors. As a result, constitutional claims involving due process, equal protection, and parental rights are increasingly left without meaningful federal review. This Court's intervention is necessary to ensure that abstention doctrines do not undermine access to federal courts for individuals seeking to vindicate their constitutional rights.

B. Growing Privatization of Government Functions Necessitates Clarity on State Action Under § 1983

72. The delegation of state power to private actors has become a growing national issue, impacting civil rights enforcement across various sectors, including family law, healthcare, and education. When private individuals are granted state-backed decision-making power over fundamental rights, courts must carefully assess whether these actors should be considered state actors under § 1983. See Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982).

73. Currently, federal courts apply inconsistent standards for determining when private discretion constitutes state action, creating an uncertain legal landscape. Without this Court's guidance, states will continue outsourcing core governmental functions to private parties who exercise unchecked power over constitutional rights, leaving affected individuals without recourse under § 1983. The Court should grant certiorari to clarify the constitutional limits on privatized state authority and ensure uniform application of civil rights protections nationwide.

C. Ensuring a Uniform Interpretation of § 1985 Protects Civil Rights Nationwide

74. The conflicting interpretations of § 1985(3) regarding "Class of One" claims have led to inequitable access to civil rights protections based on jurisdiction. Some circuits recognize that arbitrary government action against individuals violates equal protection principles, while others, including the Second Circuit, impose a class-based animus requirement that is not found in the statutory text. This lack of uniformity has weakened the effectiveness of § 1985 as a tool for protecting civil rights, particularly for individuals who face targeted governmental discrimination that does not fit within traditional class-based categories.

75. The Supreme Court's intervention is necessary to harmonize § 1985(3) with modern equal protection jurisprudence and ensure that federal civil rights statutes remain effective tools for combating unconstitutional discrimination and conspiracies.

D. This Case Presents an Ideal Vehicle for Resolving These Issues

76. This case presents an excellent vehicle for resolving these constitutional questions because:

1. The legal issues are fully developed in the record, with clear lower court rulings on abstention, state action, and § 1985 interpretation.
2. The case involves purely legal questions regarding the proper scope of

abstention doctrines, the limits of state action, and the application of federal civil rights statutes.

3. The Second Circuit's decision exemplifies widespread and recurring legal errors that affect parents, civil rights litigants, and individuals subjected to state-backed private decision-making.

77. Given the national significance of these issues and the urgent need for uniformity in federal civil rights enforcement, this Court should grant the petition for writ of certiorari to ensure consistent application of constitutional protections across all jurisdictions.

Conclusion

78. For the foregoing reasons, this petition presents questions of exceptional national importance concerning:

79. The misapplication of abstention doctrines, which improperly foreclose access to federal courts for civil rights litigants.

80. The limits of state action under § 1983, ensuring that states cannot delegate constitutional decision-making power to private actors without due process safeguards.

81. The proper scope of § 1985, aligning its interpretation with modern equal protection principles to prevent arbitrary state-backed discrimination.

82. Third-party liability for fundamental rights violations, clarifying the responsibility of medical and institutional actors who interfere with constitutional protections.

83. These unresolved legal questions have divided lower courts and, if left unaddressed, will continue to deny individuals a federal forum for redress of constitutional harms. The Second Circuit's decision exemplifies the dangers of judicial overreach through abstention, further widening the split on federal court jurisdiction over constitutional claims.

84. Accordingly, this case is an ideal vehicle for resolving these critical issues, ensuring uniform application of federal law and reinforcing the judiciary's role in protecting

constitutional rights.

85. For these reasons, the petition for a writ of certiorari should be granted.

CERTIFICATE OF COMPLIANCE

I, Timothy Dasler certify that this brief contains fewer than 6,579 words counted with Open Office

11/22/24
Date

Timothy Dasler
Signature