No. 25-1249

In the Supreme Court of the United States

Bart Pestarino,

Petitioner

v.

Danielle Pestarino

Respondent

On Petition For Writ Of Certiorari
To The Washington State Supreme Court

PETITION FOR WRIT OF CERTIORARI

Bart Pestarino
Pro Se Petitioner

PO Box 1078
Carson CITY, NV, 89702
(360) 670-0741

QUESTIONS PRESENTED

Whether the Constitution permits a State to impose severe and enduring consequences historically associated with punishment—including loss of parental rights, categorical firearm prohibitions, subjection to no-warrant arrest, restrictions on movement and association, reputational stigma, and cascading federal disabilities—through civil "special proceedings" stripped of criminal procedural safeguards, devoid of due process, and governed by a preponderance-of-the-evidence standard; and whether Congress may constitutionally nationalize and amplify those consequences through federal statutes operating as bills of attainder by mandating enforcement of such civil orders nationwide without judicial adjudication or a minimum due process floor.

RELATED PROCEEDINGS

Tetrault Pestarino v. Pestarino, 5 Wash. 3d 1009, 576 P.3d 1186 (2025). Washington State Supreme Court. Review denied October 8, 2025.

Pestarino v. Pestarino, No. 86578-1-I, 2025 WL 1158428. Washington State Court of Appeals. Judgment entered Apr. 21, 2025.

Pestarino v. Pestarino, No. 24-2-20111-29. Skagit County Superior Court. Judgment entered March 15, 2024.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases: Page

Cases—Continued: Page

U.S. Constitution: Page

Federal Statutes:

Federal Regulations:

Washington State Statutes: Page

"Coercive Control" Criminal Statutes—Other States:

"Coercive Control" Statutes—Other States:

Washington State Evidence Rules:

Other Federal Authorities:

Battered Immigrant Women Protection Act of 1999, Hearing on H.R. 3083 Before the Subcomm. on Immigration and Claims of the H. Comm. on Judiciary, 106th Cong. (2000) (statement of Dwayne 'Duke' Austin), p. 11

Battered Immigrant Women Protection Act of 1999, Hearing on H.R. 3083 Before the Subcomm. on Immigration and Claims of the H. Comm. on Judiciary, 106th Cong. (2000) (statement of Rep. Lamar Smith), p. 11

Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Spouses and Children, 61 Fed. Reg. 13061, 13067 (Mar. 26, 1996), p. 12

U.S. Gov't Accountability Off., GAO-19-676, Immigration Benefits; Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse (2019), at GAO Highlights, p. 11

U.S. Gov't Accountability Off., GAO-22-105328, U.S. Citizenship and Immigration Services: Additional

Other Authorities:

Aguilar, Julián. "Houston immigration advocates warn of VAWA scam targeting undocumented immigrants", *Houston Chronicle*, July 24, 2025, https://www.houstonchronicle.com/news/houston-texas/immigration/article/houston-vawa-immigration-scams-20783979.php (last accessed Dec. 31, 2025), p. 14

FIEL (Familias Inmigrantes y Estudiantes en la Lucha), (Immigrant Families and Students in the Fight). "PRESS ADVISORY: VAWA FRAUD IN IMMIGRATION IS WIDESPREAD IN HOUSTON", July 24, 2025, https://fielhouston.org/2025/07/24/press-advisory-vawa-fraud-in-immigration-is-widespread-in-houston-2/ (last accessed Dec. 30, 2025), p. 14

Mejia, Jonathan. "Houston attorney accused of defrauding families with false domestic violence relief applications", *FOX 26 Houston*, July 24, 2025, https://www.fox26houston.com/news/attorney-accused-defrauding-families-false-domestic-violence-relief-application (last accessed Dec. 31, 2025), p. 14

In the Supreme Court of the United States

No.

BART PESTARINO, PETITIONER

v.

DANIELLE PESTARINO, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE WASHINGTON STATE SUPREME COURT

Bart Pestarino, pro se Petitioner, respectfully petitions for a writ of certiorari to review the judgment of the Washington State Supreme Court.

OPINION BELOW

The denial of review of the State Supreme Court (Appendix) is Tetrault Pestarino v. Pestarino, 5 Wash. 3d 1009, 576 P.3d 1186 (2025)

JURISDICTION

The judgment of the State Supreme Court was entered on October 8, 2025. The jurisdiction of this Court is invoked under 28 U.S. Code § 1257

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pertinent constitutional and statutory provisions are reproduced in the appendix.

STATEMENT

This petition presents a single, recurring constitutional question of national importance: whether States and Congress may jointly reallocate punishment from the criminal sphere to the civil sphere in order to avoid the procedural safeguards that historically constrained the State's power to deprive individuals of liberty.

Washington State's civil protection order statute, RCW 7.105, illustrates this structural defect. Although denominated "civil," the statute authorizes courts to impose sweeping and durable restraints—categorical firearm prohibitions, no-warrant arrest exposure, loss of parental custody and visitation, restrictions on movement and association, and enduring reputational stigma—through proceedings that dispense with the core protections of criminal adjudication. Those proceedings rely on hearsay, written submissions, and indeterminate standards, employ a preponderance-of-the-evidence burden, deny confrontation and discovery, and foreclose jury determination.

Federal law then magnifies those deprivations. By operation of 18 U.S.C. § 922(g)(8) and of 18 U.S.C. § 2265, an unconstitutional State civil order becomes a nationwide firearms disability enforceable by felony prosecution and mandatory interstate recognition. Through the Violence Against Women Act (VAWA) self-petition provisions, the same unconstitutional State civil order generates immigration consequences that impose stigma and fracture family unity without notice or an

opportunity to be heard by the accused American citizen.

This civil protection order (CPO) case comes from the Washington State Supreme Court and challenges 1) a State statutory regime enacted in 2022—RCW 7.105—that directly conflicts with the Constitution and federal law; and 2) a federal regime that violates the Constitution and acts as an immigration fraud magnet: 18 U.S.C. § 922(g)(8); 18 U.S.C. § 2265; 8 U.S.C. § 1101(a)(51); 8 U.S.C. § 1367. Petitioner—a 48 year-old Certified Public Accountant (CPA) employed by the military—is a U.S. citizen, Nevada state-citizen, and Nevada resident. Petitioner has no criminal record, no pending charges, no history of domestic violence, and has paid child support in-full. Petitioner requests the Court vacate the CPOs and dismiss the case with prejudice. The Washington State Supreme Court declined to hear the case. Since there has been no trial yet, solely "special proceedings" at the superior court and appellate court, Washington State is betting that based on the odds of being granted certiorari, Petitioner will never have a fair trial with due process for an opportunity to be heard.

This case cleanly presents the constitutional defect. The restrained party was never charged with a crime and never waived due process, yet was subjected to severe and enduring consequences solely through civil "special proceedings" devoid of due process. The courts below did not conduct a trial, apply proof beyond a reasonable doubt, or permit confrontation of witnesses. Yet the resulting civil

order triggered nationwide and federal disabilities traditionally associated with punishment.

Petitioner's challenge to 18 U.S.C. § 922(g)(8) materially differs from the Rahimi case[1] this Court recently heard because: 1) Rahimi waived due process, whereas Petitioner never waived due process; 2) Rahimi did not challenge 18 U.S.C. § 922(g)(8) as a bill of attainder violating U.S. Const. art. I, § 9, whereas Petitioner does; and 3) on one hand, Rahimi is a convicted felon, while conversely, Petitioner—who has no criminal record, no pending charges, and no history of domestic violence—is neither dangerous nor irresponsible.

The petition does not ask the Court to correct a fact-bound error. It asks whether the Constitution tolerates a system in which punishment may be imposed in substance while avoided in name, and whether Congress may rely on such State civil processes to impose federal sanctions. That question recurs nationwide and warrants this Court's review.

Importation and Rapid Spread of "Coercive Control" from the United Kingdom

"Coercive control" legislation is sweeping through America—especially on the coasts—enacted in Washington State as RCW 7.105 in 2022. Emerging from sociological and psychological academic literature and originating in a legal context in the United Kingdom in about 2015, "coercive control" attempts to draw parallels with kidnapping

---

[1] United States v. Rahimi, 602 U.S. 680 (2024)

and hostage-taking to describe patterns within intimate relationships. Unlike physical violence, coercive control encompasses nonphysical behaviors such as emotional manipulation, isolation, and financial control. In Washington State[2], New Jersey[3], and Connecticut[4], contacting officials regarding immigration status constitutes domestic violence under new expanded definitions including "coercive control".

A State CPO makes a foreign national seeking the CPO eligible for a green card under 8 U.S.C. § 1101(a)(51). Petitioner was accused of violating RCW 7.105 by contacting federal immigration officials to terminate his application for spousal-based green card[5], which is a legally permissible act under federal immigration law.[6] In fact, Petitioner did not terminate the application; petitioner terminated the Affidavit of Support for the spousal-based green card, also a legally permissible act under federal immigration law.[7] Washington State is a "sanctuary state". Skagit County is a "sanctuary jurisdiction". The Skagit County seat, Mount Vernon, WA, is a "sanctuary city". Washington State's 2022 "coercive control" laws are integral to Washington State's "sanctuary status" regime.

---

[2] RCW 7.105.010(4)(a)

[3] N.J. Stat. Ann. § 2C:25-29(a)(7)

[4] Conn. Gen. Stat. § 46b-1(b)(4)(D), 46b-15

[5] RCW 7.105.010(4)(a)(i)(E)(IV) "Contact local or federal agencies based on actual or suspected immigration status"

[6] 8 C.F.R. § 103.2(b)(6)

[7] 8 C.F.R. § 213a.2(f)(2)

Hawaii[8] became the first U.S. state to explicitly incorporate coercive control into its domestic abuse statutes in 2020. California[9] followed. Colorado[10], Maine[11], New Jersey[12], Washington State[13], Massachusetts[14], Connecticut[15], Delaware[16], New York[17], and Vermont[18] have similarly amended their civil protection order statutes to include coercive control or coercive controlling behavior. Hawaii[19] is the sole state so far to criminalize "coercive control" as a misdemeanor, although Washington State[20] attempted to make "coercive control" a gross misdemeanor, while New York[21] and South Carolina[22] attempt to make "coercive control" felonies. Other states have tried to add "coercive control" language or interpretive

---

[8] Haw. Rev. Stat. § 586-1

[9] Cal. Fam. Code § 6320

[10] C.R.S. § 13-14-101(2.1)

[11] Me. Stat. tit. 19-A, § 4102

[12] N.J. Stat. Ann. § 2C:25-29(a)(7)

[13] RCW 7.105.010(4)(a)

[14] Mass. Gen. Laws ch. 209A, § 1

[15] Conn. Gen. Stat. § 46b-1(b)(4), 46b-15

[16] 10 DE Code § 1041(1) (2024)

[17] N.Y. Fam. Ct. Act § 821, 828, 842-a

[18] 15 V.S.A. § 1101(1)(B), (2)

[19] HRS § 586-1; HRS § 709-906(6)

[20] WA HB 1449 (2021)

[21] NY S5306 (2019); NY S05650 (2021); NY A2707 (2023); NY S6695 (2023); NY S4079 (2025); NY A679 (2025)

[22] SC HB3621 (2021); SC S588 (2025)

standards for civil protective orders, reflecting a growing but uneven national trend.

Defects of coercive control statutes are defiance of mandatory US Supreme Court precedents and subversion of: U.S. Const. art. I, § 10 Bill of Attainder Clause prohibiting passage of a bill of attainder; U.S. Const. art. VI, cl. 2, the Supremacy Clause; 2nd Amendment; 5th Amendment void for vagueness; 5th Amendment procedural due process; violations of 6th Amendment Confrontation Clause; and "sanctuary status" violations of the Equal Protection Clause of the 14th Amendment by illegally advancing interests of foreign nationals to qualify for VAWA self-petition green cards to the detriment of American citizens' rights, contra to the Civil Rights Act of 1964.[23] State statute terms such as "interference" or "control" lack objective boundaries. Ordinary citizens cannot reasonably predict what conduct crosses the line from relationship conflict into legally cognizable abuse. Broadening the definition of domestic violence to encompass abstractions invites arbitrary enforcement and inconsistent judicial application. Unlike traditional domestic violence claims grounded in physical acts or threats, coercive control allegations rely heavily on subjective testimony and retrospective interpretations of relational dynamics. This undermines evidentiary reliability and shifts the burden of proof, particularly in expedited CPO proceedings without procedural safeguards. In short,

---

[23] 42 U.S.C. § 2000d; Espinoza v. Farah Mfg. Co., 414 U.S. 86 (1973)

"coercive control" has no principled limiting definition, becoming whatever an accuser or court wishes it to be at the moment of decision. That indeterminacy invites—and all but ensures—an unlawful regime in which outcomes are effectively preordained, accused persons are deprived of due process, and adjudication devolves into theater. As example, an RCW 7.105 "special proceeding" "full hearing" serves not to test evidence or apply law, but to demonstrate the State's power to impose a preferred moral narrative. History offers a familiar analogue from illiberal and authoritarian regimes: show trials and repression.

Washington State's Attempt to Expand Civil Punishment Through "Impaired Driving Protection Orders"

The Washington State Legislature has made explicit that the current RCW 7.105 is not an endpoint, but a template. In 2025, Washington sought to become the first State in the Nation to enact an "Impaired Driving Protection Order" (IDPO), a new civil restraint modeled on the same structural features as its domestic violence protection order regime. See H.B. 1426, 68th Leg., Reg. Sess. (Wash. 2025).

Under the proposed IDPO regime, a court could impose severe and immediate restraints—including loss of parental rights, firearm prohibitions, mandatory vehicle ignition interlock devices, alcohol monitoring, and functional bans on driving—based solely on a civil petition and a

preponderance-of-the-evidence standard at a "special proceeding", without any prior interaction between the respondent and law enforcement. The proposed statute would authorize these consequences absent a criminal charge, arrest, or conviction for impaired driving.

Although framed as a public-safety measure, the IDPO proposal operates as preemptive punishment. It authorizes restraints traditionally imposed only after criminal adjudication and substitutes civil process stripped of criminal safeguards. The proposed orders would impose deprivation of liberty, property, and fundamental rights through expedited proceedings lacking adversarial testing, jury trial, and proof beyond a reasonable doubt.

The IDPO proposal underscores the constitutional stakes of this petition. If civil protection orders may constitutionally be used to impose punishment without criminal process, there is no principled stopping point. The same mechanism can be—and is being—extended beyond domestic assault and domestic battery into wholly new domains of regulation. Washington State's effort to enact IDPOs demonstrates how the civil-punishment model is expanding outward, untethered from traditional limits on the State's punitive authority.

This Court's intervention is warranted now, before this model becomes entrenched across additional areas of law. The Constitution does not permit States to experiment with punitive civil regimes in one domain and then replicate them elsewhere, each time further eroding the procedural

safeguards that historically protected individual liberty.

The VAWA Self-Petition Scheme

The Violence against Women Act (VAWA) self-petition green card provisions—8 U.S.C. § 1101(a)(51) and 8 U.S.C. § 1367—contain the same structural due process defect. Petitioner has standing to assert the VAWA self-petition provisions are unconstitutional on their face because, "She [Respondent, who is a Canadian national] stated that her temporary relocation would allow her to apply for a visa under VAWA while in Canada."[24] VAWA self-petition green cards invite immigration fraud by operating to confer "sanctuary status" based on unadjudicated civil allegations, unjustly penalizing American citizens. The law mandates a foreign national is eligible for a VAWA self-petition green card simply by obtaining a CPO. Congress created the VAWA self-petition scheme as an immigration benefit that turns on untested accusations, bars rebuttal by American citizens, and knowingly tolerates fraud. The resulting stigma and family separation constitute tangible legal harm imposed without adjudication.

Under the law, the federal government compiles a secret dossier about the accused person, and the accused person has no right to know or

---

[24] Commissioner's Ruling Denying Discretionary Review, Pestarino v. Pestarino, No. 86670-2-I (Wash. Ct. App. Div. 1 September 27, 2024) (unpublished).

challenge the contents of the dossier, no right to confront the accuser, and no due process rights for any kind of hearing prior to green card issuance. Want a green card, make fraudulent accusations—members of Congress, GAO, and federal immigration officials have repeatedly voiced grave concerns about the VAWA self-petition green card program's role in immigration fraud since program inception.[25]

VAWA creates an irrational and one-sided system that encourages fraud:

> "From fiscal years 2020 to 2024, the overall number of Form I-360 VAWA self-petitions increased by approximately 360% and male self-petitioners increased by 259%... In addition to

---

[25] Battered Immigrant Women Protection Act of 1999, Hearing on H.R. 3083 Before the Subcomm. on Immigration and Claims of the H. Comm. on Judiciary, 106th Cong. (2000) (statement of Dwayne 'Duke' Austin); Battered Immigrant Women Protection Act of 1999, Hearing on H.R. 3083 Before the Subcomm. on Immigration and Claims of the H. Comm. on Judiciary, 106th Cong. (2000) (statement of Rep. Lamar Smith); U.S. Gov't Accountability Off., GAO-19-676, Immigration Benefits; Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse (2019), at GAO Highlights; U.S. Gov't Accountability Off., GAO-22-105328, U.S. Citizenship and Immigration Services: Additional Actions Needed to Manage Fraud Risks (Sep. 19, 2022), at GAO Highlights; USCIS Restores Integrity to the VAWA Domestic Abuse Program After Finding Rampant Fraud, U.S. Citizenship and Immigration Services (Dec. 22, 2025), https://www.uscis.gov/newsroom/alerts/uscis-restores-integrity-to-the-vawa-domestic-abuse-program-after-finding-rampant-fraud (last accessed Dec. 30, 2025).

> the increase in male self-petitioners cited above, we also saw a 2239% increase in parents submitting VAWA self-petitions from fiscal year 2020 to 2024. These have not traditionally been populations filing for VAWA."[26]

VAWA's evidentiary framework relies heavily on self-authored affidavits, prohibits adversarial testing, and shields allegations from contradiction:

> "Persons who have obtained an order of protection against the abuser or taken other legal steps to end the abuse are strongly encouraged to submit copies of the relating legal documents." 8 C.F.R. 204.2(c)(2)(iv)

> "Under this rule, primary evidence of good moral character is the self-petitioner's affidavit." Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Spouses and Children, 61 Fed. Reg. 13061, 13067 (Mar. 26, 1996)

In Washington State, a CPO automatically makes the recipient eligible for free housing in a domestic violence shelter,[27] so there is not only a welfare

---

[26] https://www.uscis.gov/newsroom/alerts/uscis-restores-integrity-to-the-vawa-domestic-abuse-program-after-finding-rampant-fraud (last accessed Dec. 31, 2025)

[27] RCW 70.123.070(2)(a)

profit-motive but also a highly prejudicial, tug-at-the-heart-strings, circular argument of being a CPO recipient living in a domestic violence shelter, when they are one-in-the-same—exploiting a gap in the VAWA self-petition green card program, effectively doubling the indicia to USCIS in furtherance of "sanctuary status" conferral:

> "Evidence that the abuse victim sought safe-haven in a battered women's shelter or similar refuge may be relevant, as may a combination of documents such as a photograph of the visibly injured self-petitioner supported by affidavits." Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Spouses and Children, 61 Fed. Reg. 13061, 13067 (Mar. 26, 1996)

Fabricated abuse claims and foreign nationals fraudulently entering marriages highlight the attraction to VAWA self-petition green cards. United States v. Amankwaa SR, No. 1:24-cr-00549, (S.D.N.Y. Jan 18, 2024) [NY immigration attorney convicted of fraud scheme using hundreds of VAWA self-petitions to claim abuse by American-citizen children of foreign national parents]; United States v. Hussain, No. 23-CR-00056-03-JL, 2024 WL 5481339 (D. Vt. Oct. 23, 2024) [fraudulent marriage with fraudulent VAWA self-petition abuse claims]; Matter of Singh, 27 I. & N. Dec. 598 (BIA 2019); Muratoski v. Holder, 622 F.3d 824 (7th Cir. 2010).

The fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government, standing alone, will not save it if it is contrary to the Constitution. INS v. Chadha, 462 U.S. 919, 944 (1983).

VAWA self-petition fraud has become so widespread that a Houston, TX immigration advocacy nonprofit, FIEL (Familias Inmigrantes y Estudiantes en la Lucha) or (Immigrant Families and Students in the Fight), issued a press advisory entitled, "PRESS ADVISORY: VAWA FRAUD IN IMMIGRATION IS WIDESPREAD IN HOUSTON", warning of fraud schemes by immigration attorneys and deportation proceedings for those who participate in the fraud schemes. One fraud participant, Sabina Caxaj, stated, "They told us to basically lie"[28], and "It was for domestic violence that never happened in my home. They just did a fraudulent case and told us to lie to the law."[29]

8 U.S.C. § 1367 is vague and requires interpretations by the Executive Branch. Misreading this statute further skews adjudications, excludes vital evidence, and allows immigration benefits to be weaponized against U.S. citizens. 8 U.S.C. § 1367(a)(1) prohibits immigration officials from making an adverse determination of admissibility or

---

[28] https://www.houstonchronicle.com/news/houston-texas/immigration/article/houston-vawa-immigration-scams-20783979.php (last accessed Dec. 31, 2025)

[29] https://www.fox26houston.com/news/attorney-accused-defrauding-families-false-domestic-violence-relief-application (last accessed Dec. 31, 2025)

deportability based solely on information provided by an abuser—such as a spouse, parent, or trafficker—in certain humanitarian contexts. An untested accusation does not make someone an "abuser". USCIS policies treat any allegation of abuse as sufficient to trigger 8 U.S.C. § 1367(a)(1), often labeling the accused American citizen as a "prohibited source" and preventing adjudicators from considering even corroborated evidence provided by the American citizen. This led to absurd results, including but not limited to: 1) converting mere allegations into automatic evidentiary shields; 2) facilitating fraudulent or exaggerated claims in VAWA, U-visa, T-visa, and I-751 waiver cases; and 3) undermining fairness and due process for U.S. citizens by creating one-sided proceedings that silence American citizens. Foreign nationals advance and preserve immigration benefits without meaningful examination at the expense of the rights of U.S. citizens.

VAWA inflicts constitutional injury on American citizens. Although framed as an immigration benefit, VAWA necessarily adjudicates the conduct of U.S. citizens. Those citizens are labeled abusers in federal records, deprived of family unity, and exposed to collateral legal consequences. VAWA's self-petition provisions abandon due process, encourage fraud, and injure American citizens by-design. The Constitution does not permit purported immigration benefits to be conferred through secret accusations immune from challenge that impose punishment on American citizens.

REASONS FOR GRANTING THE PETITION

I. A "Civil" Misnomer to Impose Punishment By Circumventing Criminal Safeguards

The Framers added the Bill of Rights to the Constitution to protect certain individual rights against government infringement. The Constitution does not permit the Government to impose punishment while evading the safeguards that historically constrained it. From the Founding onward, deprivations of liberty, arms, and property required heightened procedural protections.

RCW 7.105 authorizes restraints that are punitive in both history and effect, yet dispenses with confrontation, trial, proof beyond a reasonable doubt, meaningful adversarial testing, and a jury. 18 U.S.C. § 922(g)(8); 18 U.S.C. § 2265; 8 U.S.C. § 1101(a)(51); and 8 U.S.C. § 1367 then federalize the punishment. That combination is constitutionally intolerable.

The State and the Federal Government meted out unconstitutional punishment here under a "civil" label. In a series of unconstitutional actions involving the current case, the State forcibly expatriated Petitioner's native-born American-citizen Child; the State permanently separated Petitioner from his Child; the State and Federal Government took Petitioner's Second Amendment rights throughout America; the State conferred sanctuary status to a foreign national at the expense of

Petitioner and Petitioner's Child; the State and Federal Government restricted Petitioner's freedom of movement; the Federal Government forced Petitioner into military administrative processes to defend his security clearance, job, and pension; and the existence of CPOs compels Petitioner to disclose CPOs on any future employment applications for the rest of Petitioner's employable years as if Petitioner was a felon. Petitioner would have had more due process rights in a business contracts lawsuit or a torts lawsuit than in this CPO case.

II. RCW 7.105 Firearm Prohibitions Violate the Second Amendment

RCW 7.105: 1) pre-dates the New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022) decision; 2) expressly employs illegal interest-balancing gun-control measures foreclosed by Bruen; and 3) declares in its statutory text that constitutional rights enumerated in the Bill of Rights are abridged.[30]

Petitioner is a person with Second Amendment rights per District of Columbia v. Heller, 554 U.S. 570 (2008). RCW 7.105 categorically prohibits firearm possession, thereby burdening conduct protected by the Second Amendment. Under

---

[30] RCW 7.105.200(4)(a), "The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings"

this Court's precedents, once the Second Amendment's plain text covers the regulated conduct, the burden shifts to the State to demonstrate consistency with the Nation's historical tradition of firearm regulation.

Washington State cannot meet that burden. Although some historical regulations addressed dangerousness, there is no historical analogue to Washington State's imposition of firearm prohibitions through non-adversarial civil proceedings devoid of due process safeguards. History matters not only as to whether firearms were regulated, but how. RCW 7.105's procedures are unknown to the Founding tradition and therefore fail constitutional scrutiny.

Policy arguments and interest balancing are irrelevant. With proclamations such as "[v]ictims are in the best position to know what their safety needs are and should be able to seek these crucial protections without having to rely on the criminal legal system process", Washington State's "public health" gun-control approach[31] would be anathema to Framers who focused on preserving individual rights. History controls, and Washington State cannot meet that burden.

In defiance of McDonald v. City of Chicago, Ill, 561 U.S. 742, 130 S. Ct. 3020, 177 L. Ed. 2D 894 (2010), RCW 7.105 disarms by prohibiting due process. Washington State courts issue and renew orders for firearm prohibitions based on written allegations, affidavits, and hearsay—without live

---

[31] RCW 7.105.900(4)

testimony, without cross-examination, without discovery[32], without the rules of evidence[33], and without meaningful credibility testing. Per Bruen, courts are required to consult history to determine the scope of the Sixth Amendment Confrontation Clause. Where credibility is decisive, the statute permits findings to be made on paper alone.[34] There is no Founding Era analogue for that regime.

At America's Founding, firearm restrictions—rare as they were—required due process. Historical mechanisms sometimes invoked by States, such as surety laws, do not resemble RCW 7.105. With no criminal record and no pending charges, Petitioner could not have been found an affrayer, rioter, disturber, or breaker of the peace, so violation of surety laws would not involve firearm disarmament as RCW 7.105 does. Moreover, Petitioner could not have been found to be disaffected, since as a member of the Armed Forces and as a current federal employee of the military, Petitioner took the Oaths of

---

[32] Per RCW 7.105.200(7), the rules of discovery do not apply, and discovery can only occur if specifically authorized by the court.

[33] Per RCW 7.105.200(8), "The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413." ER 413 renders evidence of the immigration status of criminal defendants, civil plaintiffs, and witnesses presumptively inadmissible at trial. So Respondent can accuse Petitioner of immigration "coercive control", but Petitioner's testimony is apparently inadmissible per the ER 413 mechanism.

[34] RCW 7.105.200(5)

Enlistment and of Office to bear true faith and allegiance to the Constitution.

RCW 7.105 departs from the Nation's traditions in two constitutionally fatal ways. First, it replaces adversarial testing with judicial discretion exercised on hearsay and written submissions without a trial. Second, it rests on indeterminate, foreign concepts imported from modern-day United Kingdom—such as "coercive control"—that have no American historical pedigree and no fixed evidentiary elements. Together, those features permit firearm deprivation without the procedural safeguards historically required for comparable restraints. Importing indeterminate, foreign concepts from modern-day United Kingdom highlights the differences between America's constitutional system versus British common law system. Over the last 250 years since America's independence, British common law changed. Modern-day UK "coercive control" changes cannot be adopted in America due to our Constitution's prohibitions. That mismatch is decisive under New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022). States must identify a historical tradition that not only permitted disarmament but did so through comparable procedures, yet Washington State refused to even attempt to address traditions as required by New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022).

The absence of adversarial testing is not a minor procedural flaw. It is central to constitutional analysis. New York State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022) looks to how firearm

regulations were imposed, not merely to whether some restriction existed in the abstract. A statute that authorizes disarmament through procedures unknown to the Founding Generation cannot be justified by history. RCW 7.105 is unconstitutional.

III. RCW 7.105 Displaces Federal Immigration Law, Defying Supremacy Clause

The superior court issued the CPO with the finding that Petitioner violated RCW 7.105 by contacting federal immigration officials to terminate his I-864 Affidavit of Support for his spousal-based green card application regarding Respondent[35], a legally permissible act under federal immigration law.[36]

The Supremacy Clause states that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding."[37] Under this principle, Congress has the power to pre-empt state law.[38] State law must also yield to federal law if Congress exclusively regulates the field, or when state laws conflict with federal law.[39] This includes cases where "compliance with both federal and state regulations

---

[35] RCW 7.105.010(4)(a)(i)(E)(IV) "Contact local or federal agencies based on actual or suspected immigration status"

[36] 8 C.F.R. § 213a.2(f)(2)

[37] U.S. Const. Art. VI, cl. 2

[38] Crosby v. National Foreign Trade Council, 530 U.S. 363, 372 (2000)

[39] Arizona v. United States, 567 U.S. 387, 399 (2012)

is a physical impossibility,"[40] and those instances where the challenged state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress".[41] As this Court has stated, the Supremacy Clause "prohibit[s] States from interfering with or controlling the operations of the Federal Government."[42]

8 C.F.R. § 213a.2(f)(2) expressly vested Petitioner with the right to withdraw his I-864 Affidavit of Support at any time prior to the adjudication of Respondent's adjustment application. The regulation states, "In an adjustment of status case, once the sponsor, substitute sponsor, joint sponsor, household member, or intending immigrant has presented a signed affidavit of support and any required attachments to an immigration officer or immigration judge, the sponsor...may disavow his or her agreement to act as sponsor...if he or she does so in writing and submits the document to the immigration officer or immigration judge before the decision on the adjustment application."

The superior court issued the CPO due to Petitioner correctly following 8 C.F.R. § 213a.2(f)(2) in violation of RCW 7.105. On appeal, Respondent conceded that no immigration "coercive control" violation of RCW 7.105.010(4)(a)(i)(E)(IV) occurred, yet the appellate court omits the opposition's case-

---

[40] Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 142-143 (1963)

[41] Hines v. Davidowitz, 312 U.S. 52, 67 (1941)

[42] United States v. Washington, 142 S. Ct. 1976, 1984 (2022); see also McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316, 400 (1819); Arizona v. United States, 567 U.S. 387, 398-400 (2012).

ending admission in their opinion.[43] On appeal, the Washington State Court of Appeals affirmed while relying on untested hearsay[44] and altering the asserted basis for the order to preserve RCW 7.105 at all costs by side-stepping Supremacy Clause unconstitutionality. The appellate court switched the basis of the CPO to domestic violence, yet the **appellate court's own order** states that law enforcement determined no domestic violence occurred. No objective evidence exists to support the conclusion of domestic violence. There was not even a purported eyewitness. Petitioner has never been charged with domestic violence, yet the Washington State Supreme Court denied review. The Federal Government is supreme in the field of immigration, per Arizona v. United States, 567 U.S. 387, 399 (2012); the Washington State Legislature passed RCW 7.105 in defiance of the Supremacy Clause; and RCW 7.105 is unconstitutional.

---

[43] Respondent's Appellate Brief, Page 22, "But let's assume that the trial court erred by finding there was coercive control. Fine."

[44] Doula not present at the purported date/time/location of an alleged event; doula submitted a hearsay affidavit parroting Respondent's text message to doula. Appellate court treated doula as a new source. A doula is a person employed to provide guidance and support to a pregnant woman during labor. A doula is not a medical provider, per RCW 18.47.010(2). In Washington State, a doula is a non-medical support person for which no license is required, per RCW 18.47.040(1). The doula never did a doula's job due to Child's birth taking place in a hospital in an emergency surgery.

IV. The Challenged Statutes are Bills of Attainder

RCW 7.105 and the federal CPO regime are illegal bills of attainder, illegal instruments for nationwide gun control measures, illegal contrivances for fraudulent changes to immigration status, and illegal prohibitions on freedom of movement—through an asserted expansion of Full Faith and Credit. Those consequences fall not on convicted criminals, but on citizens who have never been charged with—much less found guilty of—any crime.

The Bill of Attainder Clauses (U.S. Const. art. I, § 9 and U.S. Const. art. I, § 10) were adopted against the backdrop of British parliamentary practice, where acts were often justified as necessary for public safety or administrative efficiency, yet they dispensed with adjudication and foreclosed defense. Bills of attainder in early American history often inflicted civil disabilities, reputational condemnation, or loss of rights without formal criminal conviction. The Framers viewed that practice as fundamentally incompatible with liberty. By prohibiting bills of attainder, they barred Congress (in U.S. Const. art. I, § 9) and States (in U.S. Const. art. I, § 10) from legislatively determining guilt, imposing stigma, or disabling rights, even when punishment took noncriminal forms. Nixon v. Adm'r of Gen. Servs., 433 U.S. 425, 468–69 (1977).

The Bill of Attainder Clauses were intended not as a narrow technical prohibition, but rather as implementation of separation of powers, a general

safeguard against legislative exercise of judicial function or, more simply, trial by legislature. United States v. Brown, 381 U.S. 437, 85 S. Ct. 1707, 14 L. Ed. 2d 484 (1965); Nixon v. Adm'r of Gen. Servs., 433 U.S. 425, 468 (1977). The Bill of Attainder Clauses admit of no balancing and no exceptions. They are an absolute structural limit on legislative power. Separation of powers was not instituted with the idea that it would promote governmental efficiency, but was looked to as bulwark against tyranny. United States v. Brown, 381 U.S. 437, 85 S. Ct. 1707, 14 L. Ed. 2d 484 (1965).

A bill of attainder is a legislative act that targets an identifiable class, inflicts punishment, and does so without a judicial trial. The challenged statues identify a defined class—persons subject to civil protection orders—imposes severe and lasting disabilities; and do so through proceedings that withhold the safeguards of a judicial trial. By converting State CPOs into federal disabilities, Congress has nationalized a regime of status-based punishment without judicial adjudication.

A. RCW 7.105

The Washington State Legislature defied this Court by passing RCW 7.105 after this Court already twice found unconstitutional Washington State's use of hearsay, where one case was specifically regarding Washington State CPOs.[45] Crawford v. Washington, 541 U.S. 36 (2004); Davis v. Washington, 547 U.S. 813 (2006)

An RCW 7.105 "special proceeding" is not a trial, and a "'[f]ull hearing' means a hearing where

---

[45] RCW 7.105.200(8) "The rules of evidence need not be applied" of which Washington State ER Title 8 is Hearsay

the court determines whether to issue a full protection order.'"[46] The statute itself states that accused persons' 5th Amendment rights are abridged[47] in the interest of speed so the accuser can get satisfaction.[48] A jury is not allowed; a "special proceeding" is conducted by a commissioner or judge. There are no rights to confront an accuser, to call witnesses, to cross-examination,[49] to discovery.[50] Hearsay is expressly allowed, and a defense of violation of the rules of evidence is disallowed.[51] The judicial standard is preponderance of the evidence.[52] Accused persons are subject to no-warrant arrest provisions of RCW 7.105.450(2) and RCW 10.31.100(2)(a). CPO renewals are automatic, as it is accused persons' burden to prove innocence.[53] Among multiple Constitutional violations, RCW 7.105 violates U.S. Const. art. I, § 10 Bill of Attainder Clause since it imposes punishment targeting

---

[46] RCW 7.105.010(17)

[47] RCW 7.105.200(4)(a), "The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings"

[48] RCW 7.105.200(5) "the purpose of this chapter to provide victims quick and effective relief."

[49] RCW 7.105.200(5)

[50] RCW 7.105.200(7)

[51] RCW 7.105.200(8) "The rules of evidence need not be applied" of which Washington State ER Title 8 is Hearsay

[52] RCW 7.105.225(1)(a)

[53] RCW 7.105.405(4)(a)

specific individuals and identifiable groups in a manner that bypasses judicial protections.[54]

In Petitioner's renewal "special proceeding" "full hearing", Petitioner contested jurisdiction and inquired directly twice for the superior court to articulate the basis for jurisdiction. The superior court twice refused to articulate the basis for jurisdiction. The superior court ruled that Petitioner had not fulfilled his requirement to prove his innocence under RCW 7.105.405(4)(a), and the superior court issued a 5-year CPO renewal to the Royal Canadian Mounted Police (RCMP) in Vancouver, British Columbia, Canada—where Respondent and Child reside as result of superior court's April 2024 forcible expatriation order of Child—for enforcement upon Petitioner in Nevada. There is no way to mount an effective defense under RCW 7.105, the result of a "special proceeding" "full hearing" is a forgone conclusion, RCW 7.105 exceeds the limits of Washington State's actual jurisdiction—resulting in issuance of a renewal CPO to a foreign country for enforcement back in America through cross-border agreements. Petitioner is precluded from entering Canada due to the CPO, Petitioner must keep a distance from Child due to CPO, and therefore, Petitioner is permanently separated from Child until the CPOs are vacated as unconstitutional.

---

[54] Nixon v. Administrator of General Services, 433 U.S. 425 (1977)

B. Federalization of Defective State Orders

i. 18 U.S.C. § 922(g)(8)

18 U.S.C. § Section 922(g)(8) criminalizes firearm possession based solely on the existence of a qualifying civil protection order. It requires no federal finding of guilt, no adjudication of dangerousness, and no independent procedural safeguards. Instead, it presumes the validity of state civil orders regardless of the procedures by which they were issued.

18 U.S.C. § 922(g)(8) targets a discrete, identifiable class. 18 U.S.C. § 922(g)(8) applies only to persons subject to a qualifying domestic-violence restraining order. That class is defined with precision: individuals restrained by civil orders entered upon a showing far short of criminal guilt, often issued ex parte, under varying state standards, and without any requirement for due process safeguards. This is not a general law regulating conduct. It singles out a closed class defined by a status and imposes a federal disability based solely on that status. That is the paradigmatic structure of an attainder.

18 U.S.C. § 922(g)(8) imposes punishment within the meaning of Article I. 18 U.S.C. 924(a)(2) states those who violate 18 U.S.C. § 922(g)(8) shall be fined as provided in Title 18, imprisoned not more than 10 years, or both.

18 U.S.C. § 922(g)(8) foregoes due process. A bill of attainder substitutes legislative judgment for due process, and 18 U.S.C. § 922(g)(8) does exactly

that. 18 U.S.C. 922(g)(8)(A) does not care whether CPOs were issued with due process and provides no recourse. Petitioner is prime example that there is no recourse. Petitioner requested federal injunction in US District Court in Nevada where Petitioner is state-citizen to stop the unconstitutional renewal CPO, yet the judge ruled that domestic violence is a State issue.[55] 18 U.S.C. § 922(g)(8) authorizes Congress to predetermine that all persons subject to certain civil orders are categorically unfit to exercise a fundamental constitutional right—and criminally punishable for doing so—without any federal adjudication of guilt, mens rea, or individualized finding of dangerousness, while prohibiting any due process for the mechanical dispensation of punishment.

Although CPOs are entered by courts, they are not criminal trials. In Washington state, CPO "special proceedings" lack the Sixth Amendment's guarantees of confrontation, compulsory process, jury trial, and proof beyond a reasonable doubt. 18 U.S.C. § 922(g)(8) leverages these procedurally deficient civil proceedings to impose a federal criminal disability, thereby accomplishing legislatively what the Constitution forbids Congress from doing directly. 18 U.S.C. § 922(g)(8) converts untested civil allegations into automatic federal punishment.

The 18 U.S.C. § 922(g)(8) mechanism reports all CPOs, including CPOs that were never envisioned when 18 U.S.C. § 922(g)(8) became law in 1994, to

---

[55] Pestarino v. Pestarino, No. 3:25-CV-00082-MMD-CLB, 2025 WL 1224718 (D. Nev. Apr. 27, 2025)

the National Crime Information Center (NCIC) administered by the FBI. NCIC information is used adversely in federal personnel actions. Due to the NCIC mechanism, military servicemembers are being involuntarily discharged because they cannot possess or control firearms, and law enforcement officers lose their jobs. Due to the NCIC mechanism, there are people like Petitioner who have security clearances at risk, which if revoked, involves job loss and loss of pension.

In sum, 18 U.S.C. § 922(g)(8) identifies a discrete class, imposes felony criminal liability as punishment, and does so without any due process. Per Nixon v. Administrator of General Services, 433 U.S. 425 (1977) and U.S. Const. art. I, § 9, it is an unconstitutional bill of attainder.

ii. 18 U.S.C. § 2265

18 U.S.C. § 2265 compels nationwide enforcement of protection orders, transforming the least protective State procedures into the national baseline. Functionally, the statute does not merely facilitate interstate comity. States are required to enforce foreign orders even when those orders were issued without the safeguards required locally, thereby exporting constitutional defects across jurisdictions.

18 U.S.C. § 2265 applies only to persons subject to a qualifying domestic-violence restraining order—a discrete, identifiable class. Legislative purpose confirms punishment. 18 U.S.C. § 2265 was

enacted as part of a broader effort to punish individuals accused—but not convicted—of domestic violence. The law's structure reflects a judgment that members of the covered class are presumptively dangerous and must be subjected to continuing restraint, regardless of subversion by States, such as Washington State's "coercive control", IDPO expansion, and issue-CPO-to-confer-sanctuary-status regime. That is punitive.

18 U.S.C. § 2265 requires States to give full faith and credit to protection orders issued by other jurisdictions—even when those orders were entered under laws and procedures that violate the Constitution. 18 U.S.C. § 2265 dispenses with longstanding affirmative defenses to enforcement of foreign orders—fraud, lack of jurisdiction, and lack of due process. 18 U.S.C. § 2265 nevertheless mandates enforcement of ex parte orders, orders lacking jurisdiction, and orders entered without notice or meaningful hearing, even when enforcement results in criminal liability. Constitutional rights cannot depend on the least protective procedures among the Fifty States and the Territories. Yet, 18 U.S.C. § 2265 proscribes due process and mandatorily nationalizes the consequences of the most procedurally deficient protection orders. Per Nixon v. Administrator of General Services, 433 U.S. 425 (1977) and U.S. Const. art. I, § 9, it is an unconstitutional bill of attainder.

iii. The VAWA Self-Petition Scheme: 8 U.S.C. § 1101(a)(51) and 8 U.S.C. § 1367

VAWA's self-petition provisions further illustrate the same structural defects as bills of attainder. The statutes confer immigration benefits based on unadjudicated allegations of abuse, while simultaneously denying the accused U.S. citizen notice, participation, or opportunity to contest the accusations. The result is the legislative imposition of reputational stigma based solely on executive acceptance of allegations rather than judicial determination of wrongdoing.

The first element of a bill of attainder—specification of the affected persons—is satisfied because the statutory scheme targets a clearly identifiable class of individuals. Under 8 U.S.C. §1101(a)(51), a "self-petitioner" is defined as an alien who claims to have been subjected to battery or extreme cruelty by a U.S. citizen or lawful permanent resident spouse, parent, or child. This definition inherently identifies another party: the alleged abuser. When past activity serves as point of reference for ascertainment of particular persons ineluctably designated by legislature for punishment, a legislative act may be a bill of attainder. Selective Serv. Sys. V. Minnesota Pub. Int. Rsch. Grp., 468 U.S. 841, 104 S. Ct. 3348, 82 L. Ed. 2d 632 (1984). VAWA meets that standard. Here, the class is plainly defined: U.S. citizens or lawful permanent residents accused by self-petitioners of battery or extreme cruelty.

The second element—punishment under the bill of attainder doctrine—is not limited to imprisonment or fines; it can include legislative actions that impose stigmatizing consequences, deprivation of rights, or other burdens historically associated with punitive legislative acts. United States v. Brown, 381 U.S. 437, 85 S. Ct. 1707, 14 L. Ed. 2d 484 (1965); Cummings v. Missouri, 71 U.S. 277, 18 L. Ed. 356 (1866). This Court has recognized that punishment may consist of the infliction of stigma, the deprivation of legal protections, or the imposition of disabilities based on legislative findings of wrongdoing. Nixon v. Administrator of General Services, 433 U.S. 425 (1977).

Under the VAWA self-petition framework, immigration benefits are granted to the self-petitioner once immigration authorities accept the abuse allegations as credible. The U.S. citizen, however, is never given notice that the allegations have been made, never informed that the government has relied on them, and never provided any opportunity to challenge them. 8 U.S.C. §1367 provides this secrecy, prohibiting disclosure of information relating to VAWA self-petitions. While intended to protect self-petitioners, the provision also ensures that the accused U.S. citizen remains unaware of the allegations being used as the basis for immigration benefits. The consequences for the accused U.S. citizen are substantial. The statutory framework allows the federal government to formally recognize a relationship as abusive and to grant immigration benefits based on that determination.

This classification carries a significant reputational stigma, effectively branding the U.S. citizen as a perpetrator of domestic abuse in the context of an official self-petition green card decision, exposing the U.S. citizen to collateral legal consequences. The U.S. citizen's familial interests—traditionally recognized as among the most fundamental rights protected by constitutional law—may therefore be impaired through a process in which the citizen had no voice.

Nor can the government deny the punitive character of the VAWA self-petition scheme by labeling it a "benefit" to the self-petitioner. This Court has rejected formalism in bill-of-attainder analysis. What matters is effect, not label. Nixon v. Adm'r of Gen. Servs., 433 U.S. 425, 468 (1977). When the conferral of a benefit to one party necessarily depends on a legislative determination of misconduct by another — and when that determination inflicts stigma and legal harm — the statute functions as punishment.

The third element—absence of due process—is central to the constitutional problem. In the VAWA self-petition process, the determination of abuse occurs entirely within the executive immigration system. Immigration officers assess the credibility of the self-petitioner's allegations and supporting evidence, but the accused U.S. citizen is not a party to the proceeding and has no procedural rights within it. The process therefore lacks the core due process safeguards that characterize judicial adjudication: notice, confrontation of evidence, the opportunity to present a defense, and a neutral

adjudicator hearing both sides of the dispute. The secrecy provisions of 8 U.S.C. §1367 further entrench this defect. By preventing disclosure of the existence or contents of the petition, the statute forecloses any meaningful opportunity for the accused U.S. citizen to challenge the allegations in any forum. Even if the citizen later becomes aware of the allegations through collateral means, the immigration determination has already been made without the U.S. citizen's participation. In effect, Congress has created a mechanism through which the Federal Government may adopt and rely upon abuse allegations while systematically excluding the accused party from the adjudicative process. Even in immigration, due process applies when government action inflicts concrete injury. Zadvydas v. Davis, 533 U.S. 678, 695 (2001). When the government combines stigma with tangible legal harm, due process is required. Wisconsin v. Constantineau, 400 U.S. 433, 437 (1971). Even the plenary power over immigration does not authorize Congress to punish U.S. citizens by legislative fiat.

The substitution of legislative or administrative condemnation for judicial determination of guilt and the imposition of punitive consequences based on unilateral accusations undermine the separation of powers and threaten individual liberty. While the statutes are framed as protective measures for self-petitioners, their structural operation places the accused U.S. citizens outside of any due process safeguards. Just as Respondent has argued that the existence of

fraudulently-obtained, sanctuary-status CPOs are undisputable evidence of abuse, Respondent can leverage a VAWA self-petition green card to further fraudulently advance her interests, claiming validation by the Federal Government when, in-fact Respondent's fraudulent claims would remain untested. The Constitution's prohibition on bills of attainder exists precisely to prevent such legislative determinations of wrongdoing, and the VAWA self-petition scheme of 8 U.S.C. § 1101(a)(51) and 8 U.S.C. § 1367 is unconstitutional.

CONCLUSION

The Constitution does not permit States to impose punishment while evading due process safeguards, nor does it permit Congress to nationalize such defective State processes through bills of attainder. This case presents the constitutional questions cleanly. The restrained party was never charged with a crime, never waived due process, and was subjected to severe and enduring consequences solely through civil "special proceedings" devoid of due process. The issue recurs nationwide, the issue is a growing challenge, and lower courts are divided or silent on its resolution. This Court's intervention is necessary.

The petition for a writ of certiorari should be granted.

Respectfully submitted.

BART PESTARINO
PRO SE PETITIONER

MARCH 2026

APPENDIX

TABLE OF CONTENTS