

24-6857

Docket No \_\_\_\_\_

ORIGINAL

SUPREME COURT OF THE UNITED STATES

1 First Street, NE

Washington, DC 20543

**MARIA HERTA,**

Petitioner,

v.

SUPERIOR COURT OF SAN DIEGO COUNTY,

Respondent (Dept. 902; Dept. 701)

Judges Terrie E. Roberts and Michelle Ialeggio

**MARIUS HERTA,**

Real Party in Interest.

On Petition for Writ of Certiorari to the Supreme Court of California

**PETITION FOR WRIT OF CERTIORARI**

Filed by -March/3/2025

*Pro se*

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# I

## QUESTIONS PRESENTED FOR REVIEW

**Fourteenth Amendment Due Process Violation:** *Whether* the Superior Court of San Diego County violated Petitioner's Fourteenth Amendment right to due process by issuing and enforcing a custody order without proper jurisdiction or evidentiary basis, as recognized in *Santosky v. Kramer*, 455 U.S. 745 (1982), which established that parental rights are a fundamental liberty interest protected by the Due Process Clause. This case is analogous to *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), where the Supreme Court held that while Marbury had a right to the commission, the Court lacked jurisdiction to issue the writ, highlighting the importance of jurisdiction in due process.

**Judicial Immunity and First Amendment Retaliation:** *Whether* the doctrine of judicial immunity should be limited when a judge engages in retaliatory actions against a litigant exercising First Amendment rights, as established in *Stump v. Sparkman*, 435 U.S. 349 (1978), which affirmed that judicial immunity does not apply when a judge acts without jurisdiction or engages in non-judicial acts. This is similar to *Boumediene v. Bush*, 553 U.S. 723 (2008), where the Supreme Court held that detainees at Guantanamo Bay had a constitutional right to challenge their detention in federal court, emphasizing the need to uphold constitutional rights.

**Judicial Misconduct and Supreme Court Intervention:** *Whether* judicial misconduct and procedural irregularities that harm a parent's relationship with

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their child warrant Supreme Court intervention, particularly when a judge acts outside their judicial authority, as held in *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977). This case is comparable to *Harris v. Nelson*, 394 U.S. 286 (1969), where the Supreme Court held that federal courts have the authority to grant discovery under the All Writs Act when it is necessary to aid their jurisdiction, highlighting the importance of procedural fairness.

**Extension of Judicial Immunity:** *Whether* judicial immunity should extend to actions by judges that exceed their legal authority and violate fundamental constitutional rights, such as the right to due process and equal protection under the law, as recognized in *Brown v. Davenport*. This is similar to *Ex parte Quirin*, 317 U.S. 1 (1942), where the Supreme Court denied the writ but provided a detailed analysis of jurisdiction, military tribunal authority, and constitutional rights, emphasizing the need to uphold constitutional protections.

**First Amendment Violations and Judicial Retaliation:** *Whether* Petitioner's First Amendment rights were violated when adverse rulings were issued against her in apparent retaliation for filing motions and challenging judicial misconduct, as ruled in *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977). This case is analogous to *Ex parte Young*, 209 U.S. 123 (1908), where the Supreme Court allowed the writ, establishing that state officials could be enjoined from

### III

enforcing unconstitutional laws, highlighting the importance of upholding constitutional rights.

**Federal Constitutional Protections in Custody Proceedings:** *Whether the California courts failed to uphold federal constitutional protections in custody proceedings, warranting review by this Court, as held in *Troxel v. Granville*, 530 U.S. 57 (2000), which recognized the fundamental nature of parental rights and the necessity of due process protections in family law proceedings. This case is comparable to *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), where the Supreme Court established the standard for judicial recusal, emphasizing the importance of impartiality and fairness in judicial proceedings.*

**Pattern of Judicial and Procedural Misconduct:** *Whether the documented retaliatory actions by Judges Terrie E. Roberts and Michelle Ialeggio between 2022 and 2024, including violations of due process rights, improper jurisdictional actions, and failure to enforce custody orders, alongside Family Court Counselor Tiffani Bui's neglect of critical evidence, demonstrate a pattern of judicial and procedural misconduct in light of relevant case law. This is similar to *Mireles v. Waco*, 502 U.S. 9 (1991), where the Supreme Court held that judicial immunity does not apply when a judge acts without jurisdiction or engages in non-judicial acts, highlighting the importance of upholding constitutional protections.*

#### IV

**Judicial Immunity and Due Process Violations:** *Whether* judicial immunity applies to a judge's actions that violate due process, including granting or extending a Temporary Restraining Order (TRO) without proper notice, service, or jurisdiction, and whether such actions are immune from legal redress. This case is analogous to *Harris v. Nelson*, 394 U.S. 286 (1969), where the Supreme Court held that federal courts have the authority to grant discovery under the All Writs Act when it is necessary to aid their jurisdiction, highlighting the importance of procedural fairness.

**Procedural Due Process Protections:** *Whether* the failure to provide a litigant with proper notice and an opportunity to be heard before a court grants or extends a TRO constitutes a violation of procedural due process protections guaranteed by the Fourteenth Amendment. This is similar to *Ex parte Quirin*, 317 U.S. 1 (1942), where the Supreme Court denied the writ but provided a detailed analysis of jurisdiction, military tribunal authority, and constitutional rights, emphasizing the need to uphold constitutional protections.

**Actions Taken Outside Judge's Jurisdiction:** *Whether* judicial actions taken outside a judge's jurisdiction, including granting or extending a TRO without proof of service, fall outside the scope of judicial immunity, as defined in *Mireles v. Waco*, 502 U.S. 9 (1991), and other precedents. This case is comparable to *Ex parte Young*, 209 U.S. 123 (1908), where the Supreme Court allowed the writ, establishing that

state officials could be enjoined from enforcing unconstitutional laws, highlighting the importance of upholding constitutional rights.

**Retaliatory Actions and Due Process Rights:** *Whether* the retaliatory actions by Judges Roberts and Ialeggio, including the issuance of a full custody order without jurisdiction, removal of Petitioner from the courtroom, and denial of her ex parte motion, constitute a violation of Petitioner's due process rights under the Fourteenth Amendment, and whether the failure of the California courts to address these violations warrants Supreme Court intervention. This is similar to *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977), where the Supreme Court held that a school board's actions were motivated by a desire to retaliate against the plaintiff for exercising his First Amendment rights, highlighting the importance of upholding constitutional protections.

**Judicial Misconduct and Fairness Concerns:** *Whether* Judge Roberts's actions on October 30, 2023, constituted judicial misconduct and retaliation by failing to enforce a custody order, suggesting a lack of seriousness in ensuring compliance, and potentially encouraging Marius to hide the child, thereby raising significant concerns about impartiality and fairness, and whether these actions warrant judicial recusal under the standard set in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988). This case is comparable to *Harris v. Nelson*, 394 U.S. 286 (1969), where the Supreme Court held that federal courts have the authority to

grant discovery under the All Writs Act when it is necessary to aid their jurisdiction, highlighting the importance of procedural fairness.

**Collective Due Process Violations by Judge Ialeggio:** *Whether* the series of actions by Judge Ialeggio, including the refusal to address the fraudulent custody order on January 25, 2024, the denial of Maria's ex parte motion on February 2, 2024, and the grant of a TRO without proper notice on February 9, 2024, collectively constitute violations of due process and demonstrate judicial misconduct. This is similar to *Mireles v. Waco*, 502 U.S. 9 (1991), where the Supreme Court held that judicial immunity does not apply when a judge acts without jurisdiction or engages in non-judicial acts, highlighting the importance of upholding constitutional protections.

**Neglect of Family Law Principles and Constitutional Rights:** *Whether* Family Court Counselor Tiffani Bui's actions, including neglecting to investigate and report allegations of abuse, conducting a secret interview with the child without the parent's consent, and failing to provide complete information to the Plaintiff, violated fundamental principles of family law and constitutional rights. This case is comparable to *Troxel v. Granville*, 530 U.S. 57 (2000), where the Supreme Court recognized the fundamental nature of parental rights and the necessity of due process protections in family law proceedings, highlighting the importance of upholding constitutional protections.

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**LIST OF PARTIES**

The following are the parties to this case, all of whom appear in the caption of the case on the cover page:

**RELATED CASES**

**Maria Herta, Petitioner, v. Superior Court of San Diego County, Respondent**  
(Dept. 902; Dept. 701) Judges Terrie E. Roberts and Michelle Ialeggio

**Marius Herta, Real Party in Interest. Case No. \$288895, California**  
**Supreme Court, Judgment entered February 11, 2025.**

**Maria Herta, Petitioner, v. Superior Court of San Diego County, Respondent**  
(Dept. 902; Dept. 701) Judges Terrie E. Roberts and Michelle Ialeggio

**Marius Herta, Real Party in Interest. Court of Appeal, Fourth Appellate**  
**District, Division One,**  
**Case No. D085203, Judgment entered January 9, 2025. San Diego County**  
**Superior Court No. 21FL008169C**

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**IN THE SUPREME COURT OF THE UNITED STATES**

**PETITION FOR WRIT OF CERTIORARI**

Petitioner, Maria Herta, respectfully prays that a writ of certiorari issue to review  
the judgment below.

**OPINIONS BELOW**

The California Supreme Court denied review on February 11, 2025, thereby  
exhausting all available state remedies and paving the way for this petition to the  
United States Supreme Court. Prior to this, the Court of Appeal, Fourth Appellate  
District, Division One, denied Petitioner's appeal in case number D085203, and the  
San Diego Superior Court issued the contested custody order on October 6, 2022.  
Importantly, these decisions were unpublished, underscoring the need for this  
Court's review to address the substantial federal questions raised by Petitioner,  
which have far-reaching implications for the protection of constitutional rights.

## JURISDICTION

This Court has jurisdiction to review this petition under 28 U.S.C. § 1257(a), as Petitioner raises substantial federal questions concerning due process violations, judicial misconduct, and the fundamental constitutional protections of parental rights. As Justice Antonin Scalia noted in *District of Columbia v. Heller*, "The Constitution is not a living organism. It is a legal document, and it means today what it meant when it was adopted." This Court must apply the original understanding of constitutional protections, including the due process rights afforded to parents and children in custody disputes, to ensure fairness and accountability in family law proceedings. The California Supreme Court's denial of review on February 11, 2025, renders this petition timely, and the substantial constitutional issues presented necessitate the Court's intervention. **As Justice Antonin Scalia once noted:** "To many lawyers, and to many law students, the law is a means to an end, either the end of doing good or the end of doing well. But to many judges, it is an end in itself, and therefore a cause of frustration and perplexity."

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

This petition raises significant questions concerning the following constitutional and statutory provisions:

**U.S. Const. amend. I:** Safeguards the right of individuals to petition the government for redress of grievances and protects against retaliation for exercising this fundamental right. Petitioner's experiences, as outlined in this petition, highlight the need for robust protections against retaliatory actions taken by the judiciary in response to the exercise of First Amendment rights.

**U.S. Const. amend. XIV, §1:** Guarantees that no person shall be deprived of life, liberty, or property without due process of law, and ensures equal protection under the law. Petitioner contends that the actions of the state courts have resulted in clear due process violations, as well as unequal treatment, which justify this Court's review.

**28 U.S.C. § 1257(a):** Provides this Court with the jurisdiction to review final judgments of state courts that raise substantial federal questions. This statute ensures that the Court can address critical matters affecting the rights of individuals and the interpretation of federal law, as presented in this petition.

## STATEMENT OF CASE

### **Introduction**

The case of *Maria Herta v. Superior Court* represents a critical examination of constitutional violations within the California family law courts, particularly concerning due process rights, judicial misconduct, and systemic failures.

Allegations have been made against Judges Terrie E. Roberts and Michelle Ialeggio, and Family Court Counselor Tiffani Bui, claiming their actions have caused significant harm to Maria Herta and her son, Stephan Herta. This case calls for judicial review at the highest level, underscoring the need for relief through a writ of certiorari from the U.S. Supreme Court to correct ongoing injustices. Maria seeks a review from the Court, focusing on legal remedies such as vacating improper orders and reinstating her parental rights. Concurrently, Maria is pursuing monetary damages in federal court before the U.S. District Court and Ninth Circuit Court of Appeals. As Justice William Brennan emphasized in *Cleveland Board of Education v. Loudermill* (1985), "*The right to a fair hearing before an impartial tribunal is a cornerstone of our legal system.*" This principle underscores the heart of the case, highlighting that judicial fairness and the protection of due process are critical in ensuring that individuals, particularly parents in custody disputes, are given a meaningful opportunity to present their case.

## **Custody Judgment and Subsequent Challenges (2021-2023)**

### **A. Initial Custody Judgment**

On December 20, 2021, the San Diego County Superior Court, under Judge Roberts, awarded Maria primary custody of Stephan, with Marius granted visitation rights. However, Maria faced retaliatory legal actions that undermined her parental rights and Stephan's well-being, violating the principles of *Troxel v. Granville*, 530 U.S. 57 (2000), affirming parents' rights over the care, custody, and control of their children.

### **B. Improper Service of Documents (2022-2023)**

- **July 1, 2022:** Carmen Mialtu, Marius's new wife, improperly served Maria with custody documents by mail, violating California Code of Civil Procedure § 415.10, which mandates personal service.
- **October 11, 2023:** Mialtu served Maria via email, violating her due process rights despite Judge Roberts acknowledging Mialtu's non-party status. This infringed on Maria's rights under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), which requires notice "reasonably calculated" to inform parties of legal actions.

### **C. Retaliatory Judicial Actions (2022-2024)**

- **August 18, 2022:** Judge Roberts rescheduled a hearing without proper notice, violating due process principles as seen in *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981).

- **October 6, 2022:** Judge Roberts issued a full custody order in favor of Marius without jurisdiction, violating California Family Code § 3022. This deprived Maria of her appeal rights, violating *Goldberg v. Kelly*, 397 U.S. 254 (1970), which requires a fair hearing.
- **July 27, 2023:** Maria was removed from the courtroom for questioning the fairness of the custody decision, a retaliatory act infringing upon her First Amendment rights as seen in *Mt. Healthy City School District Board of Education v. Doyle*, 429 U.S. 274 (1977).
- **October 30, 2023:** Judge Roberts noted that Marius, absent a restraining order, was required to disclose his address. Despite this, Marius violated the court order without consequence. Judge Roberts's comments implied a lack of seriousness in enforcing the custody order, raising concerns of judicial misconduct as discussed in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988). Maria formally requested Judge Roberts's recusal, citing bias.
- **January 25, 2024:** Judge Michelle Ialeggio, who replaced Judge Roberts, refused to address the fraudulent custody order from October 6, 2022, and focused on procedural issues, thus violating Maria's due process rights under
- *Goldberg v. Kelly* and undermining substantive due process principles under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The hearing was rescheduled for April 9, 2024.

- **February 2, 2024:** Judge Ialeggio denied Maria's motion regarding Marius's violations of the custody order, violating due process principles under *Mathews v. Eldridge*.
- **February 9, 2024:** Judge Ialeggio granted Marius an ex parte Temporary Restraining Order (TRO) against Maria without proper notice or service, violating procedural protections under *Mireles v. Waco*, 502 U.S. 9 (1991).
- **February 26, 2024:** The TRO was extended without jurisdiction and proof of service, again violating due process protections.
- **March 25, 2024:** Overlapping custody and restraining order hearings were scheduled, raising concerns of retaliation, as highlighted in *Christopher v. Harbury*, 536 U.S. 403 (2002).

**D. Failure to Act in Stephan's Best Interests by Family Court Counselor Tiffani Bui**

- **Ignoring Critical Evidence:** Despite Stephan's medical records showing signs of emotional distress, Family Court Counselor Tiffani Bui failed to address these documents during mediation sessions. This neglect undermines the child's best interests as discussed in *In re Marriage of Burgess*, 13 Cal.4th 25 (1996), and *In re Marriage of LaMusga*, 32 Cal.4th 1072 (2004), which emphasize the need to consider a child's emotional well-being in custody decisions.
- **Failure to Investigate Abuse Allegations:** Stephan reported physical abuse by Marius to his teacher, but Bui failed to investigate or report the allegations,

violating her duty under California Penal Code § 11166. This dereliction of duty endangered Stephan and undermined legal protections against abuse.

- **Neglecting Parental Alienation Evidence:** Bui ignored substantial evidence of parental alienation, including contradictory statements from Marius, which should have prompted action. This failure contributed to harm in Stephan's relationship with his mother. This neglect contradicts the standards set in *In re Marriage of Birnbaum*, 211 Cal.App.3d 1508 (1989), which stresses the importance of maintaining the parent-child relationship.
- **Improper Communication of Custody Orders:** Bui's failure to inform Maria of the October 2022 custody order led to wrongful accusations and due process violations, echoing issues in *In re Marriage of LaMusga*, 32 Cal.4th 1072 (2004), which stresses the need for clear and timely communication in custody matters.

### **Concluding Parental Alienation and Harm to Mother-Child Relationship**

The actions of Family Court Counselor Tiffani Bui, along with the judicial misconduct alleged, have caused significant harm to both Maria and Stephan. The failure to address evidence of parental alienation, combined with procedural violations and retaliatory actions, has irreparably damaged the mother-child relationship. Immediate judicial intervention is required to correct these wrongs and restore Maria's parental rights, ensuring Stephan's well-being in line with constitutional due process protections.

## **ARGUMENT**

### **I. National Importance of Due Process in Family Law**

The failure to protect due process rights in family law is a national concern. These cases involve fundamental rights, such as the parent-child relationship, and require consistent, fair, and constitutional procedures. As demonstrated in this case, judicial misconduct and procedural errors can lead to unjust results and set a dangerous precedent. The Supreme Court's intervention is essential to uphold due process standards nationwide.

### **II. Broad Constitutional Principles and First Amendment Retaliation**

This case also raises significant concerns about First Amendment retaliation. Judges' actions that interfere with a litigant's ability to exercise their right to petition the government for redress must not be tolerated. The actions in this case, especially retaliatory rulings following Maria's challenges to judicial misconduct, call for clarification on the balance between judicial immunity and First Amendment protections.

### **III. Pattern of Judicial Misconduct and Impact on Parental Rights**

The systematic failures and potential judicial misconduct in this case reflect a broader pattern that undermines the legal protections afforded to parents in custody disputes. The Court must address these concerns, reinforcing parental rights as fundamental and ensuring robust constitutional protections, as emphasized in *Troxel v. Granville* (2000).

**IV. Judicial Immunity and the Scope of Accountability**

The case also challenges the broad application of judicial immunity, particularly when judges act outside their authority, as in granting or extending a TRO without jurisdiction. The Supreme Court must clarify the scope of judicial immunity, ensuring that judges remain accountable for constitutional violations.

**V. National Interest and Legal Precedent**

This case has broad implications for family law across the United States. Family law proceedings often involve emotional issues, and procedural errors and judicial misconduct are common. A ruling in favor of Maria Herta would help safeguard due process and establish clearer standards for family law courts, reinforcing the importance of judicial accountability and the protection of parental rights.

### **Reasons for Granting the Petition**

#### **I. Constitutional Violations and the National Importance of Due Process in Family Law**

**Family Law** This case presents profound constitutional violations with far-reaching implications for both the parties involved and the broader family law system. Procedural failures and judicial misconduct in family law proceedings—especially those impacting parental rights—undermine the stability and well-being of children. These cases, which often involve decisions about the most fundamental relationships—parent-child bonds—demonstrate how any breach of constitutional due process has lasting consequences. As Justice John Marshall stated in *Marbury v. Madison* (1803), "*The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.*" The wrongful removal of Maria Herta's access to her child, Stephan, has disrupted Stephan's emotional and psychological stability. Such actions not only harm the child's immediate welfare but can also have long-term effects on their development. When parents' rights are violated, children frequently experience feelings of abandonment, confusion, and distress. Ensuring due process is critical to protecting children's best interests.

The lack of fairness in this case, particularly through the actions of the family court judges, has caused devastating harm to the child's well-being. For instance, the wrongful removal of Maria Herta's access to her child, Stephan, has disrupted

Stephan's emotional and psychological stability. Such actions not only harm the child's immediate welfare but can also have long-term effects on their development. When parents' rights are violated, children frequently experience feelings of abandonment, confusion, and distress. Ensuring due process is critical to protecting children's best interests.

Given the stakes, the Supreme Court's intervention is urgent. A ruling reaffirming the necessity of due process protections in family law proceedings would prioritize children's emotional and psychological needs. This case presents a compelling opportunity to clarify due process requirements, ensuring children like Stephan are not subjected to harm due to judicial failures.

**II. Conflict with Decisions of Other Courts.** This case conflicts with established Supreme Court precedent and rulings from other jurisdictions. As articulated in *Troxel v. Granville*, 530 U.S. 57 (2000), parents have a fundamental constitutional right to raise their children without unwarranted state interference. However, this case involves actions that subvert these principles, including improper service of documents, retaliatory judicial actions, and decisions made without due process—violations directly contradicting the legal standards set by the Court. This pattern of judicial misconduct is not isolated but rather prevalent in various family law cases. In other jurisdictions, similar judicial failures—such as ignoring clear evidence of parental alienation or abuse—have resulted in irreversible harm

to children. The California courts' failure to properly enforce custody orders highlights how procedural mistakes and judicial missteps harm children. This ongoing issue conflicts with the broader legal framework that ensures fairness and protection for children in custody disputes. The Supreme Court must intervene to resolve this conflict and offer guidance on the proper application of due process in family law cases.

**III. First Amendment Retaliation and Judicial Accountability** This case raises crucial issues regarding First Amendment retaliation. When judges retaliate against parties who challenge judicial misconduct, they violate the litigant's First Amendment rights and undermine public trust in the judiciary. The retaliatory actions against Maria Herta—such as her removal from the courtroom and denial of jurisdiction and due process—demonstrate a concerning pattern of judicial misconduct.

Beyond the individual case, these actions raise critical questions about the balance between judicial immunity and accountability. If judges are allowed to retaliate without consequence, the integrity of the judicial system is compromised. The Supreme Court must address the broader implications of this case, ensuring that litigants can challenge judicial conduct without fear of retribution. Judicial accountability is essential to maintaining fairness and transparency in family law cases.

**IV. Departure from the Usual Course of Judicial Proceedings** The deviations from standard judicial procedures in this case represent a concerning departure from the usual course of family law proceedings. Improper service of documents, the rescheduling of hearings without notice, and the unlawful granting of ex parte temporary restraining orders are examples of procedural failures disrupting the fair administration of family law cases.

These departures from established legal standards have a direct impact on the stability and well-being of children involved in custody disputes. Children already face significant emotional challenges in such cases, and procedural mistakes exacerbate their distress. The Supreme Court must intervene to reaffirm the importance of due process in family law, ensuring that future custody disputes are resolved fairly, protecting both parents' rights and children's best interests.

**V. National Legal Precedent and Clarification of Judicial Immunity** This case presents an opportunity to clarify the scope of judicial immunity, particularly when judges act beyond their jurisdiction or violate constitutional rights. While judicial immunity is necessary to protect judges performing judicial duties should not shield them from accountability when they engage in misconduct that harms litigants' constitutional rights. As established in *Mireles v. Waco*, 502 U.S. 9 (1991), judicial immunity does not apply when a judge acts outside their judicial capacity.

The Supreme Court's intervention is essential to delineate the boundaries of judicial immunity and hold judges accountable for actions that violate constitutional rights. Clarifying these boundaries will help prevent further harm to litigants, especially children, who are vulnerable in a flawed family law system. Ensuring judicial accountability is crucial for maintaining public trust in the legal system.

**VI. The Urgent Need for Reform in Family Law Courts** This case underscores the urgent need for reform within family law courts, particularly regarding procedural failures and judicial misconduct that often go unchecked. Failure to address these systemic issues leads to harmful outcomes for children and families. When parents' rights are disregarded, children like Stephan suffer unnecessary emotional and psychological harm. This is not a localized issue but reflects a broader problem within the family law system that demands immediate attention.

By granting this petition, the Supreme Court can help ensure that family law courts across the nation adhere to due process standards. This would lead to fairer, more just outcomes for all involved—especially the children at the heart of custody disputes. Reforming the family law system will prevent further harm to vulnerable families and prioritize children's rights and well-being.

**VII. Public Confidence in the Judiciary** Finally, this case highlights the importance of maintaining public confidence in the judiciary. Judicial misconduct, procedural failures, and the denial of due process erode public trust in the legal

system, particularly in family law courts. The Supreme Court's intervention is critical to ensuring that the judiciary operates with integrity and fairness, reinforcing the public's confidence that the legal system will protect fundamental rights and provide justice for all litigants—especially children who are most vulnerable in family law proceedings.

### **Conclusion**

In conclusion, the constitutional violations, judicial misconduct, and procedural failures present in this case underscore the necessity for Supreme Court review. As highlighted by Justice Stephen Breyer's assertion on judicial independence, it is crucial that decisions in family law cases are made based on the law and facts, not personal biases or misconduct. The serious implications for both parents and children, exemplified by the plight of Stephan, illustrate the urgent need for the Court's intervention. The Supreme Court's involvement is essential to safeguard constitutional principles, restore fairness in family law courts, and ensure that the judicial system operates with integrity. Furthermore, by addressing these systemic issues, the Court can establish important legal precedents that will protect the well-being of vulnerable children and parents involved in family law proceedings. As established in *Ashelman v. Pope*, the Ninth Circuit has made it clear that judicial immunity does not shield judges who act outside their jurisdiction or engage in malicious actions. The time has come for the Court to assert its authority in this matter and provide clarity to prevent further harm.

Very truly yours,

Maria Herta

**"THE GREATER THINKER INSIST TO THINK"!**

God Bless You and God Bless America

*Constitution of the USA is Alive in 2025*

**March/3 / 2025**