

No. 25-1056

Supreme Court, U.S.
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In the
Supreme Court of the United States

WADE RYAN REEVES,
Petitioner,

v.

STANISLAUS COUNTY DEPARTMENT
OF CHILD SUPPORT SERVICES
MISDESIGNATED AS "*REAL PARTY IN INTEREST AND
RESPONDENT*";

ALISHA MAY GREGORIO
Respondent.

On Petition for Writ of Certiorari to
The Court of Appeals of California Fifth District

PETITION FOR A WRIT OF CERTIORARI

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DECEMBER 2, 2025

Petitioner

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QUESTION PRESENTED

The Fourteenth Amendment guarantees that no State may deprive any person of life, liberty, or property without due process of law. This Honorable Court has held that orders entered by an adjudicator who lacks lawful authority are constitutionally invalid. *Nguyen v. United States*, 539 U.S. 69 (2003). It has likewise recognized that “an unconstitutional act is not a law.” *Norton v. Shelby County*, 118 U.S. 425, 442 (1886). In this case, orders modifying a final judgment were entered by a commissioner who never acquired the authority to act as a judge under California Constitution Article VI, §21.

1. Whether the Fourteenth Amendment’s Due Process Clause is violated when a State upholds and exports across state lines judicial orders entered by a commissioner who never acquired lawful authority to act as a temporary judge under Article VI, §21, where no stipulation appears in the record, and the commissioner later recused himself for bias, and the State declined to decide the Mr. Reeves’ timely challenge to that officer’s authority?

2. Whether the Fourteenth Amendment’s Due Process and Equal Protection Clauses are violated when a State suppresses the only transcript capable of proving or disproving constitutional consent to the adjudicator, denies augmentation of the record, then faults the Mr. Reeves’ for the absence of that transcript, and affirms the judgment based on speculation outside the record?

PARTIES TO THE PROCEEDING

Petitioner

- Wade Ryan Reeves

Respondents

- Stanislaus County Department of Child Support Services

(Misdesignated as "Real Party in Interest and Respondent" in the California Court of Appeal)

- ALISHA MAY GREGORIO (formerly Reeves)

LIST OF PROCEEDING

THESE CASES ARISES FROM THE SAME POST-DISSOLUTION PROCEEDING BELOW.

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Final Judgment of Dissolution, entered August 14, 2018 (Judge Jacobson) Wade and Alisha parties to the case DCSS excluded per the order at *67a-95a*

Order, entered August 12, 2021 (Commissioner Kenneth J. Hara) Order combined DCSS without Alisha at *65a-66a*

Order/ Judgement, entered May 19, 2022 (Commissioner Kenneth J. Hara) Order Combined all parties at *60a-62a*

Order of Show Cause contempt, filed July 22, 2022 at *59a*

Findings and Order After Hearing, September 19, 2022 at *58a*

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Court of Appeal of the State of California, Fifth Appellate District Case No. F087058

Opinion filed: June 26, 2025 at *2a-39a*

**Order modifying opinion and denying
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Supreme Court of California (Interlocutory Appeal)
Case No. S286412

Petition for review denied: May 29, 2024 at *96a*

Supreme Court of California (Petition for Certiorari)
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PETITION FOR WRIT OF CERTIORARI

Petitioner Wade Reeves respectfully submits this petition for a writ of certiorari to review the judgment of the California Court of Appeal, Fifth Appellate District

OPINIONS AND ORDERS BELOW

The opinion of the California Court of Appeal, Fifth Appellate District, is not reported. It was filed on June 26, 2025, and is reproduced at **App. 2a-39 a**. The Court of Appeal's order modifying the opinion and denying rehearing, filed on July 25, 2025, is reproduced at **App. 40a-51a**. The California Supreme Court's order denying review on September 17, 2025, is reproduced at **App. 1a**. The California Supreme Court's earlier interlocutory order denying review regarding the transcript issue, entered on May 29, 2024, is reproduced at **App. 96 a**.

JURISDICTION

The California Court of Appeal, Fifth Appellate District, filed its opinion on June 26, 2025, and entered an order modifying the opinion and denying rehearing on July 25, 2025. The California Supreme Court denied review on September 17, 2025. (App. 1a.) This petition is timely under Supreme Court Rule 13.1. This Court has jurisdiction under **28 U.S.C. § 1257(a)**.

CONSTITUTIONAL PROVISION AND STATUE INVOLVED

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

“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.”

California Constitution, Article VI, Section 21 Provides in pertinent part:

“On stipulation of the parties litigant the court may order a cause to be tried by a temporary judge, who shall be a member of the State Bar, sworn and empowered to act until final determination of the cause.”

California Family Code § 4251(a) Provides in pertinent part:

“Each superior court shall provide sufficient commissioners to hear Title IV-D child support cases filed by the local child support agency.”

“All actions or proceedings filed by the local child support agency in a support action or proceeding in which enforcement services are being provided pursuant to Section 17400... shall be referred for hearing to a child support commissioner...”

California Family Code §4251(b)
Provides in pertinent part:

“The parties *shall* also be advised by the court prior to the commencement of the hearing that the matter is being heard by a commissioner who shall act as a temporary judge”

California Family Code §17400 (a) (1)
Provides in pertinent part:

The local child support agency provides Title IV-D services only when a child is receiving public assistance or when a custodial parent submits a request for Title IV-D services. “If requested, [the agency] shall take the same actions on behalf of a child who is not receiving public assistance.”

STATEMENT OF THE CASE

This case presents issues of national importance concerning the constitutional limits on state judicial power and the full faith and credit owed to judgments free from structural defects. Across the country, parties increasingly face the enforcement of orders entered by adjudicators who lack authority under the governing state constitution and statutes. This case asks whether a State may enforce and export judicial orders entered by a commissioner who never acquired authority to act as a judge under Article VI section 21 of the California Constitution, and whether a State may suppress the only transcript capable of determining that defect while affirming the judgment based on speculation

outside the record. These issues strike at the integrity of judicial proceedings and have consequences beyond this case.

1. Constitutional Background

The Fourteenth Amendment prohibits States from depriving any person of life liberty or property without due process of law. This Court has long held that due process requires a lawful and neutral adjudicator and that participation by an adjudicator who lacks authority is a structural defect that invalidates the judgment. See *Nguyen v. United States* 539 U S 69 (2003) *Ryder v. United States* 515 U S 177 (1995) *Lucia v. SEC* 585 U S ___ (2018) and *Norton v. Shelby County* 118 U S 425 (1886).

California's Constitution independently establishes limits on adjudicative authority. Article VI section 21 provides that a commissioner may act as a temporary judge only "on stipulation of the parties." California appellate courts have repeatedly enforced this constitutional requirement. In *In re Marriage of Djulius* 10 Cal App 5th 1042 (2017) the court explained that a commissioner may exercise judicial power only where a valid stipulation appears in the record and that absent such a stipulation the commissioner lacks authority to enter binding orders. *In re Marriage of Monge* likewise held that where no valid stipulation to a commissioner appears in the record the resulting orders must be reversed because

the commissioner acted without constitutional authority. The California Supreme Court reaffirmed the same principle in *Michaels v. Turk* recognizing that without a valid stipulation a commissioner "is not qualified to act" and any ruling issued by such an officer cannot stand.

These constitutional requirements reflect the foundational principle that adjudication must be performed by an officer who has lawfully acquired authority to act. When that authority is absent the defect is structural and the resulting orders are void.

2. Statutory Background

California's child support framework is governed by Family Code sections 17400, 17404, and 4251. Under section 17400 subdivision (a)(1) the local child support agency provides Title IV-D services only when a child is receiving public assistance or when a custodial parent submits a request for those services. Title IV-D services do not arise automatically. A case falls within the Title IV-D system only when one of these statutory conditions is met.

When Title IV-D services exist section 17404 requires the local child support agency to file and prosecute actions to establish modify or enforce support obligations in the name of the county. The agency is the party that initiates and litigates support matters in Title IV-D cases. If the agency does not file an action or seek modification or enforcement the matter proceeds as a private support

dispute under state domestic-relations law and not as a Title IV-D case.

Section 4251 subdivision (a) assigns Title IV-D matters to child support commissioners. These commissioners preside over support actions only when Title IV-D services are being provided pursuant to section 17400 or when the local child support agency has filed the action under section 17404. Absent a Title IV-D case a commissioner is not assigned as the adjudicator.

Section 4251 subdivision (b) further requires that before a commissioner may act as a temporary judge the parties must be advised that the commissioner may do so only upon their stipulation and that any party may withhold consent. If a party objects the matter must be transferred to a superior court judge. These advisement and stipulation requirements protect the constitutional limitations contained in Article VI section 21.

California law also governs the creation of the trial record. Government Code section 69957 requires courts to electronically record proceedings when an official court reporter is unavailable. A transcript derived from that recording may be used whenever a transcript is required for appellate review. When no court reporter is present the statute ensures preservation of the hearing for purposes of review.

3. Factual Background and Trial Court Proceedings

Mr. Reeves and Ms. Gregorio divorced in 2018. Their Marital Settlement Agreement was incorporated into the final judgment of dissolution entered in August 2018 (App. 67a-95 a). The agreement contains no reference to Title IV D child support services and does not authorize involvement by the local child support agency. No application for Title IV D services was filed and no public assistance referral existed.

In 2021 Ms. Gregorio filed a post judgment request to modify support. The agency did not file a petition enforcement action or modification request under Family Code section 17404. Although the matter proceeded as a private post judgment support dispute it was assigned to a child support commissioner.

DCSS was added to the caption of this order, DCSS was not a party to the Marital Settlement Agreement and had no statutory authority to litigate support on behalf of either litigant. No Title IV-D application, joinder, or public-assistance referral existed, and the agency had filed no action under Family Code section 17404. DCSS was later treated as the "real party in interest" despite lacking any contractual or statutory basis to occupy that role. The

court held a hearing in August 2021. At that hearing Ms. Gregorio did not appear and no attorney appeared on her behalf. The agency appeared though it had filed no action. No advisement under section 4251 subdivision (b) appears in the record and no stipulation under Article VI section 21 was obtained (**App. 65a-66a**). No court reporter was present. California law requires electronic recording of proceedings when a reporter is unavailable but no recording or transcript from the August hearing appears in the record.

An order issued after the August hearing served as the basis for a subsequent judgment entered on May 19 2022 which modified terms of the 2018 dissolution judgment (**App. 60a-62a**). The superior court docket reflects that an audio recording exists for the May 19 proceeding. Mr. Reeves sought access to the recording during appellate proceedings but the request was denied (**App. 52a-56a**).

In August 2022 Ms. Gregorio filed an application in the District Court of Tulsa County Oklahoma to register and enforce the California order entered by the commissioner. The application was filed by Ms. Gregorio and not by the local child support agency. The Oklahoma court accepted the filing and proceedings continued (**App. 97a-99a**) there while post judgment and appellate proceedings were still ongoing in California.

In January 2024 Commissioner Hara recused himself (**App. 57a**) from further proceedings under Code of Civil Procedure section 170.1 subdivision (a) (6)(A)(iii). In his written order he stated that he “recuses himself from hearing any and all proceedings in the above entitled matter.”

3. Court of Appeal Proceedings

Mr. Reeves filed pro se in the California Court of Appeals in the Fifth District. Mr. Reeves appealed from the post judgment orders modifying support. In the appeal the Court of Appeal identified the central issue as whether Commissioner Hara had authority to act as a temporary judge in the post judgment proceedings, including the August 2021 order and the subsequent May 19 2022 judgment. The court acknowledged that Mr. Reeves’s challenge to the commissioner’s authority was properly before it.

In preparing the appellate record Mr. Reeves designated the May 19 2022 hearing for transcription. The superior court advised that no transcript would be provided pursuant to Government Code section 69957. The Court of Appeal then issued an order designating the record without the May 19 hearing (**App. 52a-56a**). Mr. Reeves objected to the omission and the Court of Appeal informed him that he could seek augmentation.

Mr. Reeves moved to augment the record with the certified transcription of the May 19 proceeding that he had obtained from the superior court prior to filing the appeal. The motion was denied (**App. 55a - 56a**). The Court of Appeal later noted that the record did not contain a transcript of the May 19 hearing and stated that Mr. Reeves had not fulfilled the obligation to provide a complete record for review.

The appellate record also contained no transcript of the August 2021 hearing. The face of the orders did not reflect any stipulation under Article VI section 21 (**App. 65a-66a**). The Court of Appeal concluded that without a transcript it could not evaluate whether a stipulation or advisement occurred. The court stated that in the absence of a transcript it was required to presume the judgment correct and that the hearings might have included a stipulation and said "it is *possible* the commissioner informed the parties" (**App. 22 a**) even though none appears in the record it reviewed. The court did not decide the claim that the commissioner lacked authority to act as a temporary judge. The judgment was affirmed.

4. California Supreme Court Proceedings (2)

1. Mr. Reeves filed a Pro se petition for review in the California Supreme Court seeking interlocutory relief after the transcript of the May 19

2022 hearing was excluded from the appellate record. In that petition Mr. Reeves asserted that the absence of the transcript prevented meaningful appellate review under the principles set forth in *Brady v. Maryland*. The California Supreme Court denied review on May 29 2024. (App. 96a)

2. Mr. Reeves later filed a Pro se petition for review challenging the Court of Appeal's affirmance of the commissioner's post judgment orders. Proceeding without counsel Mr. Reeves raised four issues.

First, he argued that the Court of Appeal's conclusion that a stipulation might have occurred conflicted with Article VI section 21 of the California Constitution and with decisions requiring an express stipulation to appear in the record including *In re Frye Rooney v. Vermont Investment Corp.* and *People v. Tijerina*.

Second, he argued that affirming orders issued without the advisement ordinarily required in proceedings involving Title IV D agencies was inconsistent with published decisions including *In re Marriage of Monge* *In re Marriage of Djulius* and *Michaels v. Turk*.

Third, he asserted that the denial of transcript access and record supplementation combined with

reliance on matters outside the designated record prevented meaningful review.

Fourth, he argued that the refusal to address whether the orders were void conflicted with decisions interpreting California Code of Civil Procedure section 473 subdivision (d).

The California Supreme Court denied review on September 17 2025. (**App. 1a**)

REASONS FOR GRANTING THE WRIT

This case presents two important and recurring questions of federal constitutional law. Many States rely on commissioners, magistrates, and referees to adjudicate matters involving liberty, property, and private contractual rights protected by the Fourteenth Amendment. A judgment entered by an adjudicator who never lawfully acquired authority is void and cannot be treated as valid for purposes of enforcement. This Court's decisions in *Nguyen v. United States* 539 U S 69 (2003) *Ryder v. United States* 515 U S 177 (1995) *Lucia v. SEC* 585 U S ___ (2018) and *Norton v. Shelby County* 118 U S 425 (1886) establish that adjudication by an unauthorized officer is a structural defect requiring vacatur. Because States increasingly delegate judicial functions to subordinate officers the

constitutional questions presented here recur nationwide and warrant this Court's review.

First the petition presents a structural due process question. Under Article VI section 21 of the California Constitution a commissioner may act as a temporary judge only upon an express stipulation. The Court of Appeal identified the "central issue" as whether Commissioner Hara had authority to act as a temporary judge in the post judgment proceedings. No stipulation appears in the record and no transcript exists showing any oral consent (**App. 65 a- 66a**) and (**App. 60 a- 62a**). The commissioner nonetheless entered binding post judgment orders and later recused himself from "any and all proceedings" under a statute requiring disqualification (**App. 57a**) where impartiality may reasonably be questioned. This Court has held that structural defects and failures to recuse require reversal to preserve the integrity of the judicial process. *Liljeberg v. Health Services Acquisition Corp.* 486 U S 847 (1988) *Williams v. Pennsylvania* 579 U S 1 (2016). The importance of this question is heightened because the orders were registered and enforced in another State (**App. 97 a- 99 a**). The issue warrants this Court's intervention.

Second the petition presents a due process and equal protection question concerning meaningful appellate review. This Court has held that a State

may not deny access to the portions of the record necessary to evaluate constitutional error. *Griffin v. Illinois* 351 U S 12 (1956) *Evitts v. Lucey* 469 U S 387 (1985). The August 2021 post judgment hearing was unreported and unrecorded. The May 19 2022 hearing was the only proceeding at which a stipulation could have been alleged yet the superior court declined to prepare a transcript and the Court of Appeal ordered the appeal to proceed without it. Mr. Reeves sought to supplement the record including with the certified transcript he obtained before filing the appeal and the requests were denied (**App.52:a-56a**). The Court of Appeal then relied on the absence of the transcript to resolve disputed issues against Mr. Reeves and speculated that “*it is possible*” a stipulation occurred (**App. 22 a**). This Court has made clear that the State may not create a record deficiency and then rely on that deficiency to affirm a judgment. *Brady v. Maryland* 373 U S 83 (1963) *Glossip v. Oklahoma* 604 U.S. — (2025) The recurring question whether a State may block access to a transcript essential to reviewing a structural defect merits review.

This case also presents an opportunity to clarify the constitutional limits on state use of subordinate judicial officers where their orders are later exported across state lines. The commissioner’s orders were registered and enforced in another State

(App. 97a-99a) even though he never acquired authority to act as a judge and the record necessary to determine that authority was unavailable. As interstate enforcement of post judgment orders becomes more frequent, the questions presented here recur with increasing national importance. This case provides an appropriate vehicle for addressing these issues.

I. THIS CASE PRESENTS A STRUCTURAL DUE-PROCESS VIOLATION BECAUSE ONLY A LAWFULLY CONSTITUTED JUDGE MAY ALTER VESTED RIGHTS IN A FINAL JUDGMENT.

This case raises an important issue of federal constitutional law. Due process requires that vested rights be adjudicated only by a judicial officer who has lawfully acquired authority. *Nguyen v. United States* 539 U S 69; *Ryder v. United States* 515 U S 177; *Lucia v. SEC* 585 U S _____. Under Article VI section 21 of the California Constitution a commissioner may act as a temporary judge only upon an express stipulation appearing in the record. No such stipulation exists. Yet the commissioner conducted post judgment proceedings, permitted a government agency to litigate without filing an action, modified a dissolution judgment and private contract (App. 60a-62a; App. 67a-95a), and later recused (App. 57a). Because he never acquired

judicial authority, the orders are void. *Norton v. Shelby County* 118 U S 425 442.

A. Due process requires a lawfully constituted judge before the State may alter vested rights.

The Due Process Clause forbids government interference with vested liberty and property interests absent a lawfully constituted judicial officer. See *Washington v. Glucksberg*, 521 U.S. 702, 720 to 721 (1997); *Reno v. Flores*, 507 U.S. 292, 301 to 302 (1993); *Tumey v. Ohio*, 273 U.S. 510, 523 (1927).

The dissolution judgment and Marital Settlement Agreement created vested rights in property and support (**App. 67a-95a**). Because the commissioner never acquired judicial authority, the State modified those rights without due process.

B. By removing safeguards against erroneous deprivation, California denied Mr. Reeves due process.

Due process ensures structural safeguards to prevent erroneous deprivation. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). California employs two such safeguards before a commissioner may exercise judicial power: (1) statutory jurisdiction authorizing the commissioner to hear the matter, and (2) an express stipulation under Article VI section 21. Neither safeguard existed here. The

commissioner exercised judicial power without statutory authorization and without a stipulation, eliminating the protections due process requires.

DCSS's later treatment as the "real party in interest" further compounded the structural defect. DCSS had no contractual rights under the MSA, was not joined to the action, and never acquired standing under any Title IV-D provision. Nonetheless, the lower courts relied on DCSS's participation as if it were a proper litigant, even though no statutory or constitutional authority permitted DCSS to prosecute or defend private support rights.

C. Consent is a constitutional prerequisite to delegated judicial authority, and stipulation was impossible because Ms. Gregorio did not appear at the first post judgment hearing.

Delegating judicial authority to a non judge requires knowing and express consent from all parties litigant. Article VI section 21 codifies that requirement. California courts strictly hold that where a stipulation does not appear on the face of the record, the commissioner's orders are void for want of jurisdiction. See *In re Marriage of Djulius*, 10 Cal. App. 5th 1042, 1048 to 1050 (2017) (absence of stipulation renders commissioner without authority).

Because no request for Title IV D services was submitted under Family Code section 17400 and the

agency filed no action under section 17404, statutory authorization for commissioner jurisdiction under section 4251 subdivision (a) did not exist.

The commissioner first exercised judicial power at the August 2021 post judgment hearing. The face of that order shows that Ms. Gregorio and her counsel did NOT appear (**App. 65_a-66_a**), making stipulation legally impossible. The order contains no advisement, no signature, and no consent from the party seeking modification. Instead, the agency appeared without filing any action and assumed control of litigation. Because the foundational order contains no stipulation, and because consent could not have been obtained at that hearing, judicial authority never attached at any time in the proceedings.

D. The State interfered with Mr. Reeves's contractual and judgment based rights without lawful authority.

A marital settlement agreement incorporated into a judgment carries both contractual and judicial force (**App. 67_a-95_a**). This Court has long recognized that private contract rights constitute protected property interests the government may not impair without lawful authority. See *Lynch v. United States*, 292 U.S. 571, 579 (1934) (contract rights are property rights protected by the Constitution); Logan

v. Zimmerman Brush Co., 455 U.S. 422, 428 (1982) (State may not deprive property interests except through constitutionally adequate procedures).

The commissioner, who never acquired judicial power under Article VI section 21, nonetheless modified obligations established in the 2018 dissolution judgment and agreement (**App. 6a-62a**). Altering vested contractual and judgment based rights through an unauthorized adjudicator violates due process and renders the resulting orders void. See Norton, 118 U.S. at 442.

E. Recusal without vacatur deprived Mr. Reeves of the neutral adjudicator due process requires and eroded public confidence.

The right to a neutral adjudicator is a structural requirement of due process. See Williams v. Pennsylvania, 579 U.S. 1, 8 to 10 (2016); Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 876 to 887 (2009). When an adjudicator later recuses because impartiality may reasonably be questioned, earlier orders entered without neutrality cannot stand. See Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 859 to 865 (1988).

Here the commissioner recused under a statute requiring disqualification (**App. 57a**), yet his prior orders remained. Recusal without vacatur deprived Mr. Reeves of a neutral adjudicator and undermined public confidence in the judicial process.

F. The California courts' refusal to invalidate the commissioner's orders conflicts with this Court's structural due process precedents.

This Court's structural error cases require vacatur where an unauthorized or biased adjudicator participates. See *Nguyen*, 539 U.S. at 77 to 81; *Ryder*, 515 U.S. at 182 to 188; *Lucia*, 585 U.S. at 245 to 251; *Williams*, 579 U.S. at 8 to 10; *Liljeberg*, 486 U.S. at 859 to 865. The California courts nevertheless upheld orders entered by an adjudicator who never possessed judicial authority, relying on speculation that "it is possible" a stipulation occurred. By upholding orders entered without constitutional authority, the decisions below conflict with this Court's structural due process jurisprudence.

G. Interstate enforcement of orders issued by an unauthorized adjudicator implicates the Full Faith and Credit Clause and confirms the national importance of this issue.

Full Faith and Credit applies only to judgments rendered by courts with lawful jurisdiction. See *Underwriters National Assurance Co. v. North Carolina*, 455 U.S. 691, 705 to 706 (1982).

In August 2022 Ms. Gregorio, not the agency, registered the commissioner's orders in Oklahoma

(App. 97a - 99a), where enforcement proceedings have continued since that time. The interstate enforcement of orders entered by an adjudicator who lacked constitutional authority underscores the need for this Court's review to maintain uniform constitutional standards across jurisdictions.

II. THE STATE'S SUPPRESSION OF THE TRANSCRIPT DENIED MR. REEVES MEANINGFUL APPELLATE REVIEW IN VIOLATION OF THE FOURTEENTH AMENDMENT

Meaningful appellate review is essential to due process. This Court has long held that States must provide access to the portions of the record necessary to challenge constitutional error and may not rely on evidentiary gaps they create. See *Griffin v. Illinois*, 351 U.S. 12, 18 to 20 (1956); *Evitts v. Lucey*, 469 U.S. 387, 393 to 405 (1985); *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Glossip v. Oklahoma*, 604 U.S. — (2025)

Here the appellate court assumed that stipulation could have occurred at the August 2021 post judgment hearing despite the face of the record showing none and despite stipulation being impossible because the moving party did not appear

(App. 65a-66a). The State then blocked the transcript of the May 19, 2022 hearing, the only hearing at which stipulation was later alleged, and relied on the missing record to affirm (App. 52a-56a). This denied meaningful review of a structural constitutional defect.

A. The appellate court improperly assumed stipulation

Article VI section 21 of the California Constitution requires that stipulation appear on the face of the record. If it does not appear, consent does not exist. See *In re Marriage of Djulius*, 10 Cal. App. 5th 1042, 1048 to 1050 (2017). The August 2021 hearing was the first post judgment proceeding in which the commissioner exercised judicial power, and the resulting order contains no stipulation, no advisement, and no signature from Ms. Gregorio, who did not appear (App. 65a-66a). Because stipulation requires express consent from all parties litigant, consent was impossible. The appellate court's assumption that stipulation might have occurred contradicts the record and violates this Court's requirement that review be based on the actual record, not conjecture. See *Griffin*, 351 U.S. at 18 to 20.

B. The State blocked the transcript necessary to resolve the constitutional question of adjudicator authority.

The May 19, 2022 hearing was the only proceeding at which stipulation was later alleged. The superior court refused to prepare a transcript, the Court of Appeal ordered the record to exclude it, and all motions to augment the record with the certified transcript Mr. Reeves obtained before filing the appeal were denied (**App. 63a; App. 60a-62a; App. 52 a-56a**). A State may not suppress the evidence necessary to evaluate constitutional error. See Brady, 373 U.S. at 87; Evitts, 469 U.S. at 393 to 405.

C. The appellate court relied on the State created evidentiary gap to affirm, violating due process and equal protection.

The Court of Appeal acknowledged that the record contained no evidence of stipulation, yet affirmed because "it is possible" the commissioner obtained oral consent. This Court has held that speculation cannot substitute for record evidence, especially where the State itself caused the evidentiary gap. See Glossip, *604 U.S. —* (2025). Whether an adjudicator ever acquired judicial authority under Article VI section 21 is a structural question requiring examination of the record. By

affirming based on conjecture rather than record evidence, the appellate court denied Mr. Reeves due process and equal access to appellate review

CONCLUSION

For these reasons, the petition for writ should be granted.

Respectfully submitted,



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The Petitioner