

24-6762

ORIGINAL

CASE NO.

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JAN 27 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**NATALIA DALTON,**

**Petitioner,**

**vs.**

**JULIO LACAYO, ET AL.**

**Respondents.**

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**On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit**

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**MOTION FOR LEAVE OF COURT TO PROCEED *IN FORMA PAUPERIS***

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703-508-0820**

## MOTION FOR LEAVE OF COURT TO PROCEED *IN FORMA PAUPERIS*

After Appellant Julio Lacayo filed a 3/20/2024 “Notice of Appeal – Supporting Proceeding” from the Fairfax County Juvenile and Domestic Relations District Court (hereafter “FCJ&DRDC”) to the Circuit Court of Fairfax County (hereafter “FCCC”), Petitioner did not have to pay a New Case Fee in the VAED when she filed her timely 4/19/2024 VAED “Notice of Removal” in the U.S. District Court for the Eastern District of Virginia (herein “VAED”). Petitioner filed in the VAED in accordance with 28 U.S.C. §1446(b)(1) invoking jurisdiction in the VAED through 28 U.S.C. §1331 (Federal Question Jurisdiction). After an erroneous 4/24/2024 VAED Order and a second 5/2/24 VAED Order raising the “Domestic Relations Exception” to prevent a REMOVAL from the FCCC to the VAED, Petitioner filed a timely 5/24/2024 “Notice of Appeal to the U.S Court of Appeals for the Fourth Circuit (hereafter ‘4th Circuit’)” with a 5/24/2024 “Motion and Affidavit for Permission to Appeal *In Forma Pauperis*” and which *In Forma Pauperis* Motion was GRANTED by the 4th Circuit on 5/29/2024. The VAED Sealed the 59-page Appendix **[A50-A108]** to Petitioner’s 4/19/2024 VAED “Notice of Removal **[A14-A49]**” where the Petitioner used FRAP Rule 24(c) and FRAP Rule 30(f) to present the 59-page, VAED-Sealed Appendix to the 4th Circuit without reproduction of these 59 pages in the 4th Circuit. Upon Petitioner’s best information, Petitioner’s 4/19/2024 VAED “Notice of Removal” Appendix **[A50-A108]** was not UNSEALED by the 4th Circuit and needs a “Motion for Leave of Court to File Material Under Seal” in this SCOTUS.

Petitioner believes all Virginia State, County, and City Courts are Unconstitutional with respect to the ***U.S. Supremacy Clause*** (Constitution of the U.S., Article VI, Clause 2) and the ***U.S. Supremacy Clause*** as interpreted in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) because these Virginia Courts do not enforce Federal nor State Rights as Public Policy using Virginia Judges chosen by the Virginia General Assembly but not elected by the PEOPLE. Petitioner cites herein a SCOTUS Appeal *Mercer v. Virginia*, SCOTUS Case No. 23-7393 (*pending*) to further these arguments. As such, Petitioner asks the Federal Question, “Whether or not Defendant shall receive a fair and impartial *de novo* Trial/Appeal in any Virginia State, County, or City Court?” If Petitioner in accordance with *Mercer* (supra) cannot receive a fair and impartial *de novo* Trial/Appeal in any Virginia State, County, or City Court concerning her Fundamental Liberty Interest in the “nurture, upbringing, companionship, care, and custody” of her son E. L.-D. (DOB 2008) which Liberty Interest is protected by the Due Process Clause of U.S. Amendment XIV (*Troxel v. Granville*, 530 U.S. 57, 77, 120 S.Ct. 2054, 2066, 147 L.Ed.2d (2000) (Souter, J., concurring)) because these

Courts are Unconstitutional, Petitioner's REMOVAL from the FCCC to the VAED is warranted and ought to be allowed despite the "Domestic Relations Exception."

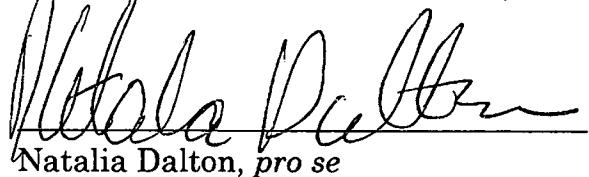
The 4th Circuit issued a 12/9/2024 "Final Order" to which Petitioner filed a timely 12/18/2024 4th Circuit "Petition for Rehearing En Banc / Motion for Stay of the 12/9/2024 Judgment" all **without Petitioner paying any New Appeal Fee in the 4th Circuit**. Petitioner asked the 4th Circuit to Stay its own 12/9/2024 Judgment in accordance with 28 U.S.C. §2101(f) so that Petitioner could appeal to this Supreme Court of the United States (hereafter "SCOTUS"). Petitioner received a 12/18/2024 4th Circuit "Temporary Stay of Mandate" in accordance with Federal Rules of Appellate Procedure Rule 41(b) in order to file the attached SCOTUS "Petition for Writ of Certiorari [to the U.S. Court of Appeals for the Fourth Circuit]" with "Motion for Leave of Court to File Material Under Seal." In a 1/22/2025 4th Circuit "Order" then a 1/30/2025 "Mandate," the 4th Circuit denied Petitioner's Rehearing and Petitioner's Motion for a Stay.

However, the VAED issued a 12/9/2024 "Order" REMANDING to the FCCC then Petitioner received a 12/18/2024 FCCC "Notice of Hearing on an Appeal to the Circuit Court from a Decision of the Juvenile and Domestic Relations Court" demanding Petitioner's Appearance at Civil Term Day on 1/27/2024 in the FCCC to schedule a Court Date in the FCCC for the FCJ&DRDC to FCCC Appeal while Petitioner's Federal Appeal of the REMOVAL of that FCJ&DRDC to FCCC Appeal from the FCCC to the VAED is still pending. On 1/27/2025, the FCCC set a 3/27/2025 Court Date for the FCJ&DRDC to FCCC Appeal while verbally denying Petitioner's request for Court-Appointed Counsel. Petitioner still needs to either STAY or CONTINUE the 3/27/2025 Court Date and all proceedings in the FCCC until her last Federal Appeal herein pending in the SCOTUS is exhausted or her ability to REMOVE to the Federal VAED and 4th Circuit will be replaced with an APPEAL to the Court of Appeals of Virginia (hereafter "COAV") then an APPEAL to the Supreme Court of Virginia (hereafter "SCV") trapping her in what she believes to be an Unconstitutional Virginia Judiciary. To this end, Petitioner concurrently moved (**attached to 1/16/2025 SCOTUS Circuit Justice Emergency Application [A191-A198]**) the FCCC to STAY all FCCC Proceedings in this matter including its own 1/27/2024 FCCC Civil Term Day Hearing **[A162-A170]** and concurrently petitioned (**also attached to 1/16/2025 SCOTUS Circuit Justice Emergency Application [A191-A198]**) the SCV through Writ of Mandamus to Order the FCCC to STAY all FCCC Proceedings in this matter including the 1/27/2024 FCCC Civil Term Day Hearing **[A180-A190]**. The Filing in the SCV enabled the Circuit Justice of the SCV being John G. Roberts, Jr. to issue a

SCOTUS Rule 23 STAY through the SCV of all FCCC Proceedings in this matter including the 1/27/2024 FCCC Civil Term Day Hearing. While this was all well intentioned, Petitioner had not filed her SCOTUS "Petition for Writ of Certiorari [to the U.S. Court of Appeals for the Fourth Circuit]" prior to the 1/27/2025 FCCC Civil Term Day Hearing. The Chief Justice of the SCOTUS denied her SCOTUS Rule 23 Stay on 1/27/2025. Thereafter, Petitioner filed her 1/27/2025 SCOTUS "Petition for Writ of Certiorari" which did not make it passed the SCOTUS Clerk. Petitioner refiled the SCOTUS "Petition for Writ of Certiorari" on 2/4/2025 which did not make it passed the SCOTUS Clerk. After a phone call with the SCOTUS Clerk on or about 2/7/2025, Petitioner refiled the SCOTUS "Petition for Writ of Certiorari" again on 2/10/2025.

Therefore, Petitioner has previously been granted leave to proceed *in forma pauperis* in the VAED being the U.S. District Court for the Eastern District of Virginia (4/19/2024 to 5/24/2024 and 12/9/2024) and 4th Circuit being the U.S. Court of Appeals for the Fourth Circuit (5/24/2024 to 1/30/2025). Petitioner plans to renew her Application to the Circuit Justice for the SCV being Chief Justice John G. Roberts, Jr. for a SCOTUS Rule 23 STAY of the 3/27/2025 FCJ&DRDC to FCCC Appeal in the FCCC and for a Modification of Custody Arrangements concerning her son E. L.-D. (DOB 2008) in the Alexandria City Circuit Court (hereafter "ACCC") after filing a SCV "Petition for Writ of Mandamus to the Chief Judge of the Alexandria City Circuit Court (Lisa B. Kemler) for a Custody Modification Concerning E. L.-D. (DOB 2008)."

Concerning the truth of the above information,



Natalia Dalton, *pro se*

Petitioner's 28 U.S.C. §1746 Declaration in support of this "Motion for Leave of Court to Proceed *In Forma Pauperis*" is as follows:

**28 U.S.C. §1746 DECLARATION IN SUPPORT OF  
MOTION FOR LEAVE OF COURT TO PROCEED *IN FORMA PAUPERIS***

I, Natalia Lanell Dalton, am the unmarried Petitioner in the above-entitled case. In support of my motion for leave of Court to proceed *in forma pauperis*, I

state that because of my poverty, I am unable to pay the costs of this SCOTUS Rule 14 Petition hereafter including paying the printing costs for filing it in according with SCOTUS Rule 33.1 along with the SCOTUS Rule 38 Fee of \$300 or to give security therefor, and I believe I am entitled to redress.

1. Here is an estimate of average amount of money received [and expected] from the following sources during the past 12 months [next month] adjusted to monthly figures before taxes, deductions, or otherwise:

	<u>Past 12 Months</u> Petitioner	<u>Next Month:</u> Petitioner
Employment	\$935.05	\$696.89
Self-Employment	\$0.00	\$0.00
Income from real property (such as rental income)	\$0.00	\$0.00
Interest and dividends	\$0.00	\$0.00
Gifts	\$0.00	\$0.00
Alimony	\$0.00	\$0.00
Child Support	\$0.00	\$0.00
Retirement (such as social security, pensions, annuities, insurance)	\$0.00	\$0.00
Disability (such as social Security, insurance pmt's)	\$0.00	\$0.00
Unemployment payments	\$0.00	\$0.00
Public-assistance (such as welfare)	\$430.00	\$430.00
Other: _____	\$0.00	\$0.00

<b>Total monthly income:</b>	<b>\$1,365.05</b>	<b>\$1,126.89</b>
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**2. My employment history for the past two years, most recent first is:**

<b>Employer</b>	<b>Address</b>	<b>Dates</b>	<b>Gross Monthly</b>
Kohl's	2100 Centreville Road Herndon, Virginia 20170	Since 3/2016	\$935.05

**3. I am unmarried so spouse's employment history for the past two years is NOT APPLICABLE.**

**4. The amount of cash I have is \$320.02. The money I have in bank accounts and other financial institutions are as follows:**

<b>Type of Account</b>	<b>Petitioner Amount</b>
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<b>Checking</b>	<b>\$20.00</b>
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**5. My assets and their values which I own do not include any Real Estate, any Vehicles, or Other Assets so this section is NOT APPLICABLE.**

**6. There is no person, business, or organization owing myself money so this section is NOT APPLICABLE.**

**7. The only person who relies on me for support is my son E. L.-D. (DOB 2008) who Respondent Julio Lacayo has alienated from me by refusing to allow me visitation using Inappropriate and Unconstitutional Court Orders awarding Sole Legal Custody and Primary Physical Custody to Respondent Lacayo which Court Orders are from the Alexandria City Circuit Court (hereafter "ACCC") issued by ACCC Judge Lisa Kemler. Child Support Payments without allowing me Visitation are unfairly being deducted from my paychecks:**

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
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E. L.-D.	Son	16 years 11 months
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**8. An estimate of my average monthly expenses:**

Petitioner

Rent or home-mortgage payment  
(includes real estate taxes  
and property insurance) \$0.00

Utilities (electricity, water, telephone, internet) \$80.00

Home maintenance \$0.00

Food \$550.00

Clothing \$60.00

Laundry and dry cleaning \$6.50

Medical and dental expenses \$20.00

Transportation (no motor vehicle owned) \$75.00

Recreation, entertainment,  
newspaper, magazines, etc. \$125.00

Insurance (not deducted from wages or  
included in mortgage payments):

Homeowner's insurance \$0.00

Life insurance \$0.00

Health insurance (Medical, Vision, Dental) \$0.00

Motor Vehicle insurance \$0.00

Other: \_\_\_\_\_ \$0.00

Taxes (not deducted from wages  
or included in mortgage payments):

(specify): \_\_\_\_\_ \$0.00

Installment payments:

Motor Vehicle \$0.00

Credit Card(s) \$100.00

Department store(s)	\$35.00
Other: _____	\$0.00
Alimony, maintenance, and support paid to others	\$210.07
Regular expenses for operation of business, profession, or farm (attach detailed statement):	
Other (specify): _____	\$0.00
<b>Total Monthly Expenses:</b>	<b>\$1,261.57</b>

**9.** No, I currently do not expect any major changes to my income but I occasionally interview for better jobs and have been turned down several times because my license has been unduly suspended by the Virginia Department of Social Services' Division of Child Support Enforcement.

**10.** No, I have not paid any attorney any money for services in connection with this case. I am totally *pro se* at this time and have been *pro se* for the duration of the litigation presented hereafter.

**11.** No, I have not paid anyone other than an attorney (such as a paralegal or typist) any money for services in connection with this case including completion of this form. I am completing this form myself with non-attorney friends who help me free of charge because Virginia's treatment of me is so unjust.

**12.** Other information that will help explain why I cannot pay the costs of this case include that 49 copies of the following 1/13/2025 SCOTUS "Petition for Writ of Certiorari [to the U.S. Court of Appeals for the Fourth Circuit]" printed as required under SCOTUS Rule 33.1 is too costly for me.

#### **28 U.S.C §1746 DECLARATIONS WITH SIGNATURES**

**I DECLARE** under penalty of perjury under the laws of the United States of America that the foregoing "Motion for Leave of Court to Proceed *In Forma Pauperis*" was completed thoroughly being true and correct. I am executing this document on February 10, 2025.

Natalia Dalton

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