No.

In The

Supreme Court of the United States

Jonathan Zachary Voorhis

Petitioner,

v.

Cindy Digangi, et al.,

Respondents.

On Petition for a Writ of Certiorari To The

United States Court of Appeals for the Third Circuit

APPLICATION FOR AN EXTENSION OF TIME WITHIN TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

To the Honorable Samuel A. Alito, Jr., Associate Justice of the United States Supreme Court and Circuit Justice For the United States Court of Appeals for the Third Circuit:

Pursuant to Rules 13.5 and 30.2 of this Court , Jonathan Voorhis, pro-se petitioner respectfully requests a 60-day extension of time, to and including October 17th, 2025, within which to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in this case.

The Third Circuit entered its opinion and judgment on April 24th, 2025, (App. 1a, 6a). The Petition for rehearing was denied on May 20, 2025, (App. 8a). Unless extended, the time for filing a petition for a writ of certiorari will expire on August 18th, 2025. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

The following grounds support this time-extension application:

1. This case is about whether absolute immunity shields Child Protective Service (CPS) Workers from allegations of fabrication of evidence within an investigative role, when the CPS workers neither admit nor deny the act nor assert a time frame when the act had occurred.

Petitioner alleges that official documents were altered by hand to falsely state a siblings death was caused by "co-sleeping", to violate petitioner's 14th Amendment Rights to Due Process by illegally detaining petitioner's son A.A.V. into foster care. Petitioner further alleges this was done in an effort to cause so much

stress petitioner commit suicide, which was the fate of A.A.V.'s mother. Rather than addressing the core allegation, respondents pointed to downstream materials based on the same tainted records. This tactic did not meet their initial burden, therefore no burden was passed onto the petitioner at this stage. The district court nonetheless credited that unexamined, derivative document while ignoring the fabrication allegations at the heart of the case. It also faulted petitioner for failing to submit evidence—even though the records in question were produced by the defendants themselves, no challenge to their existence nor admissibility, and neither have the documents ever been subject to adversarial testing. This short-circuited the burden-shifting structure required by Fed.R.Civ.P. 56 and denied petitioner a fair opportunity to litigate. Summary judgment was granted not because the defendants disproved the claims, but because petitioner recognized and challenged the fatal flaw in their tactics — relying on derivative evidence without ever addressing the alleged fabrication at the heart of the case.

2. This Court may further answer a question left unanswered by the United States Court of Appeals for the Third Circuit; can a district court penalize a plaintiff for not submitting evidence, when the evidence was obtained by the defense prior to the §1983 claim being filed, and the defense never challenged the authenticity, admissibility or existence of the evidence, and discovery had yet to occur as the Motion to Dismiss was converted to a Summary Judgment.

3. There is a deepening circuit split which the Third Circuit as of now stands alone on the opinion: Child Protective Service Workers should be granted absolute immunity for the act of fabricating evidence during the investigative stage.

The following Circuits have expressly declined to extend absolute immunity to CPS workers under these circumstances:

- **2nd Circuit:** *Robison v. Via*, 821 F.2d 913 (1987) – no absolute immunity for seizure of children.
- **5th Circuit:** *Hodorowski v. Ray*, 844 F.2d 1210 (1988) – absolute immunity denied for nonjudicial CPS conduct.
- **6th Circuit:** *Pittman v. Cuyahoga Cty.*, 640 F.3d 716 (2011) – immunity limited to in-court advocacy.
- **7th Circuit:** *Brokaw v. Mercer Cty.*, 235 F.3d 1000 (2000) – denied for falsehoods during removal.
- **8th Circuit:** *Whisman v. Rinehart*, 119 F.3d 1303 (1997) – no immunity for due process violations.
- **9th Circuit:** *Beltran v. Santa Clara County*, 514 F.3d 906 (2008) (en banc) – investigatory actions not immune.
- **10th Circuit:** *Snell v. Tunnell*, 920 F.2d 673 (1990) – fabrication during investigation not protected.

Other circuits have applied qualified immunity or denied absolute immunity by implication, including: **1st Circuit:** *Penate v. Kaczmarek*, 928 F.3d 128 (2019) –

no immunity for administrative misconduct; **4th Circuit:** *White v. Chambliss*, 112 F.3d 731 (1997); *Jensen v. Conrad*, 747 F.2d 185 (1984); **11th Circuit:** *Jones v. Cannon*, 174 F.3d 1271 (1999) – instructive on qualified immunity for fabricated evidence; **D.C. Circuit:** *Butera v. District of Columbia*, 235 F.3d 637 (2001) – no presumption of immunity for government actors.

This clear split of the circuits, with the Third Circuit standing alone, supports the assertion this Court does have an interest in reviewing the judgment of this case.

4. A growing national consensus demands transparency and accountability in CPS investigations, legislators nationwide are responding to the growing recognition that child welfare investigations must be subject to constitutional safeguards and evidentiary accountability. A clear trend has emerged across states and Congress:

- **GRACIE Act (S. 5549, 2024; reintroduced as S. 659, 2025)** (App. 13a, 14a): Would require recordings of all CPS interviews to qualify for federal funding.
- **Massachusetts Bill No. 294 (2025)** (App. 15a): Proposes mandatory audiovisual recording of all CPS interviews.
- **Delaware HB 195 (2021)** (App. 18a): Mandates full audio and video documentation and record custody protocols.

- **West Virginia HB 2542 (2025)** (App. 19a): Requires audio recordings of public interactions with CPS.

These statutes, though varied in scope and origin, demonstrate a widespread bipartisan recognition that child welfare investigations must be subjected to constitutional transparency.

5. Pro-se petitioner, respectfully requests a 60-day extension of time, to and including October 17th, 2025, within which to file a petition for writ of certiorari. This case presents complex issues concerning the 14th amendment Rights to Due Process, which further intertwin with Immunity doctrines and procedural rights. In addition, Pro-se petitioner is responsible for preparing the brief for Commonwealth v. Voorhis 423 WDA 2025 (Superior Court of Pennsylvania) (Due August 8th, 2025); Prosecuting Voorhis v. Lindsey (Western District of Pennsylvania for the United States) (Currently filing/responding for/to Motion for Summary Judgment); Appealing Voorhis v. Ginkel (Third Circuit of the United States Court of Appeals) (Currently before the Third Circuit on the briefs). Additional time is therefore needed to prepare and print the petition in this instant case.

Date:

7-14-25

Repectfully Submitted.

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Appendices

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2725

JONATHAN VOORHIS,
Appellant

v.

CINDY DIGANGI; JULIE LAFFERTY; OFFICE OF CHILDREN AND YOUTH; ERIE POLICE DEPARTMENT; THE CITY OF ERIE; PTLM. MILLER; PTLM. MORGENSTERN

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 1:23-cv-00066)
District Judge: Honorable Susan Paradise Baxter

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 22, 2025

Before: HARDIMAN, MATEY, and CHUNG, Circuit Judges

(Opinion filed: April 24, 2025)

OPINION*

PER CURIAM

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* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Jonathan Voorhis filed a pro se civil rights action against a county caseworker (DiGangi), her supervisor (Lafferty), and the Erie County Office of Children and Youth Services (collectively, the OCY Defendants). Voorhis also sued two police officers, their department, and the City of Erie, Pennsylvania (collectively, the Police Defendants).

Voorhis's operative pleading—his amended complaint—lacked organized, concise allegations, and the claims it purported to raise were not plainly stated in numbered paragraphs. Cf. Fed. R. Civ. P. 8(a)(2), (d)(1); Fed. R. Civ. P. 10(b). Rather, the pleading presented a lengthy, twisting narrative punctuated at every turn with legal conclusions. That said, Voorhis's claims appear related to allegedly unconstitutional actions by the defendants inclusive of: falsifying records in dependency proceedings; groundlessly blaming the death of Voorhis's child V.A. on the mother (Willow Augustine); unlawfully placing A.A.V. (Voorhis's newborn child with Augustine) in foster care after Augustine's positive drug test; terminating Voorhis's parental rights while he was in prison and unable to defend himself; and causing Augustine to commit suicide.[1]

The Police Defendants filed a motion to dismiss Voorhis's amended complaint under Federal Rules of Civil Procedure 8 and 12(b)(6), and alternatively asked for a more definite statement under Rule 12(e). For their part, the OCY Defendants moved for dismissal under Rule 12(b)(6) or, in the alternative, summary judgment under Rule 56.

[1] The OCY Defendants attributed V.A.'s death to Augustine's "co-sleeping" and V.A.'s untreated pneumonia; Voorhis, however, says the cause was strictly pneumonia. As for A.A.V., it appears that that child is now in the custody of Voorhis's mother.

The Magisrate Judge recommended granting the Police Defendants' motion to dismiss under Rule 12(b)(6), and converting the OCY Defendants' Rule 12(b)(6) motion to a summary judgment motion and granting it. The Magistrate Judge in his Report explained that Voorhis failed to comply with summary judgment procedures despite being given fair warning of the possible conversion of the OCY Defendants' motion. The OCY Defendants' statement of undisputed material facts was unopposed and thus accepted, except to the extent contradicted by any evidence Voorhis had submitted.

The Magistrate Judge proceeded to reject several of Voorhis's claims out of hand, observing that the Sixth Amendment right to counsel did not apply in civil proceedings, and that Voorhis's amended complaint lacked allegations supporting equal protection, defamation, or RICO claims. The Magistrate Judge next determined that Voorhis failed to adequately plead the individual police officers' personal involvement in any constitutional violations, and described the claims against the City as legally frivolous.

Turning to the OCY Defendants, and relying on Ernst v. Child and Youth Services of Chester County, 108 F.3d 486, 495 (3d Cir. 1997) (holding that county caseworkers were "entitled to absolute immunity for their actions on behalf of the state in preparing for, initiating, and prosecuting dependency proceedings"), the Magistrate Judge determined that DiGangi and Lafferty were entitled to absolute immunity. Regardless, there was no evidence supporting Voorhis's procedural due process claims against those defendants, or supporting a substantive due process claim against any of the OCY Defendants. Finally, the Magistrate Judge determined that Voorhis could not pursue a Fourth Amendment claim on A.A.V.'s behalf (and that the claim was meritless, in any

event), that he had not adduced any evidence supporting Monell[2] liability, and that supplemental jurisdiction over Voorhis's state law claims should not be exercised.

Over Voorhis's objections, the District Court adopted the Report, granted the defendants' motions, and entered judgment in their favor. This timely appeal followed.[3]

Voorhis's main contention on appeal is that DiGangi and Lafferty were not entitled to absolute immunity, because their alleged fabrication of records is tied to their investigative function as caseworkers, not their prosecutorial function in supporting the litigation of a dependency case. Voorhis relies on Guest v. Allegheny County, DC Civ. No. 20-cv-00130, 2020 WL 4041550 (W.D. Pa. July 17, 2020), which the Magistrate Judge found (and we find) readily distinguishable, see id. at *10 (merely concluding at the pleading stage that it was premature to determine whether the caseworker's conduct "was investigatory or alternatively, if she was acting at all times in a prosecutorial capacity and as such, is entitled to absolute immunity").

The record confirms that DiGangi's and Lafferty's actions at issue were overwhelmingly prosecutorial in nature, insofar as they were presenting facts in support of emergency dependency proceedings after a case referral, see, e.g., Supp. App'x at 38–39 (Lafferty's application for an emergency protective order), as opposed to, for example, conducting a routine interview of a family member getting support from social services.

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[2] See Monell v. Dept. of Soc. Servs., 436 U.S. 658 (1978).

[3] We have jurisdiction under 28 U.S.C. § 1291. Our review is de novo. See Schmidt v. Skolas, 770 F.3d 241, 248 (3d Cir. 2014); Burns v. Pa. Dep't of Corr., 642 F.3d 163, 170 (3d Cir. 2011).

But even if there were shades of "investigation" in DiGangi's and Lafferty's work, the District Court's immunity ruling still would not be erroneous. See B.S. v. Somerset County, 704 F.3d 250, 269 (3d Cir. 2013) "[T]he presence of an investigative component . . . does not bar the application of absolute immunity when the function . . . is still fundamentally prosecutorial in nature."); see also Ernst, 108 F.3d at 498 ("We therefore conclude that like a prosecutor's evaluation of evidence in preparation for indictment or trial, the CYS defendants' gathering of information and professional opinions . . . must be protected.").[4]

Accordingly, the judgment of the District Court will be affirmed.

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[4] The immunity issue is dispositive. But worth observing is Voorhis's concession of several facts on which the CYS Defendants relied to initiate dependency proceedings for A.A.V. See, e.g., Br. 5 ("It may be indisputable that the minor child was born 29 weeks, had THC in his system, and the mother and father were unable to appear at all feeding schedules [sic]."). Furthermore, there is no evidence in the record indicating that the OCY Defendants fabricated documents or knowingly made false statements. We also note—in response to an argument in Voorhis's supplemental brief—that conversion of the OCY Defendants' Rule 12(b)(6) motion to a summary judgment motion was not improper, as Voorhis was given notice of the court's "intention to convert the motion and allow[ed] an opportunity to submit materials admissible in a summary judgment proceeding." Rose v. Bartle, 871 F.2d 331, 342 (3d Cir. 1989). Voorhis was also provided a copy of Rule 56's text.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2725

JONATHAN VOORHIS,
Appellant

v.

CINDY DIGANGI; JULIE LAFFERTY; OFFICE OF CHILDREN AND YOUTH; ERIE POLICE DEPARTMENT; THE CITY OF ERIE; PTLM. MILLER; PTLM. MORGENSTERN

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 1:23-cv-00066)
District Judge: Honorable Susan Paradise Baxter

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 22, 2025

Before: HARDIMAN, MATEY, and CHUNG, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on April 22, 2025. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered September 3, 2024, be and the same is hereby affirmed. Costs taxed against Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: April 24, 2025

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2725

JONATHAN VOORHIS,
Appellant

v.

CINDY DIGANGI; JULIE LAFFERTY; OFFICE OF CHILDREN AND YOUTH; ERIE POLICE DEPARTMENT; THE CITY OF ERIE; PTLM. MILLER; PTLM. MORGENSTERN

(District Court No. 1:23-cv-00066)

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, *Circuit Judges*

The petition for rehearing filed by the Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the

panel and the Court en banc, is denied.

BY THE COURT,

s/ Cindy K. Chung
Circuit Judge

Dated: May 20, 2025
Tmm/cc: Jonathan Voorhis
Patrick M. Carey, Esq.
John J. Hare, Esq.
Shane Haselbarth, Esq.
Kevin T. Todorow, Esq.

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

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RE: Jonathan Voorhis v. Cindy Digangi, et al
Case Number: 24-2725
District Court Case Number: 1:23-cv-00066

ENTRY OF JUDGMENT

Today, **April 24, 2025,** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:
14 days after entry of judgment.
45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:
3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).
15 pages if hand or type written.

Attachments:
A copy of the panel's opinion and judgment only.
Certificate of service.
Certificate of compliance if petition is produced by a computer.
No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. A party seeking both forms of rehearing must file the petitions as a single document. Fed. R. App. P. 40(a).

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Timothy, Case Manager
267-299-4953

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