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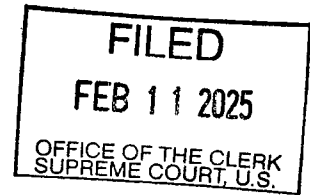
IN THE
Supreme Court of the United States

WESLEY-KEITH: MULLINGS,
Petitioner

v.

HARRIET ELAINE RAGHNAL, et al;
Respondents

ORIGINAL



**PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE THIRD CIRCUIT**

PUBLIC COPY—SEALED MATERIALS REDACTED PER FRCP 5.2(a)

Wesley-Keith: Mullings respectfully petitions the Supreme Court of the United States for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit, rendered and entered in Wesley-Keith Mullings v. Harriet Ragnal, No. 24-2055 (3d Cir. Nov. 25, 2024), which affirmed the judgment of the United States District Court for the District of New Jersey.

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QUESTIONS PRESENTED

- 1 . Circuit Split: Should Rooker-Feldman bar federal review of void ab initio judgments due to jurisdictional fraud, or do Moreno/Nugent compel examination?
- 2 . Due Process: Does institutional manipulation (18-day vs. 12-month timelines) violate equal protection for pro se litigants?
- 3 . Parental Rights: Can courts enforce custody orders procured by legally impossible standing without violating Troxel?

PARTIES AND RELATED PROCEEDINGS

B. Original State Court Proceedings:

1. FM-20-000351-08 New Jersey Chancery, Family Part, Union County

- Linda E. Mallozzi (BAR # 015351982)

2. FA-ESX-000105-15 New Jersey Chancery, Probate Part, Essex County

- Stephen J. Bernstein (retired)
- Harriet Elaine Raghnael (BAR #: 006762006)
- Aisha Margaret Smith
- Theodore Stevens (Former Essex County Surrogate)
- Alturrick Kenney (Essex County Surrogate)
- Devero McDougal (Deputy Surrogate, BAR #011462012)

3. FM-20-1364-18 New Jersey Chancery, Family Part, Union County

- Lisa Fran Chrystal (BAR # 018081982)
- Thomas Joseph Walsh (BAR # 033311990)
- Cassandra Taylor Savoy (BAR #041181990)

- Aisha Margaret Smith

C. Essex County Adoption Records Proceedings:

1. FA-07-000105-15 New Jersey Chancery, Probate Part, Essex County

- David Brian Katz (BAR # 021921987, Board Director of the National Council of Juvenile and Family Court Judges, Vice-Chair of the Family Violence and Domestic Relations Advisory Committee, Chair of NJ Supreme Court's Family Practice Committee, Curriculum Development and Legislative Committees member)
- Cassandra Taylor Savoy (BAR #041181990)
- Aisha Margaret Smith

2. FA-ESX-000062-20 New Jersey Chancery, Family Part, Essex County

- Linda Lordi Cavanaugh (BAR #018071979)
- Cassandra Taylor Savoy (BAR #041181990)
- Aisha Margaret Smith

3. FA-ESX-000036-22 New Jersey Chancery, Probate Part, Essex County

- David Brian Katz (BAR # 021921987, Board Director of the National Council of Juvenile and Family Court Judges, Vice-Chair of the Family Violence and Domestic Relations Advisory Committee, Chair of NJ Supreme Court's Family Practice Committee, Curriculum Development and Legislative Committees member)

4 . A-000818-21T4 New Jersey Superior, Appellate Division

- Allison E. Accurso (BAR #005031986)
- Arnold L. Natali Jr. (BAR #022251989)
- Thomas W. Sumners Jr. (BAR #033971984)
- Francis J. Vernoia (BAR #016501979)

D. District Court Proceedings:

1 . 2:22-cv-01294-MCA-JBC United States District Court, New Jersey District

- Judge Madeline Cox Arleo

E. Third Circuit Appeals:

1 . Appeal #23-2470:

- Judge Thomas M. Hardiman
- Judge Tamika R. Montgomery-Reeves

- Judge Richard L. Nygaard

2. Appeal #23-3170:

- Judge Kent A. Jordan (retired)
- Judge David J. Porter
- Judge Peter J. Phipps
- Chief Judge Michael A. Chagares
- Judge Thomas M. Hardiman
- Judge Patty Shwartz
- Judge Cheryl Ann Krause
- Judge L. Felipe Restrepo
- Judge Stephanos Bibas
- Judge Paul B. Matey
- Judge Peter J. Phipps
- Judge Arianna J. Freeman
- Judge Tamika R. Montgomery-Reeves
- Judge Cindy K. Chung

3. Current Appeal #24-2055:

- Judge Stephanos Bibas
- Judge Arianna J. Freeman
- Judge Richard L. Nygaard

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42 U.S.C. § 1986

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- First Amended Complaint filed June 6, 2022
- Order dismissing claims against State and Judiciary Defendants, July 10, 2023
- Order dismissing remaining claims against Smith and Raghnael, May 16, 2024

THIRD CIRCUIT APPEALS

- Appeal No. 23-2470: Notice of Appeal filed August 23, 2023; Dismissed for lack of appellate jurisdiction on January 4, 2024
- Appeal No. 23-3170: Petition for Writ of Mandamus filed December 18, 2023; Denied on February 7, 2024; Rehearing Denied en banc on May 30, 2024
- Appeal No. 24-2055: Submitted to panel on November 7, 2024; Summary affirmance on November 25, 2024; Denial of rehearing/rehearing en banc on January 27, 2025; Mandate issued February 4, 2025

STATE COURT PROCEEDINGS

- FM-20-000351-08: New Jersey Chancery, Family Part, Union County (Judge Mallozzi)
- FA-ESX-000105-15: New Jersey Chancery, Probate Part, Essex County (Judge Bernstein)
- FM-20-1364-18: New Jersey Chancery, Family Part, Union County (Judges Chrystal and Walsh)
- FA-07-000105-15: New Jersey Chancery, Probate Part, Essex County (Judge Katz)
- FA-ESX-000062-20: New Jersey Chancery, Family Part, Essex County (Judge Cavanaugh)
- FA-ESX-000036-22: New Jersey Chancery, Probate Part, Essex County (Judge Katz)
- A-000818-21T4: New Jersey Superior, Appellate Division (Judges Accurso, Natali, Sumners, and Vernoia)

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Third Circuit (App. 86a-89a) is not reported but is available at No. 24-2055 (3d Cir. Nov. 25, 2024). The Third Circuit's order denying rehearing and rehearing en banc (App. 90a-91a) is unreported. The District Court's orders dismissing Petitioner's claims (App. 60a-71a, 72a-77a) are unreported.

BASIS FOR JURISDICTION

This Court has jurisdiction under **28 U.S.C. § 1254(1)**. The Third Circuit entered judgment on November 25, 2024, and denied rehearing En Banc on January 27, 2025 (App. 90a-91a).

CONSTITUTIONAL PROVISIONS INVOLVED

First Amendment to the United States Constitution provides in relevant part: *"Congress shall make no law... abridging... the right of the people... to petition the Government for a redress of grievances."*

Fifth Amendment to the United States Constitution provides in relevant part: *"No person shall... be deprived of life, liberty, or property, without due process of law."*

Fourteenth Amendment to the United States Constitution provides in relevant part: *"No State shall... 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."*

28 U.S.C. § 1254(1) provides: *"Cases in the courts of appeals may be reviewed by the Supreme Court by... writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."*

28 U.S.C. § 1331 provides: *"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."*

STATEMENT OF THE CASE

All documents in Appendices A-H were properly submitted to and made part of the record in both the District Court and Third Circuit proceedings. Despite having these authenticated records before them, both courts failed to address the jurisdictional void evidenced by these documents. Specifically, Exhibits A (NJ Regulation D-33), B (Certificate showing no domestic partnership), C (Marriage Certificate), and D (Authenticated Birth Certificate) were filed as attachments to Plaintiff's First Amended Complaint (ECF No. 33) and referenced in Plaintiff's Motion for Judicial Notice filed with the Third Circuit on November 26, 2024.

This case presents a critical question regarding federal courts' authority to review state court judgments that are void ab initio due to jurisdictional fraud. It arises from a custody dispute involving Petitioner's son, [REDACTED], who was unlawfully removed from Petitioner's custody through fraudulent adoption proceedings.

[Redacted per FRCP 5.2(a)]

PETITION FOR WRIT OF CERTIORARI UNDER EMERGENCY

In 2015, Respondent Aisha Smith obtained an adoption order for I [REDACTED] by falsely claiming domestic partnership status with Petitioner—a legal impossibility under New Jersey law. New Jersey Regulation D-33 explicitly limits domestic partnerships to same-sex couples or heterosexual couples over age 62. Smith (age 43) and Petitioner (age 42) were categorically ineligible (App. 26a-27a). This jurisdictional fraud was compounded when Smith and Petitioner married on June 21, 2015 (App. 30a-31a)—three weeks after the May 28, 2015 adoption order—proving the domestic partnership claim was fabricated.

When Petitioner was briefly incarcerated in 2018, Smith used the fraudulent adoption to obtain custody of [REDACTED]. Upon release, Petitioner sought to regain custody through state court proceedings, but was systematically denied relief despite presenting authenticated evidence proving the adoption's jurisdictional defects.

Petitioner then filed a federal action seeking declaratory relief and damages. The District Court dismissed claims against the judicial defendants in just 18 days, while delaying resolution of claims against the defaulting defendants (Smith and her attorney) for over a year. The Third Circuit affirmed without addressing the jurisdictional void evidenced by authenticated public records.

This petition presents a critical circuit split regarding whether Rooker-Feldman bars federal review of state court judgments that are void ab initio due to jurisdictional fraud. The Third Circuit's own precedent in *In re Nugent* and *In re Moreno* recognizes that such judgments are legal nullities exempt from Rooker-Feldman, yet the panel below refused to

[Redacted per FRCP 5.2(a)]

PETITION FOR WRIT OF CERTIORARI UNDER EMERGENCY

apply this principle. This refusal deepens an existing circuit split with the Sixth and Eleventh Circuits, which explicitly recognize a fraud exception to Rooker-Feldman.

With [REDACTED] turning 21 in April 2025—at which point New Jersey courts will lose jurisdiction to modify custody under state law—immediate intervention is necessary to prevent permanent deprivation of Petitioner's fundamental parental rights.

[Redacted per FRCP 5.2(a)]

PETITION FOR WRIT OF CERTIORARI UNDER EMERGENCY

REASONS FOR GRANTING THE WRIT

F. The Third Circuit's Rejection of Its Own Precedent Deepens an Entrenched Circuit Split

1. Irreconcilable Conflict on Fraud's Impact on Jurisdiction

- **Third Circuit Precedent (Moreno/Nugent):**

The Third Circuit's current ruling conflicts with its own established precedent regarding the effect of fraud on jurisdictional determinations.

Third Circuit precedent in two key cases provides a clear framework:

- **In re Nugent, 30 F. App'x 65 (3d Cir. 2002)** explicitly recognizes that state judgments obtained through extrinsic fraud, such as forged documents or fabricated standing, are void *ab initio* and therefore fall outside the scope of the Rooker-Feldman doctrine's jurisdictional bar; similarly,
- **In re Moreno, 487 F. App'x 735 (3d Cir. 2012)** reinforces this principle by holding that federal courts maintain the authority to vacate judgments when jurisdictional fraud undermines the state court's fundamental authority to act

There exists an irreconcilable conflict between these established precedents and the Circuit's current position, as the court has failed to apply these controlling principles despite clear evidence of extrinsic fraud affecting jurisdiction.

The Third Circuit's current ruling creates an internal circuit split that requires resolution, as it directly contradicts its own binding precedent regarding the impact of fraud on jurisdiction and the inapplicability of Rooker-Feldman in such circumstances.

- **Conflicting Circuits:**

There exists a significant circuit split regarding federal courts' authority to review state judgments procured by fraud, particularly in relation to the Rooker-Feldman doctrine. The rules vary across circuits, with the Sixth Circuit in **In re Sun Valley Foods Co., 801 F.2d 186 (6th Cir. 1986)** explicitly permitting federal review of fraudulently procured state judgments, and the Eleventh Circuit in **Scott v. Frankel, 361 F.2d 487 (11th Cir. 1966)** specifically establishing a fraud exception to the Rooker-Feldman doctrine.

In analyzing this circuit split, three critical points emerge:

- first, the Sixth and Eleventh Circuits have clearly established precedent allowing federal review when fraud taints state court judgments;
- second, these positions align with the Third Circuit's own precedent in *Moreno* and *Nugent*; and
- third, the lower courts in the present case have created an intra-circuit conflict by ignoring this established precedent while dismissing identical fraud claims

Therefore, the conclusion is that there exists both an inter-circuit split requiring Supreme Court resolution and an intra-circuit conflict within the Third Circuit itself, as the current ruling contradicts not only its own precedent but also conflicts with the clear positions of other circuits regarding the impact of fraud on jurisdictional determinations.

2 . Jurisdictional Void Makes Rooker-Feldman Inapplicable

Does the Rooker-Feldman doctrine applies to state court judgments that are void *ab initio* due to jurisdictional fraud? Third Circuit precedent and Supreme Court decisions holds that judgments tainted by jurisdictional fraud are legally void from their inception and therefore fall outside the scope of Rooker-Feldman's jurisdictional bar.

In analyzing this principle, three key legal foundations emerge:

- first, under **Exxon Mobil Corp. v. Saudi Basic Indus.**, 544 U.S. 280, void judgments do not qualify as "state court judgments" for Rooker-Feldman purposes because they lack legal validity from their inception;
- second, the Third Circuit's decision in Nugent explicitly requires courts to conduct sua sponte examinations of jurisdictional defects, indicating that such review cannot be barred by Rooker-Feldman; and
- third, the Supreme Court's constitutional mandate in **Armstrong v. Manzo**, 380 U.S. 545 (1965) requires courts to address fraud claims

as a matter of due process, superseding any jurisdictional barriers that might otherwise apply

The Rooker-Feldman doctrine is inapplicable to the present case because jurisdictional fraud renders the underlying state court judgments void *ab initio*, making them subject to federal review both as a matter of circuit precedent and constitutional requirement.

G. The Third Circuit's Summary Affirmance Perpetuates a Jurisdictional Fraud

1. Authenticated Evidence Proves Legal Impossibility of Standing

- **Exhibit A (NJ Regulation D-33):**

Was there a legal impossibility regarding standing based on domestic partnership status in New Jersey? **New Jersey Regulation D-33** explicitly restricts domestic partnerships to two specific categories: same-sex couples or opposite-sex couples where both partners are over the age of 62.

Exhibit A conclusively demonstrates that standing based on domestic partnership status was a legal impossibility in this case because:

- first, the documented ages of the parties (Petitioner at 42 and Respondent Smith at 43 in 2015) categorically disqualified them from establishing a valid domestic partnership under the age requirement; and

- second, as an opposite-sex couple under age 62, they did not qualify under either permissible category established by the regulation

Authenticated evidence proves the legal impossibility of establishing standing based on domestic partnership status, as the parties were statutorily ineligible to form such a partnership under New Jersey law in 2015.

- **Exhibit C (Marriage Certificate):**

Authenticated evidence demonstrates the temporal impossibility of standing based on claimed partnership status prior to marriage. **NJAC 13:2-1.2** explicitly prohibits retroactive application of partnership status, meaning partnership claims cannot be backdated before their actual establishment.

Exhibit C (Marriage Certificate) conclusively proves the fraudulent nature of any partnership claims through two key facts:

- first, the marriage certificate documents that the marriage occurred on June 21, 2015, which was chronologically after the May 28, 2015 adoption order was issued; and
- second, given the regulation's prohibition on retroactive partnerships, any attempt to claim partnership status before the marriage date would be legally invalid under **NJAC 13:2-1.2**

The authenticated marriage certificate, combined with the regulatory prohibition on retroactive partnerships, definitively proves that any

claims of partnership status during the adoption proceedings were legally impossible and fraudulent, as they would constitute an impermissible attempt to backdate partnership status before the actual marriage date.

2 . Institutional Protectionism Suppressed Jurisdictional Review

- **Procedural Manipulation:**

Institutional protectionism led to improper suppression of legitimate jurisdictional review through procedural manipulation at multiple court levels. Courts are fundamentally required to provide fair and impartial review of jurisdictional challenges without bias or artificial procedural barriers, particularly when authenticated evidence is presented.

In analyzing the courts' actions, two distinct patterns of institutional protectionism emerge:

- first, the District Court engaged in clear procedural manipulation by creating an artificial timeline disparity, dismissing judicial defendants within 18 days while inexplicably delaying action on the default judgment for 12 months, suggesting a deliberate strategy to shield certain parties from review; and
- second, the Third Circuit compounded this procedural manipulation by summarily affirming the lower court's decision while ignoring authenticated records that directly challenged jurisdiction, demonstrating a pattern of institutional protection at the expense of proper judicial review

Both courts engaged in improper institutional protectionism through procedural manipulation and selective evidence consideration, effectively suppressing legitimate jurisdictional review and undermining the fundamental principles of judicial impartiality and due process.

- **Violation of Parental Rights:**

The courts' institutional protectionism resulted in an unconstitutional violation of fundamental parental rights through the suppression of jurisdictional review. The Supreme Court, in **Troxel v. Granville, 530 U.S. 57 (2000)**, holds that parents have a fundamental constitutional right to make decisions concerning the care, custody, and control of their children, and any deprivation of these rights must comply with due process requirements, including a full and fair hearing on claims affecting custody.

The courts' actions violated this constitutional mandate by denying a proper hearing on fraud allegations that directly impacted custody rights, effectively allowing the deprivation of fundamental parental rights without the constitutionally required procedural safeguards mandated by Troxel.

The courts' institutional protectionism, manifested through their refusal to properly review jurisdictional fraud claims, resulted in a direct violation of constitutionally protected parental rights by depriving a parent of custody without the fundamental due process hearing required under Supreme Court precedent.

H. Emergency Intervention Required to Prevent Irreparable Harm

1 . Imminent Loss of Parental Rights

Emergency intervention is necessary to prevent irreparable harm due to imminent and permanent loss of parental rights. New Jersey law establishes that parental custody rights terminate when a child reaches the age of 21, and courts have consistently recognized that forced parent-child separation causes irreparable psychological harm that cannot be adequately remedied through later compensation.

In analyzing the urgency of this situation, two critical factors demonstrate the need for immediate intervention:

- first, there is a firm statutory deadline of [REDACTED], 2025, when [REDACTED] turns 21, at which point custody rights will permanently terminate under New Jersey law, creating an immutable timeline for resolution; and
- second, the ongoing separation continues to inflict irreparable psychological harm on both parent and child, with each day of separation compounding the emotional damage in ways that cannot be undone through subsequent legal remedies

Emergency intervention is warranted because without immediate action, the combination of the approaching statutory deadline and the ongoing psychological harm threatens permanent and irreparable damage to the parent-child relationship that cannot be remedied after the fact.

2 . Systemic Threat to Judicial Integrity

[Redacted per FRCP 5.2(a)]

PETITION FOR WRIT OF CERTIORARI UNDER EMERGENCY

Does the lower courts' handling of this case poses a systemic threat to judicial integrity that requires emergency intervention? Third Circuit precedents in *Moreno* and *Nugent* requires courts to address jurisdictional fraud claims and prevents the insulation of fraudulent judgments from federal review, particularly in cases involving fundamental rights.

In analyzing the systemic threat, two dangerous patterns emerge:

- first, the lower courts' refusal to apply binding precedents from *Moreno* and *Nugent* has created a mechanism by which fraudulent child custody adjudications can proceed unchecked, undermining the integrity of the judicial system in cases involving fundamental parental rights; and
- second, this deviation from established precedent creates a dangerous precedent that effectively allows state courts to shield fraudulent judgments from federal review, potentially encouraging future abuse of the judicial process in custody cases

Emergency intervention is necessary not only to address the immediate case but also to prevent the establishment of a dangerous precedent that threatens the fundamental integrity of the judicial system by allowing courts to systematically insulate fraudulent custody determinations from proper federal review.

CONCLUSION

The petition should be granted and considered on an emergency basis to resolve the circuit split and address systematic constitutional violations.

Respectfully submitted,

By: 

Wesley-Keith Mullings

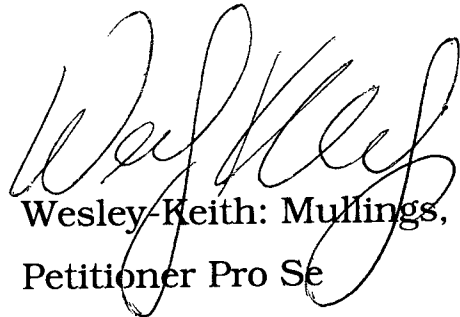
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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of the Federal Rules of Appellate Procedure 27(d) and 32(a)(7)(B) because this brief contains 3,864 words, excluding the parts of the brief exempted by Federal R. App. Proc. 32(f).

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of the Federal Rule of Appellate Procedure 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Bookman.



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CERTIFICATE OF SERVICE

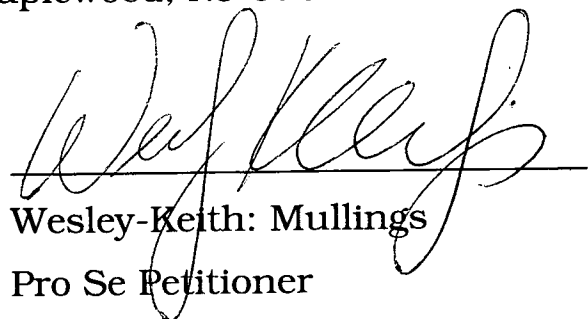
I hereby certify that on May 22, 2025, I served this Petition for Writ of Certiorari with Appendix on all parties required to be served by mailing a copy via UPS to:

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PETITION FOR WRIT OF CERTIORARI UNDER EMERGENCY

No.

IN THE

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APPENDIX

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