25-210

No. _____

In The

Supreme Court of the United States

James Synnott

Petitioner,

v.

Paul Burgermeister
and Ian Northrup,
et al

Respondents.

On Petition for A Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

James Synnott
John Doe / JS
Pro Se
25W150 Brandywine Ct.
Naperville, IL 60540
(630) 369-8571
jasynnott@gmail.com

QUESTIONS PRESENTED

It is bedrock law that the federal courts have a "virtually unflagging obligation ... to exercise" the jurisdiction they possess. *Mata v. Lynch*, 576 U.S. 143, 150 (2015). Lack of adherence to that obligation has plagued this petitioner through state and federal courts adversely impacting petitioner, petitioner's child, petitioner's family, and those similarly situated in compounding fashion.

This Court, while recognizing the use of pseudonyms in *Honig v. Doe*, 484 U.S. 305 (1988), *Roe v. Wade*, 410 U.S. 113 (1973), et cetera, has yet to give clear directions as to its proper applications—pertinently given the current age of online court records, search engines, and children's privacy. This Court has recognized privacy rights under the First, Fourth, Fifth, and Ninth Amendments. Inter alia, Federal Rules of Civil Procedure 5 and 17; statutes such as 18 U.S.C. §3509(d); and Children's Online Privacy Protection Act of 1998, Pub. L. No. 105-277 (1998) (codified as amended at 15 U.S.C. §§ 6501-6506 (2003)) (restricting collection, use, and disclosure of children's personal information by websites); and juvenile offender protections aim to safeguard children's privacy. Therefore, the questions presented are:

- Whether using pseudonyms for parents and children—in cases involving children, especially with sensitive information—is appropriate and outweighs the presumption of public right of access, as held by the Second, Fourth, and Seventh Circuits, or is possible and must be considered and weighed fully, including denial's adverse effect on meritorious

claims (e.g. silencing, or degrading pro se cases, even on further review) beyond general anonymity disapproval, as the Fourth Circuit held, and be applies to adult children's sensitive childhood information, as the Fifth Circuit has retroactively allowed; or whether such information and children must be disclosed, as held by districts in the Eighth, Ninth, and Eleventh Circuits, despite intra-circuit protections for children and parents with pseudonyms.

Regarding children's claims and rights, Federal Rule of Civil Procedure 17(c), representation, and the interplay with parents' claims and rights—including circuit conflicts—the questions presented are:

- Whether children have the right to be represented by their pro se non-attorney parent(s) in their claims, and reciprocally, whether those parent(s) have the right to represent their children's claims, along with their own and intertwined claims without counsel—as permitted by the Second, Fifth, and Tenth Circuits for certain claims (e.g., SSI)— or whether such representation is barred, as held by the Third, Fourth, Sixth, Seventh, Ninth, and Eleventh Circuits. If they cannot secure counsel, whether courts should, per Rule 17(c), actively recruit or appoint attorneys—since children's claims requiring adjudication mandate trained legal assistance to fully protect their rights, as held by the Second Circuit—or whether claims and cases

may be routinely dismissed in other circuits while ignoring Rule 17(c), without first recruiting counsel. Whether the proper procedure for parents appearing is as next friends or otherwise; and whether courts (federal or state) can appoint a Guardian ad Litem without assessing parental fitness, thereby intruding between parent and child and potentially undermining the fundamental rights both parties hold and protections parent(s) provide(s). Whether there is any right to an attorney where the court has constructed rules, precedents, or practices precluding pro se meaningful access to the courts unless represented, such as in class actions, representing one's child regarding fundamental and civil rights, or on appeal.

- Whether children can pursue §1983 claims seeking redress for the wrongful, unwarranted state interference with their relationships with their parents—either absent state action against the children themselves, or not—as they have a right to family integrity under, inter alia, the Fourteenth Amendment substantive due process, which was violated and hence pleads a valid due process claim under section §1983, as the Ninth Circuit has held; or as the Sixth Circuit will not, unless a deliberate act with a culpable state of mind directed at the plaintiff's family relationship or a decision traditionally within the ambit of the family (evident in this case). And conversely, whether a parent can pursue such claims for

loss of companionship with their children, where circuits have recognized §1983 claims under, inter alia, the Fourteenth Amendment substantive due process right to companionship with one's children—as the Ninth and Tenth Circuits will, even for adult children; as the First and Seventh Circuits will but with added limits, particularly for adult children, to governmental action directly aimed at the parent-child relationship; as the D.C. Circuit will for minors regardless of custody standing; as the Third Circuit will for minors, allowing flexibility depending upon facts; and as the Eleventh Circuit will for minors.

In constitutional-tort cases as in other cases, "a man [is] responsible for the natural consequences of his actions" *Monroe v Pape*, 365 U.S. 167, 187 (1961). The questions presented are:

- Whether evidence of and the determination of causation for an area of damages is a question for the jury and, if challenged, whether due process requires that it be addressed with the procedural protections of a summary judgment motion, or be excluded on the eve of trial. Further, whether a fair trial was thwarted by, inter alia, a partial remote trial when plaintiff and all plaintiff's witnesses were unable to attend due to a national health threat (pandemic) and personal or household comorbidities (i.e. instead of continuance to accommodate in person appearances), as well as attorney conduct, and court errors and rulings.

Regarding claims, abstentions, and rights to meaningful access to courts and jury trials—including circuit conflicts—the questions presented are:

- Whether it is permissible for a court to dismiss the claims, complaint or case of a pro se non-prisoner plaintiff under 28 U.S.C. §1915(e)(2), who has paid the filing fee, before summons or appearance of defendants—as the Seventh Circuit has held it is not, as have the Eighth and Eleventh Circuits—or whether it is permissible as the Sixth Circuit have held; and whether it is permissible without full prior notice of all issues to be addressed before dismissal.
- Whether abstentions are being applied contrary to this Court's precedent by multiple circuits, particularly whether Younger abstention should be applied broadly as in the Fifth Circuit or strictly according to *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69 (2013); whether the domestic relations exception should be interpreted broadly as in the Second, Sixth, and Tenth Circuits; or narrowly as in the Seventh and Eighth Circuits; or whether a new "comity abstention" is a valid abstention used by the Seventh and Eighth, among other, circuits when, for example, the Younger or domestic relations abstentions do not fit cleanly.
- Whether a district court can and therefore should declare a state order void, whether interlocutory or not, according to state law and requirements, or whether a district court

should merely not afford preclusive effect to state orders that are constitutionally defective, such as on due process grounds, as is already this Court's precedent.

This Court held, "Rule 4 (a)(2) permits a notice of appeal from a nonfinal decision to operate as a notice of appeal from the final judgment only when a district court announces a decision that would be appealable if immediately followed by the entry of judgment." *FirsTier Mortgage Co. v. Investors Mortgage Ins. Co.*, 498 U.S. 269, 276 (1991). It further held, "If the court has not yet decided the issue that the appellant seeks to appeal, then the Rule does not come into play." *Manrique v. United States*, 581 U.S. 116, 124 (2017). *FirsTier* sowed the seeds for confusion in the courts of appeals; writing for the Tenth Circuit in *In re Woolsey*, 696 F.3d 1266, 1271 (10th Cir. 2012), then-Judge Gorsuch characterized *FirsTier*'s discussion of Rule 4(a)(2)'s limits as "cryptic and arguably tangential," and he noted that the opinion is "open to many different understandings." The questions presented are:

- Whether a case is final and appealable under Federal Rule of Appellate Procedure 4, absent a Federal Rule of Civil Procedure 54(b) ruling, when the district court says it is done despite outstanding matters/claims it had explicitly stated previously were not dismissed; or whether it is not final and appealable as the Fifth, Sixth, and Eighth Circuits held where there are outstanding claims; or as the Seventh Circuit has held in cases involving both or a pattern of avoiding finality and jurisdictional

evaluation[1]; and further whether Rule 54(b) means circuits are obligated to direct and insist that district courts either hear outstanding issues or issue a 54(b) ruling so a party does not have to waive unresolved issues or otherwise artificially manufacture appealability by dismissing claims; or if not, whether the issue is waived as some circuits have held.

- Whether notice is saved under Rule 4 if premature applies only to decisions that resolve all outstanding issues in the district court that can be saved by entry of final decisions, as held by the Eighth and Federal Circuits; or as the First, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, and D.C. Circuits have held that Rule 4(a)(2) will also save notices filed after decisions that could have been certified for an intermediate appeal under Rule 54(b) or that are allowable under 28 U.S.C. §1292(b); or as broadly as the Second, and Third Circuits, where nearly any notice on any decision can be saved by subsequent judgment.

Regarding liberal construction of pro se filings in appellate courts and pro se appellate policies, practices, and procedures, (and in districts where applicable), the questions presented are:

- Whether liberal construction applies to appeal filings and briefs of pro se litigants, implying that if a brief is filed on time and contains

---

[1] see inter alia *Hayes v. Allstate Ins. Co.*, 722 F.2d 1332, 1333 (7th Cir. 1983) at 1336 (Posner, J., dissenting), as noted in *Positano Place at Naples I Condominium Association v. Empire Indemnity Insurance Co.*, 84 F.4th 1241 (11th Cir. 2023) at 1254)

arguments with supporting citations, it should not be rejected (without allowing for amendment) nor the appeal dismissed (particularly if denying representation) as the Second, Fifth, Seventh, Eighth, Ninth, and Eleventh Circuits have held; or whether it is strict on brief requirements as the Seventh Circuit is doing without leave to amend.

- Whether it is permissible for district clerks to refuse filings requested under seal from a pro se litigant, where they had previously accepted them, resulting in adverse orders that will not be revisited or revised. And further whether circuit clerks' pro se department should refuse motions requested to be under seal, require separate requests for leave and advise Article III judges to deny underlying relief without the full motion allowed to be before them, when circuit precedent indicates it would have been granted, resulting in such denial, where the other motions department would not do so to attorneys and where similar important motions are reported to be granted for attorneys but not for pro se litigants.
- Whether geography should determine fair access to the right of appeal, apparent in the deep divide among circuits' rules, procedures, and treatment regarding pro se appeals ranging from simpler briefing requirements of the Third, Ninth, and Tenth Circuits, or simplified rules of the Fourth and Eighth Circuits, or strict briefing requirements such as those of the Seventh Circuit, and the Second Circuit, which erects additional barriers to pro

se litigants. And further whether the policies, practices, and procedures, not only of the district court, but those of the Seventh Circuit, particularly its pro se staff department or similar programs, such as here, refusing to accept full motions for pro se litigants, but not for attorneys, followed by recommendations to Article III judges to deny underlying relief that circuit precedent indicates would grant; dismissing appeals contrary to circuit precedent; or dismissing considerably more appeals percentage-wise than the average of other circuits either facially or as applied to this plaintiff, and similar pro se litigants, violate the Fifth Amendment's Due Process and Equal Protection Clauses, and/or the Article III separation of powers and judicial nondelegation doctrine, thereby denying meaningful access to the courts and further violating the First and Seventh Amendments.

This Court's equal protection jurisprudence has expressed a consistent special concern for discrimination against children. See *Pickett v. Brown*, 462 U.S. 1, 7 (1983); *M.L.B. v. S.L.J.*, 519 U.S. 102, 116 (1996) ("Choices about marriage, family life, and the upbringing of children are among associational rights this Court has ranked as of basic importance in our society, rights sheltered by the Fourteenth Amendment against the State's unwarranted usurpation, disregard, or disrespect.") The questions presented are:

- Whether children have the constitutional right to equal and joint custody, care, and companionship (including equal time) in the

custody and care of, and companionship with, both of their divorced or unmarried parents; and reciprocally, whether those parents have the constitutionally protected right to equal and joint custody, care, and companionship (including equal time) of their children, or at least the presumption, absent any serious wrongdoing. Whether the standard of proof to overcome such rights, or presumption, is clear and convincing, or one more stringent; and whether strict scrutiny applies. Finally, whether the provisions of the child custody statutes of Illinois or as amended violate the First, Fourth, Fifth, Ninth, Tenth, or Fourteenth Amendments, and whether geography should continue to determine whether these fundamental rights are recognized and protected.

- Whether, in light of, inter alia, the framework and reasoning set forth in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) the Court should address whether there is a proper understanding of the Privileges or Immunity Clause. Whether the fundamental rights of children and parents are protected under the Privileges and Immunities Clause of the Fourteenth Amendment, further whether the Court should resolve its own intra-court split regarding fundamental rights of parents and children, e.g., regarding the "biology plus" factor.

In *Kay v Ehrler*, 499 U.S. 432 (1991), this Court held that a pro se attorney should not be awarded attorney fees as part of the costs under 42 § USC 1988. *Kay,*

note 8, recognized the intent of such fees. Note 5 did not consider circuits that had granted attorney fees to pro se non-attorneys such as the D.C., Second, and Fifth Circuits. *McLean v. Int'l Harvester Co.*, 902 F.2d 372, 374-76 (5th Cir. 1990); *Holly v. Acree*, 72 F.R.D. 115 (D.D.C. 1976), aff'd sub nom. *Holly v. Chasen*, 569 F.2d 160 (D.C. Cir. 1977). Deep-rooted tradition supported attorney fees "when the losing party has "acted in bad faith, vexatiously, wantonly, or for oppressive reasons..."" *Alyeska pipeline Serv. Co v Wilderness Soc'y*, 421 U.S. 240, 257-58 (1975). The questions presented are:

- Whether *Kay*'s dicta should be read as rejecting the traditional exceptions, per *Alyeska,* and as held by the D.C., Fifth, and Second Circuits, for pro se non-attorney litigants—especially in fundamental civil rights cases where their or case status, social biases, civil rights issues, or type of remedies sought hinder access to counsel. And whether those prevailing pro se litigants who sought representation diligently, albeit unsuccessfully (and/or where courts did not recruit or appoint counsel), should qualify for fee awards to secure necessary appellate representation, or, in the alternative, if no appeal and not allowed fees directly, that amount typically awarded for fees if represented, for or to a District/Circuit pro se fund.

In *Dimick v. Schiedt*, 293 U.S. 474, 487 (1935), this Court held that additurs were impermissible as unconstitutional. The question presented is:

- Whether remittitur violates, inter alia, the Seventh Amendment.

There is no price this petitioner would not have paid if he could to have kept his daughter from all of this—for her to have a loving full relationship with both sides of her family, to see her, for her to be unscarred, to be whole and safe—to come home...

Please do not hold the following against the other questions' need for resolution; it is raised as this court has not taken up cases that have tried to address issues on these matters:

The deep-rooted tradition of child support was to indemnify the local parish for the necessary costs of children fallen into their care, for which both parents were liable and, to the extent unable, then the extended families of the parents. 18 & 43 Eliz. Inability to pay full indemnity costs is the root of percentage-of-income models.

Blackstone stated: "every man has, or ought to have, by the laws of society, a power over his own property and, as Grotius very well distinguishes, natural right obliges to give a necessary maintenance to children; but what is more than that they have no other right to, than as it is given them by the favour of their parents, or the positive constitutions of the municipal law." Further, "thought it unjust to oblige the parent, against his will, to provide them with superfluities, and other indulgences of fortune; imagining they might trust to the impulse of nature, if the children were deserving of such favours."

William Blackstone, Commentaries on the Laws of England, Book 1, at 448, 449 (1773).

At the Legislative House Committee Hearing on Illinois HB 4113 the state representative Lindsay Parkhurst overseeing the hearing enquired whether changing the law to a rebuttable presumption of equal parenting time ("50 50 presumption") would cost the state federal funding, particularly what effect "would have on families that require food stamps or public aid assistance?" To which the witness acknowledged "Certainly the state of Illinois gets federal funding and individuals obviously get state aid." The federal funding is "premised upon the amount of individuals in the state with the child more than half the time. There is very real potential for this state to lose federal funding – Millions, possibly hundreds of millions of dollars." The bill died in session. Therefore, the questions presented are:

- Whether in light of inter alia *National Federation of Independent Business v. Sebelius* 567 U.S. 519 (2012), and the Fifth Amendment, 42 U.S. Code Chapter 7 Subchapter IV Part D—for example, the incentives under 42 U.S.C. §658a—violates the constitution both in regards to states' rights and in turn coercing the violation of the citizens' rights – to deny children and parents significant and equal visitation and joint custody under threat of loss of significant federal funds to the state.
- Whether the Constitution limits the state legislative or judicial branches in prying into the financials of parents, and particularly grandparents, for setting or amending child

support, where the state is not paying support or seeking reimbursement, the state itself would not pay more – the parents are already splitting at least basic necessary costs including medical, etc., (also consider where the party invoking state action for higher support is significantly above the poverty level, and additionally, evidence of ulterior motives – e.g. threat to grandparents). Whether the Constitution limits where such prospective discovery or resulting support intrudes upon individuals' rights to privacy, control of one's own finances and expenditures on their children (where ready alternatives are apparent: e.g. joint custody and equal parenting time); and whether the disclosure itself, as such ready alternatives are apparent, is impermissible to be required as it introduces unavoidable hazards: inter alia, prevents parties from safeguarding rights, where such information undoubtedly will identify prospective financial gain or vulnerability, improperly exposes and introduces risks incentivizing ulterior motivations for, and actions to, restricting access to one's child by a party, state, or judge and provides access to private information which is available to be used to retaliate and harm the targeted parent and/or that parent's extended family. Whether all divorced or nonmarried parents and children should face the state-introduced hazards, intrusions, and further risks to their respective rights? How far is too far?

Finally, given, inter alia, the holding in *Beacon Theatres v. Westover*, 359 U.S. 500, 511 (1959), the question presented is:

- Whether a writ of mandamus should be issued to one or more of the lower courts.

PETITION FOR WRIT OF CERTIORARI

TABLE OF CONTENTS

PARTIES and PROCEEDINGS

Petitioner, initially proceeded under pseudonym on behalf of himself, his child, and those similarly situated in (Doe / Synnott: *Suppressed v Suppressed*; *Doe v McCumber et al*; *Doe v Zaruba et al*) *Synnott v. Burgermeister et al.*, No. 16-CV-9098, U.S. District Court for the Northern District of Illinois; was the petitioner / plaintiff in In re J., a Minor, State of Illinois DuPage County and Appellate Court Second District cases; and the appellant / appellee in cross appeal of (*Doe v McCumber et al.*; *Doe V Burgermeister et al.*; Pseudonym denied without allowing motion to be before the court, see App.16a) *J. Synnott v. P. Burgermeister et al* No. 22-1104, 22-1270, 22-1893, 22-2447 (collectively consolidated into No. 22-1104 on August 18, 2022, see App.13a), United States Court of Appeals for the Seventh Circuit: Judgment entered January 10, 2024, and rehearing denied on February 13, 2024. As in the state county court so also is there no final order for the district court (see: A. Facts and Procedural History, A.3. District Proceedings, and Appendix).

Respondents are Governor of Illinois J.B. Pritzker (previously Bruce Rauner), Attorney General of Illinois Kwame Raoul (previously Lisa Madigan), Sean McCumber, Juli Gumina, Sullivan Taylor & Gumina (STG), Jane Doe (Elizabeth Ceh Cunningham, a/k/a Elizabeth Tengerstrom since 2024: Respondent / Defendant in In re J., a Minor, State of Illinois, County and appeal cases), Sheriff Deputy Ian Northrup (also Appellant in the Seventh Circuit Cross-appeal), Sheriff Deputy Paul Burgermeister (also Appellant in the Seventh Circuit Cross-appeal), Sheriff John Zaruba (current Sheriff:

James Mendrick), Sheriff of DuPage County, Dan Cronin, DuPage County, DuPage County Judge Linda Davenport, DuPage County Judge Thomas Else, DuPage County Judge Thomas Dudgeon, DuPage County Chief Judge Kathryn Cresswell, DuPage County Supervising Judge Blanche Fawell, and DuPage County Supervising Judge John Demling. Respondents were appellees in the cross appeal in the United States Court of Appeals for the Seventh Circuit (also appellants as noted) and defendants / respondents in the U.S. District Court for the Northern District of Illinois in the same case and respective numbers above. [2]

Motion for leave to file a petition for writ of certiorari under seal with redacted copies for the public record, 24M69, was denied by this Court on March 24, 2025.

---

[2] Additional defendants / respondents were identified during discovery (not allowed: see R131, R133, R138 rejected without response), they are: Sheriff Deputy Taylor, Sheriff Officer Ruff, Sheriff Officer Moore; Sheriff Officer Rominelli, Robin Miller, Robin Miller P.C., David Sterba, Paula Gomora, Ann Burke, Judiciary Inquiry Board, Chief Pete Hojnicki, Highland Police Department, Chief Mathew Walsh / O'Connell, Tinley Park Police, Tinley Park, Chief James Kveton, St. John, St John Police Department, Will County States Attorney James Glascow, Will County, and as yet unidentified individuals.

CITATIONS

U.S. Constitution & Amendments

Rules

Federal Rules

Federal Statutes

State Statutes

Historical Statutes

Other Authorities

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

Circuit: 2024 WL 108784 (App.2a); 2023 WL 7893920 (App.11a); 2024 U.S. App. LEXIS 3401 (App.18a).

District: 2022 WL 3444961 (App.20a); 2022 WL 1604107 (App.27a); 2021 WL 6091755 (App.33a); 2019 WL 4201574 (App.49a). State: Unreported.

JURISDICTION

The Seventh Circuit, inter alia, issued judgment on January 10, 2024, and denied rehearing on February 13, 2024. This Court has jurisdiction under 28 U.S.C. §1254(1). Alternatively, jurisdiction is invoked under 28 U.S.C. §1651.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Reproduced in appendix.

STATEMENT OF THE CASE

A. Facts and Procedural History

1. A Child Suffering, A Father's Plight

Shortly after Father's sister was killed in the car he had given her, Mother cheated on Father, as he was "no longer any fun." That man actively sought to eliminate Father's involvement with the child,

emailing intentions. Soon Mother mirrored that aim, jealous of time child was with Father.

Father was primary caregiver during weekdays and with child most weekends until Mother, under false pretenses of a short-term stay in Indiana and reconciliation, obtained concessions from Father. Despite reservations and boundary violations, Father felt obligated to accommodate Mother for their child's sake (relationship was off and on – Mother's erratic behavior exasperating Father's efforts to balance their child's needs and navigate then believed Mother's perinatal mental health issues).

Shortly, however, the child was kept from Father for several months without explanation. Christmas Father saw their child again. While at child's doctor, Mother's employer, for an ear infection, looking for frequency, Father discovered in the medical records, the child was seriously harmed.[1] When Father inquired about the records, Mother took off with their child without explanation.

Father (Plaintiff) was forced to obtain an emergency order of protection. Police refused to enforce it. Mother went into hiding, absconding with their child for 8+ months... Mother's attorney had order thrown out on standing not merits (contrary to this court's precedents). There was no explanation nor proper investigation.

Following a forced impermissible compromise by Judge to obtain Joint custody harmful events to the

---

[1] Also concealed, discovered years later, other significant indications of harm including that relative to suspect incidents, and actions of Mother's then husband.

child occurred, mostly hidden from Father and often coinciding with significant visitation interference. Visitation interference, causing fear of the worst, was significant (one phase over 100 days), plus vacations, and virtually all telephone contact. Father, left without options, matters escalating, petitioned the court for redress. Remains unheard.

Child was harmed by alienating behaviors, such as being denied her last name, witnessing threats and attacks on Father, and being used to facilitate Mother's aims, e.g. uninvited entry into Father's home during her court-ordered time with father.[2] Mother frequently made extreme, false accusations to restrict Father's involvement. This was the pattern of defendant(s), to muddy the waters with outlandish acts and claims, to divert attention from actual facts and harms, obscure the truth of the matters, and to co-opt others to act on Mother's behalf against father. e.g. falsely accusing him of kidnapping – getting him banned from child's school for a year despite having picked up their child on court ordered schedule following both court order and school procedures. One among many, many others.

Over Father's objection a GAL was inserted to the case on motion drafted by STG, filed by Mother. GAL escalated matters for the worse, made no record on matters directed to "investigate," such as suspect incidents, extensive visitation interference, child not allowed to use her name, etc., specifically avoiding

---

[2] Despite numerous violations, police and state attorneys refused to act when Mother denied visitation or entered Father's home uninvited to take the child. A simple ticket could have curtailed behaviors, potentially prevented much harm to the child.

any adverse finding against Mother even on first-hand knowledge of visitation interference, and made suggestions overt to secure STG involvement.[3] Mother solicited child's active participation and controlling child's words to GAL. STG able to delay, supplanted pending matters (2009 still outstanding) with motions of improper purpose, replete with verifiable mischaracterizations and manufactured basis, and either used their influence or found the court receptive.

In efforts to thwart Plaintiff's efforts to protect and see his child and intimidate plaintiff into submission (to give up his child) or induce his failure – defendants retaliated in escalating fashion:

2/23/2012, Gumina attempted to extort Plaintiff into dropping all pending matters or she would file for sole custody, i.e. give up child, or they will take child.

Mother infuriated by child's potential Europe vacation with her father, retaliated, STG had GAL file an Emergency motion.[4] Judge seized opportunity to retaliate for not acquiescing to its recent pressure to give up joint custody and let him be done with it, ramped up that pressure regardless of the harm to the child or fundamental rights (mocked them in open

---

[3] E.g. GAL suggested settlement: addressed no issues for child's benefit, reduced visitation, and no schedule for make-up visitation for denials mandated by court orders under constant attack through Mother's version of "where's the baby".

[4] Father falsely accused of e.g. violating non-existent order, making unilateral decisions verifiably made by Mother (her emails, texts), and culpable for alleged incident that occurred while the child was with the Mother not Father (little to no contact – timeframe).

court) – terminated visitation without such relief requested without full hearing despite saying "I'm not saying he's doing anything wrong" "I believe he's operating in from the best possible motivation about what he believes is in the best interest of his [child]." Visitation held hostage as Father failed to acquiesce to severing joint custody.[5]

Matters Father raised remained pending for years, e.g. visitation interference, yet the Court heard Mother's suspect petitions including to sever custody – Judge Dudgeon made good on his promise decade earlier, severed joint custody making findings, absent full hearing, on statements directly impeached, eviscerating father's reputation and child parent relationship conflicting the overwhelming evidence. Significantly court delegated its judicial power to decide, including to unidentified third parties not within its jurisdiction, e.g. visitation, rendering order void on its face. Moreover, Fraud was pervasively involved in procuring multiple orders in addition to overt due process issues. GAL impeached, admitted her statements were false, and the alleged issues were caused by Mother, not Father. Asking representation about addressing constitutionality – routinely withdrew. The last, "I have no interest in changing the law." Stranded, motion to reconsider filed staying order. STG (frequently miswrote orders) wrote order prohibiting visitation and escalated.

---

[5] "temporarily" terminating visitation impermissible retaliation for not doing so and to coerce settlement (see *Goss Graphics Sys., Inc. v. DEV Indus., Inc.*, 267 F.3d 624, 627 (7th Cir. 2001) citing *Kothe v. Smith*, 771 F.2d 667 (2d Cir.1985)) i.e. pressure by court to give up joint custody.

1/31/2014, Gumina attempted to extort Father to relinquish his standing as Minor's father and allow Defendant's husband to "adopt minor" as "solution for all of this to go away." Court ruled on wrong motion to reconsider (technically remains unheard). Outstanding matters required leave to appeal, immediately requested, refused until August/September of 2014, yet proved inadequate wording.

Gumina expanded threats to Father's family, his elderly parents, to "ruin" them specifically "leave [them] with nothing left for retirement" if they did not make Father give up. 9/17/2014, McCumber (STG) assault/battery of plaintiff in court room day he was to file appeal notice (Judge Davenport protected attorney). STG started sending aggressive process server to Plaintiff's house, initially copy of order, then multiple times on efforts to obtain information on plaintiff's elderly parents' assets. Then despite order that should have prevented it, sent him again, this time with the Sheriff – 1/2/2015 incident. STG conspired with and to send sheriff deputies which entered his home absent warrant, without ringing door bell, without knocking or announcing, calling his name, threatening family in the house at gunpoint, interrogating plaintiff on matters of the state case, refusing to leave, and threatening arrest for indefinite period of time until they could prove who was on title of house.

Father's family saw this as making good on their threat and showing that they could do it, and more, with the police.

Father's fear for his family appeared to be interpreted as guilt – New Judge Else took an immediate otherwise unexplainable reproach against him, chance at a fresh start ruined. He struggled to keep up, had to ask for extensions, never quit, yet all he did, took all he had, was getting too slow, speech and writing often riddled approaching incoherent if pressed.

July 2016, Judge Else unsealed case in retaliation for Plaintiff obtaining order allowing ordering of transcripts.[6] Judge Else undermined appeal refusing to hear motion showing receipts paid for record submission to appellate court. STG dropped efforts on plaintiff's parents after appellate court dismissed appeal as inter alia, no final order 8/15/2015. STG held their influence. Judge would not set hearings, thus no visitation or final order, nor give clean 304 ruling. No relief, no way forward. No visitation even when, on record, finding supervised visitation was not even necessary or called for, that the parents should work it out – Mother's response "No."

Gumina (STG) made clear she was never going to let Plaintiff see his child again: "No" "Never going to happen." Gumina: "This is fun" stated to S.A. in court room.

2. Summation of Complaints

Sought remedy in federal court regarding inter alia due process and equal protection violations, deprivation of fundamental rights, First Amendment

---

[6] another Judge, Em. motion – visitation; Judge Else told court reporters not allowed.

retaliation, gender discrimination, Fourth Amendment violations (illegal entry, search seizure, failure knock announce, excessive force...), Monell, abuse of process, conspiracy, IIED, etc. seeking in addition to damages fees and costs where applicable, meaningful reforms inter alia, within sheriff department and constitutional challenge to state custody statutes via declaratory injunctive relief. (1983, 1985, 1988, *Ex Parte Young*, 209 U.S. 123, (1908), et cetera.)

3. District Proceedings

Significant Claims were dismissed improperly before summons or appearance under 1915(e), without guidance of counsel, on matters not raised to defend that precedents hold do not apply, conflicting rule 12. Requests for time to obtain, recruitment or appointment of attorney denied. Amendments, even per 15c, denied... Defendants thwarted discovery and Plaintiff's motions to compel were denied beyond depositions of two deputies S.A. Roberts refused to allow to proceed.[DR52,DR56].

While prevailing at trial to limited extent allowed, area damages evidence improperly severely restricted via improper form (due process issue) at eve trail (DR124, 1st: $250,000 + $100,000 punitive); Rejected plaintiff's posttrial motion without response then partially allowed [DR131, DR133,DR138] remittitur order [DR169] despite defendants providing no supporting argument and court supplied case within district same amount yet involved less damaging repercussions (*Cooper v Daley* 07CV02144 verdict dkt. no. 399; Seventh Amendment issue); Experts

disclosed before 90 days denied, rubberstamping prior damages order, rule 54(b) request denied; 2nd trial: ($0 +$85,000 punitive DR250). Numerous issues regarding 2nd trial should have either rendered mistrial or mandated new trial, post-trial motions rejected (e.g. DR255 – inter alia 1 second late; DR307 – no response). District Clerk began to refuse to accept filings requested under seal where they had before, resulting in adverse orders...[7]

No Finality issue remains.[8] Declaratory Injunctive relief re sheriff department outstanding, not dismissed, not allowed to be heard in front of jury on first trial – court disinclined to add back Monell, Seventh Amendment issues aside. Court mistakenly assumed it was previously dismissed on 1/3/2017 [DR280 last paragraph].

District case is Not Final per Rule 54(b) see *Marconi Wireless Tel. Co. v. United States*, 320 U.S. 1, 47 (1943). Rule 4 does not permit early appeal it only allows at times premature notice to become effective when a notice of appeal should be filed at a later date avoiding some problems. It does not give the appellate court jurisdiction until that point. See e.g. *Griggs v.*

---

[7] E.g. DR307, DR316, DR319, CR10

[8] Significant barrier to appellate representation – many unwilling unless represented trial level or could show order stating to effect of "I am dismissing" not: vague "it was dismissed" with prior clear statement on record it was not dismissed. DR14, DR18, DR303:6-7; amended complaint drafted to comply instructions of paragraph(s), e.g. (1.) pg2, DR26 or face dismissal.

Provident Consumer Discount Co., 459 U.S. 56, 58, (1982).

4. Circuit Proceedings

Plaintiff filed multiple notices (repeatedly raised finality issue – no action). Court denied motion to proceed under pseudonym and seal et al without motion allowed to be filed and before the court.[9] Result – relentless panic – his child was going to be exposed – Posner's comments[10] – Clear only chance to protect her, the case, thus her and those like her, was if represented. He doubled down to obtain an attorney. Work compromised by significant health issues of his family and himself, etc.

Upon last denial of extension precluding all reviewing attorneys, sought to have one recruited. Failing, panic went through the roof, coupled with Sheriff department camping outside the front of the house before and on due dates, ([CR57] escalated since) compromised what would have been filed. Brief, timely filed, well cited, was rejected without allowing amendment. Plaintiff promptly filed amended brief believed to meet rules, also rejected. Appellate court affirmed; denied time for or appointment of attorney, and rehearing petitions.

---

[9] clerk staff insisted would not take the unredacted motion until after an order permitted it [CR5, CR10]; conflicts FRAP 25(a)(4)), 18 U.S.C. §3509(d).

[10] Liptak, Adam. "An Exit Interview With Richard Posner, Judicial Provocateur" The New York Times 11 sept., 2017; Posner, R. A. (2017).

B. Fundamental Rights of Children to Their Parents and Parents to Their Children

"The liberty interest in family privacy has its source, and its contours are ordinarily to be sought, not in state law, but in intrinsic human rights, as they have been understood in "this Nation's history and tradition." *Moore v. City of East Cleveland*, 431 U.S. 494, 503 (1977). Cf. also *Meachum v. Fano*, 427 U.S. 47, 230 (1976) (STEVENS, J., dissenting). *Smith v Organization of Foster Families for Equal. & Reform,* 431 U.S. 816, 845 (1977) (declaring the right of children to maintain uninterrupted the "emotional attachments that derive from the intimacy of daily association" with the parent).

1. Two Wrongs Do Not Make a Right – Abbreviated Common Law and Legislative History at the Founding of The Nation Through 1868

By common law, natural law, nurture, and custom, children's natural guardian was their biological parents, ultimately the father. Blackstone1 447.

"The main end and design of marriage therefore being to ascertain and fix upon some certain person, to whom the care, the protection, the maintenance, and the education of the children should belong" Blackstone B1 at 443 (genetic testing resolves ambiguity, and constitutional protections)

Paternal authority was essentially unassailable. Benjamin Franklin as per common custom and law had guardianship and custody of his natural child (last colonial governor of New Jersey).

Until turn of 20th century, laws enacted were largely limited to facilitating parental authority (albeit Paternal) for example regarding Father's right to appoint guardians after death of the father which could be the mother. Only where obligations fell upon the parish or local townships, i.e. the poor or abandoned, did the government have authority to involve itself out of necessity, by default. E.g. the poor laws of 1601, 1733, etc. Blackstone book 4 at 65. These laws were concerned with the indemnification of that locality for the expense to the degree possible within the means of both parents, wed or not, and their extended families if necessary and reciprocal laws for children to take care of parents (18,43 Elizabeth). The rights of women were enveloped into marriage or protected by the father (e.g. Roman law – father had power to declare divorce of his daughter).

"By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection, and cover, she performs everything; and is therefore called in our law-French a feme-covert ... under the protection and influence of her husband, her baron, or lord; and her condition during her marriage is called her coverture." 1 Blackstone's Commentaries on the Law of England 442 (3d ed. 1768).

Illinois once a county of Virginia, a French territory before that, shared the well-established deep-rooted customs and laws regarding children and their fathers including natural children and reputed fathers. Virginia pertinently on children born out of wedlock i.e. [natural] child:

> "Reputed Fathers of [natural]-Children, if Servants, how to be dealt withal:
>
> Whereas by the present Law of this Country, the punishment of a reputed Father of a [natural]- Child, is the keeping of the Child, and saving the Parish harmless; and if it should happen the reputed Father to be a Servant, who can no ways accomplish the penalty of that act: Be it therefore Enacted by the Authority aforesaid, That where any [natural]- Child is gotten by a Servant, the Parish shall take care to keep the Child, during the time the reputed Father hath to serve by Indenture or Custom, and that after the said reputed Father is Free, he shall make Satisfaction to the parish."[11]

Illinois upon statehood, similarly passed law January 23, 1827 that when the courts were involved, as typically among the states, upon suspicion or risk of the county being financially encumbered by a child not from wedlock, set a maximum support obligation bond to indemnify the county, to which reputed "father, ... Shall be permitted to take charge and have the control of his child..."[12] Louisiana similarly rooted

---

[11] A complete collection of all the laws of Virginia now in force ... copied from the Assembly records. [By J. P.]. United Kingdom, n.p, 1684

[12] Lockwood, Samuel Drake, and Smith, Theophilus Washington. The Revised Code of Laws of Illinois: Enacted by the Fifth General Assembly, at Their Session Held at Vandalia, Commencing on the Fourth Day of December, 1826, and Ending the Nineteenth of February, 1827: Published in Pursuance of Law. United Kingdom, Robert Blackwell, Printer to the State, 1827.

upon Roman law articulated in French code, in practice more detailed:

> "ART. 234.-A child remains under the authority of his father and mother, until his majority or emancipation. In case of difference between the parents, the authority of the father prevails."
>
> "ART. 274.-The father is of right the tutor of his natural child acknowledged by him. The mother is of right the tutrix of her natural child not acknowledged by the father. The natural child acknowledged by both, has for tutor, first the father, in default of him, the mother."[13]

Therein lies the objectionable, "in case of difference" or "first," by the 1868 enactment of Fourteenth Amendment, equal protection would call not for evisceration of one in favor of the other nor the diminishing of fundamental rights or lessoning of rights, but bringing both sexes in parity with equal standing – joint custody & equal parenting time – Preserving the children's fundamental rights to both parents in the process.

"Ordinarily, we have reiterated, "extension, rather than nullification, is the proper course." *Califano v. Westcott*, 443 U.S., 76, 89, (1979).." *Sessions v. Morales-Santana*, 582 U.S. 47, 1699 n.24 (2017).

2. Gender-Based Stereotypes

For close to a half century, this Court has viewed with suspicion laws that rely on "overbroad

---

[13] Upton, W. S., Jennings, N. R. (1838). Civil Code of the State of Louisiana. United States: E. Johns & Company.

generalizations about the different talents, capacities, or preferences of males and females." *United States v. Virginia*, 518 U.S., 515, 533, (1996). No "important [governmental] interest" is served by laws grounded - in the obsolescing view that "unwed fathers [are] invariably less qualified and entitled than mothers" to take responsibility for nonmarital children. *Caban v. Mohammed*, 441 U.S. 380, 382, 394, (1979).

"Prescribing one rule for mothers, another for fathers – is of the same genre as the classifications declared unconstitutional in *Reed*, *Frontiero*, *Wiesenfeld*, *Goldfarb*, and *Westcott*. As in those cases, heightened scrutiny is in order. Successful defense of legislation that differentiates on the basis of gender, we have reiterated, requires an "exceedingly persuasive justification." *Virginia*, 518 U.S., at 531, 116 S.Ct. 2264; *Kirchberg v. Feenstra*, 450 U.S. 455, 461, (1981))" *Sessions* supra at 1678, 1690.

While courts and legislatures learned to largely obscure their language to hide intent, the laws are inherently invidious discrimination in their intention and application against fathers and their children – "an evil eye and an unequal hand" *Yick Wo v. Hopkins*, 118 U.S. 356, 373-374, (1886).

3. Precedent Unequivocally Establishes States May Not Punish Children Based on Matters Beyond Their Control

The Court's equal protection jurisprudence has expressed a consistent special concern for discrimination against children. See *Pickett v. Brown*, 462 U.S. 1, 7 (1983) (noting explicitly "a special

concern for discrimination against non-marital children"); Where laws function to place children in a distinct, disadvantaged class based on the conduct of their parents or other adults, these principles are violated. *Weber v. Aetna Casualty & Surety Co., 406 U.S. 164, 172, 175 (1972)* (stating that condemning a child for the actions of his parents is "illogical and unjust"); see *Levy v. Louisiana, 391 U.*S. 68, 72 (1968) (holding that it is invidious to discriminate against non-marital children for the actions of their parents over which they have no control).

REASONS FOR GRANTING THE PETITION

A. Significant Issues of National Importance

1. The Constitutional Challenge to the Statutes

The constitutional challenge to the statutes is of significant national public importance and a significant public health issue negatively affecting 35% of the population see e.g. expert report of Dr. Fabricius among others. (R131-1) Beyond incentivizing divorce, and lower marriage and birth rates; Studies found that mothers receive primary residential custody in the great majority of cases, 68–88%.[14] 29% fathers see their children four or less times per month. 21% only several times per year,

---

[14] Argys L, Peters E, Cook S, Garasky S, Nepomnyaschy L, Sorensen E. Measuring contact between children and nonresident fathers. In: Hofferth SL, Casper LM, editors. Handbook of measurement issues in family research. Mahwah, NJ: Erlbaum; 2007. pp. 375–398

and 27% no visits at all. The percentage of children living apart from their fathers has more than doubled since 1960 to 27%.[15] This is more than three times the share of children around the world who do so. U.S. has the world's highest rate of children living in single-parent households.[16] Dr. Fabricius detailed the conclusive overwhelming negative effects on children that were denied significant time and joint custody of their fathers – strongly advocating that children have a need for both parents and the presumption of equal time and joint legal custody. There are intergenerational effects of deprivation of fathers and alienation. (See expert reports).

No other resulting action by the court could effectively reduce future criminal activity and resulting caseloads of both state and federal courts to degree within the next quarter century as here.

Majority of criminal acts come from those raised in or with peers within immediate communities with high rates of single-family homes particularly female head of household (absentee fathers). Sampson on crime, violent crime, and homicide – stating "the results are unequivocal. The effect of families headed by females is in all cases – significant and positive." Regardless of race and income[17]. Comanor similarly found male youths from single mother households encounter the criminal justice system most (mothers with other men / stepfathers indicated make matters

---

[15] Pew Research Center, June 15, 2011

[16] Pew Research Center, December 12, 2019

[17] Sampson RJ. Urban black violence: the effect of male joblessness and family disruption. American Journal of Sociology. 1987;93(2):348–382. (p368)

worse). All other factors including family income are much less significant.[18]

2. The States Are Divided as to the Treatment and Protections Given These Fundamental Rights in Statutes, and the Courts' Interpretations of Them and Rights Involved.

Beyond statutes the courts themselves are actively undermining the fundamental rights in many states. Some, like Illinois, allow, yet retain hostility against. As an Illinois appellate court stated, "we view joint custody as most extraordinary and counsel skepticism when trial courts hear promises from newly divorcing parents that they can surmount the manifest difficulties of a joint-custody order." In *re Marriage of Dobey*, 258 Ill.App.3d 874, 876 (1994). Some states have an explicit preference against joint legal custody. *Word v. Remick*, 58 S.W.3d 422, 426 (Ark. App. 2001) ("Joint custody or equally divided custody of minor children is not favored in Arkansas unless circumstances clearly warrant such action."). Courts effectively promote more directly for mothers solely to decide if joint custody can exist – if children and fathers can retain fundamental rights. *Cabot v. Cabot*, 697 A.2d 644, 649 (Vt. 1997) ("The meaning of § 665(a) is plain: where the parents cannot agree, the court must award primary (or sole) parental rights and responsibilities to one parent.") See 112a.

---

[18] Comanor WS and Phillips L (2002) The impact of income and family structure on delinquency. Journal of Applied Economics 5: 209–232 (p225)

Generally, it is forgone conclusion, if one is to lose, which gender it will be...

Conversely, Rebuttable presumption decision making jointly: Florida FLA. STAT § 61.13(2)(c)(2) (2009)., IDAHO CODE ANN. § 32-717B(4)., Louisiana CC132, New Mexico, Texas, Washington, D.C., Wisconsin, and Utah. Joint legal and physical custody presumption ARIZ. REV. STAT § 25-403.01(A) (Ariz. Laws 2012, Ch. 309 (effective Jan. 1, 2013)).

See e.g. J. Herbie DiFonzo, From the Rule of One to Shared Parenting: Custody Presumptions in Law and Policy, 52 Fam. Ct. Rev. 214 (2014).

3. This Court Emphasizes the Primacy of the Parent-Child Relationship

This right is one of the most fundamental liberty interests anyone can have. See, e.g., *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Troxel v. Granville*, 530 U.S. 57, 68-69 (2000) (also indicating strict scrutiny Justice Thomas concurring at 80).

In keeping with deeply rooted "Western civilization concepts of the family as a unit with broad parental authority over minor children," the law necessarily "rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment for making life's difficult decisions." *Parham v. J.R.*, 442 U.S. 584, 602 (1979).

As Justice White explained in *Stanley v. Illinois*, 405 U.S. 645 (1972) (state may not separate the parent from the child, even temporarily, without

according them due process of law to protect their liberty interests):

> "The Court has frequently emphasized the importance of the family. The rights to conceive and to raise one's children have been deemed `essential,' *Meyer* supra, `basic civil rights of man,' *Skinner v. Oklahoma, ex rel. Williamson* 316 U.S. 535, 541 (1942), and `[r]ights far more precious . . . than property rights,' *May v. Anderson*, 345 U.S. 528, 533 (1953). `It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.' [We have long held that there exists a "private realm of family life which the state cannot enter."] *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). The integrity of the family unit has found protection in the **Due Process Clause** of the Fourteenth Amendment, *Meyer v. Nebraska*, supra, at 399, the **Equal Protection Clause** of the Fourteenth Amendment, *Skinner v. Oklahoma*, supra, at 541, and the Ninth Amendment, *Griswold v. Connecticut*, 381 U.S. 479, 496 (1965) (Goldberg, J., concurring)." Id., at 651.[33]

Yet there is another... The first...

4. This Court Should Identify Grounds for the Parties' Rights that are Consistent with the Original Public Meaning of the Fourteenth

Amendment – Privileges and Immunities Clause.

The Privileges or Immunities Clause contains what should be the Fourteenth Amendment's primary mechanism for limiting state infringement of substantive rights. See *McDonald v. City of Chicago*, 561 U.S. 742, 808 (2010) (Thomas, J., concurring in part and concurring in the judgment). Indeed, the clause is most appropriately read "as a guarantor of substantive rights against all state action." Richard A. Epstein, Of Citizens and Persons: Reconstructing the Privileges or Immunities Clause of the Fourteenth Amendment, 1 N.Y.U. J.L. & Liberty 334, 345 (2005).

There is now an established cross-ideological scholarly consensus, and an emerging judicial recognition, that Slaughter-House "blatantly" misinterpreted the Privileges or Immunities Clause.[19]

There is consensus that interpreting the Privileges or Immunities Clause according to its original meaning would benefit Fourteenth Amendment jurisprudence.[20]

---

[19] Alan Gura et al., The Tell-Tale Privileges or Immunities Clause, 2009 Cato Sup. Ct. Rev. 163, 181–84 (2009); see also *McDonald*, 561 U.S. at 805 (Thomas, J., concurring); Laurence H. Tribe, American Constitutional Law 1320–31 (3d ed. 2000); Curtis, supra; Richard A. Epstein, Further Thoughts on the Privileges or Immunities Clause of the Fourteenth Amendment, 1 N.Y.U. J.L. & Liberty 1096, 1098 (2005). "Virtually no serious modern scholar—left, right, or center—thinks [that Slaughter-House] is a plausible reading of the [Fourteenth] Amendment." Akhil R. Amar, Foreword: The Document and the Doctrine, 114 Harv. L. Rev. 26, 123 n.327 (2000).

[20] Charles Black Jr., A New Birth of Freedom: Human Rights, Named and Unnamed 55 (1997). Slaughter-House arguably

5. In Light of Framework Reasoning Set Forth In *Dobbs V. Jackson Women's Health Org.*, 597 U.S. 215 (2022) this Court Should Address Not Only Privileges And Immunities Clause but the Internal Conflict within This Court Regarding Fundamental Rights of Children and Their Parents

The "biology plus" cases undermine the deep-rooted historical understanding and common sense. The facts in this case squarely give rise to address yet would not control to deny relief requested. Father "either had an interest protected by the Constitution or he did not" Justice White (dissent) *Lehr v Robertson*, 463 US 248 at 269

For instance, take *Michael H. v. Gerald D.*, 491 U.S. 110, 157-160 (1989) (WHITE, J., dissenting) majority fails when replace one gender of party with that of the other... Could a woman married to a man take the child from another woman because her husband had an affair? That was a heartbalm claim, and should have remained such. Modern advances give rise to answers that could not be known before. Adults are responsible for the consequences, not the children, and for all but the evilest of deeds, even a wrongdoer's rights do not entirely disappear. The ship that sailed can return to port or the party can swim out to meet it, and if they do, who is right to say they

---

allowed Jim Crow to reign in the South for nearly a century. See *McDonald*, 561 U.S. at 855–58 (Thomas, J., concurring) (citing *United States v. Cruikshank*, 92 U.S. 542 (1875)); Eric Foner, A Short History of Reconstruction 223–25 (1990).

should drown rather than be taken on board. Should the child(ren) be made to watch?

6. Outstanding Declaratory Injunctive Relief Regarding Sheriff is of Significant Importance

Case facts make reforms necessary,[21] possible, precluded to other victims as falls within *City of Los Angeles v Lyons* 461 U.S. 95, 101 (1983) exceptions inter alia continuing, present adverse effects, did nothing wrong to initiate the involvement of the deputies see Id at 103, *City of Canton, Ohio v. Harris*, 489 U.S. 378, (1989); *Honig v. Doe*, 484 U.S. 305 (1988), and *Turner v. Rogers*, 564 U.S. 431 (2011); R:7, R131, R16, R23, R254, R304.

B. Seventh Circuit's Decision Sanctifies and Furthers Conflicts of Authority

1. Circuits Are Divided on Application of Younger

Younger Abstention applications conflict with this Court's ruling in *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 77 (2013). See e.g. broad application *Wallace v. Kern*, 520 F.2d 400 (2d Cir. 1975). Fifth Circuit has treated the Court's Younger holdings as mere dicta and has commanded district courts to apply *Younger*

---

[21] 17-CV-01076 *Trinia Jones et al v DuPage County Sheriff et al* Unarmed black 17-year-old shot and killed in his home by a sheriff deputy – training, practice and policy (defendant I.N. admits training and practice); weaponization of police/government, etc.

more sweepingly. *Daves v. Dallas Cnty.*, 64 F.4th 616, 623–33 (5th Cir. 2023) (en banc). Seventh Circuit acknowledges (but creates own) e.g. *J.B. v Woodard,* 997 F.3d 714, 722 (7th Cir. 2021).

2. Circuits Are Divided on Domestic Relations Doctrine

Those courts tending to interpret the exception broadly referred to *Ankenbrandt*'s "reaffirmance" of the exception See, e.g., *McLaughlin v. Cotner*, 193 F.3d 410, 415 (6th Cir. 1999); *Mitchell-Angel v. Cronin*, No. 95-7937, 1996 U.S. App. LEXIS 4416 (2d Cir. Mar. 8, 1996); *Allen v. Allen*, 48 F.3d 259, 261 (7th Cir. 1995); *Sw. Boston Senior Servs. v. Whatley*, 396 F. Supp. 2d 50, 57 (D. Mass. 2005) re dismissals of suits in contract: See, e.g., *McLaughlin*, 193 F.3d at 411, 413); *Cassens v. Cassens*, 430 F. Supp. 2d 830, 836–37 (S.D. Ill. 2006)). RE Tort cases: in *McCracken v. Phillips*, No. 96-1164, 1997 U.S. App. LEXIS 61, at *2 (10th Cir. Jan. 2, 1997),.

Conversely, circuits interpret the exception narrowly characterized *Ankenbrandt v. Richards,* 504 U.S. 689, 701 (1992) as substantially limiting its scope and held that various claims arising out of a domestic relations dispute did not fall within the exception See, e.g., *Lannan v. Maul*, 979 F.2d 627, 630–31 (8th Cir. 1992). *Friedlander v. Friedlander*, 149 F.3d 739, 740 (7th Cir. 1998), Judge Posner held that a claim for intentional infliction of emotional distress involving a threat to reveal to a daughter her father's real identity did not fall within the exception; *J.B. v. Woodard*, supra.

3. Circuits Are Ignoring *Sprint* Creating New Abstention to Use Where Younger, or Domestic Relations, Abstentions Do Not Fit Creating a New Split

Sprint Communications, Inc. v. Jacobs 571 U.S. 69, 77 (2013) emphasized federal courts' "unflagging" obligation to exercise jurisdiction and limited Younger's application to three categories of federal lawsuits.

Evident in *J.B. v. Woodard*, supra; See John Harland Giammatteo, The New Comity Abstention, 111 Calif. L. Rev. 1705 (2023). Circuits that have addressed new comity abstention issues vary in the degree and scope of the doctrine's adoption. The Second, Seventh, and Eighth Circuits have most expansively used the new comity abstention. In line with its decision in *Jonathan R. v. Justice*, the Fourth Circuit is least likely to abstain. Ninth and Eleventh are in-between, accepting the doctrine's premises in certain contexts but rejecting them in others. Id 1724 (see citations within).

4. Circuits Are Divided on Application of 1915(e)(2)

Dismissal impermissible as is inconsistent with Federal Rules of Civil Procedure 4(a) and 15(a) in *Bryan v. Johnson*, 821 F.2d 455, 458 (7th Cir.1987). Seventh Circuit has not overruled *Bryan* nor *Wartman* stating "there is authority that a paid case cannot be dismissed, no matter how manifestly frivolous, before the summons is issued." Citing E.g.,

Butler v. Leen, 4 F.3d 772 (9th Cir.1993) (per curiam), *Wartman v. Branch* 7, 510 F.2d 130, 134 (7th Cir.1975) (concurring opinion) in *Nowicki v. Cooper*, 56 F.3d 782, 784 (7th Cir.1995), "claims dismissed pursuant 1915(e) should be allowed to proceed if plaintiff pays filing fee" *Arnett v. Webster*, 658 F.3d 742, 756 (7th Cir. 2011).

Sixth Circuit says it is permissible, *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997) overruling *Clark v. Ocean Brand Tuna*, 974 F.2d 48, 50 (6th Cir.1992).

Other Circuits did not allow dismissal prior to summons as well *Grissom v. Scott*, 934 F.2d 656, 657 (5th Cir.1991); *Herrick v. Collins*, 914 F.2d 228, 230 (11th Cir.1990); *In re Funkhouser*, 873 F.2d 1076, 1077 (8th Cir.1989).

Pro se civil rights cases risk judges losing neutrality and taking sides, especially if major actions are taken without ensuring notice and prior response. Unrepresented, pro se litigants face greater challenges on appeal to obtain an attorney.

5. Circuits Are Divided on Ability to Sustain Claims Regarding Interfering with Children's Right to Companionship with Parent(s); and Conversely Parents with Their Children and To Protect Children e.g. Rule 17.

Ninth Circuit ruled that children can file a 1983 claim for wrongful state interference with their parental relationships, as the right to family integrity under the Fourteenth Amendment includes protection

from unwarranted state actions affecting familial bonds.[22]. Compare Sixth Circuit that will not unless deliberate act with culpable state of mind directed at the family relationship or a decision traditionally within the ambit of the family.[23]

Conversely whether a parent can for that of their children as Ninth Circuit[24] and Tenth circuit (under First Amendment association)[25] will even for adult children; First Circuit[26], and Seventh Circuit[27] will but adds limits particularly for adult children to governmental action directly aimed at the parent child relationship (as was here), D.C. Circuit[28] will for minors regardless of custody standing, and Third Circuit[29] will for minors allowing flexibility depending upon facts and Eleventh Circuit[30] will for minors. Blackstone notes the reciprocal obligations of parent and child depending upon stage in life indicating a historical framework, lifetime.[31]

---

[22] *Smith v. City of Fontana*, 818 F.2d 1411 (9th Cir. 1987)

[23] *Chambers v. Sanders*, 63 F.4th 1092 (6th Cir. 2023)

[24] *Sinclair v. City of Seattle*, 61 F.4th 674 (9th Cir.); *Kelson v. City of Springfield* 767 F.2d 651, 653 (9th Cir.1985).

[25] *Trujillo v. Bd. of Cnty. Comm'rs of Santa Fe Cnty.*, 768 F.2d 1186, 1188 (10th Cir. 1985)

[26] *Ortiz v. Burgos* 807 F.2d 6, 7 (1st Cir. 1986)

[27] *Russ v. Watts* 414 F.3d 783, 791 (7th Cir. 2005)

[28] *Franz v. United States* 707 F.2d 582 (D.C. Cir. 1983); Butera v. *District of Columbia* 235 F.3d 637, 641 (D.C. Cir. 2001)

[29] *McCurdy v. Dodd* F.3d 820, 830 (3d Cir. 2003)

[30] *Robertson v. Hecksel*, 420 F.3d 1254, 1259 (11th Cir. 2005)

[31] Blackstone ; Eliz., statutes indemnifying local parish

Courts often ignore Rule 17(c) and children's rights in pro se cases, leading to conflicts over parental control absent fitness inquiry and frequent case dismissals. Some circuits allow limited pro se cases, representation or formal appointment is precarious. e.g. *Harris v. Apfel*, 209 F.3d 413, 417 (5th Cir. 2000), *Machadio v. Apfel*, 276 F.3d 103, 105-06 (2d Cir. 2002), *Adams ex rel. D.J.W. v. Astrue*, 659 F.3d 1297, 1300 (10th Cir. 2011); most do not *Myers v. Loudoun Cnty. Pub. Schs.*, 418 F.3d 395, 401 (4th Cir. 2005) (collecting cases). Despite circuits holding *Osei-Afriyie ex rel. Osei-Afriyie v. Med. Coll. of Penn.*, 937 F.2d 876, 883 (3d Cir. 1991) (observing that parties' failure to bring to the district court's attention the absence of counsel to represent minor children did not waive the issue; "the parent cannot waive this right") cases widely dismissed without recruiting representation.[32]

There are conflicts applying e.g. rule 17 in regards to parents' ability to proceed under pseudonym to protect their children compare: *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 188-89 (2d Cir. 2008); *James v. Jacobson*, 6 F.3d 233, 241 (4th Cir. 1993); *Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 658 F.3d 710, 724 (7th Cir. 2011), many do not[33]

6. Circuits Are Divided Regarding Finality and Appealability

---

[32]Ressler, J. Privacy, Plaintiffs, and Pseudonyms: The Anonymous Doe Plaintiff in the Information Age 53 U. Kan. L. Rev. 195 (2004-2005) note 230

[33]

Circuits "have made a hash of Finality"[34] District "might believe that it is done with an action despite not having resolved all the claims..." Usually as Fifth, Sixth, and Eighth Circuits held, it is not final. Note-261, Seventh, talks out of both ends, not final, yet buried in caselaw, is final, perhaps on circuit's whim whenever the district throws up its hands says, done, refusing to finish. "It's as if the judge had said midway through the case, "I am tired of this case so I'm entering a judgement terminating it."" *Chase Manhattan*. After *FirsTier*, circuits deeply divided: three approaches to cumulative finality.[35]

Eighth and Federal Circuits held narrowly that appeals only from decisions that resolve all outstanding issues in the district court can be saved by the entry of a final judgment. See, e.g., *Miller v. Special Weapons, L.L.C.*, 369 F.3d 1033, 1035 (8th Cir. 2004).

Most circuits (First, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, and D.C. Circuits) held that Rule 4(a)(2) will also save notices filed after decisions that could have been certified for an intermediate appeal under Rule 54(b). See, e.g., *Outlaw v. Airtech Air Conditioning & Heating, Inc.*, 412 F.3d 156, 161–62 (D.C. Cir. 2005) (Roberts, J.).

---

[34] Bryan Lammon, Manufactured Finality, 69 Vill.L Rev.271; Lammon, Bryan, Final Decisions & Final Judgments (August 23, 2023). 22 Journal of Appellate Practice & Process 59

[35] See Lammon, Bryan (2018) "Cumulative Finality," Georgia Law Review: Vol. 52: No. 3, Article 3., at 795–802. See e.g. notes 194-204 for cases for each circuit, see also split re common law vs Rule 4(a)2

Second, Third Circuits, hold broadly: nearly any district court decision, no matter how interlocutory, can be saved by a subsequent judgment. See, e.g. *Lazy Oil Co. v. Witco Corp.*, 166 F.3d 581, 587 (3d Cir. 1999).

7. Access to the Courts and Ruling on Merits Should Not Depend upon Geography – Circuits Are Divided Regarding Liberal Interpretation of Pro Se Briefs on Appeal and There Are Conflicts Between Circuits on Procedures Adversely Impacting Fundamental Rights, Meaningful Access to Federal Courts – Ruling on Merits.

Fifth Circuit holds "[s]ince the plaintiff [was] pro se, and since his brief, "liberally construed" articulated a reversible error, it would not dismiss the appeal as it would otherwise *Abdul-Alim Amin v. Universal Life Ins. Co.*, 706 F.2d 638, 640 n.1 (5th Cir. 1983).

Ninth Circuit held dismissal inappropriate, FRAP 28 errors, "no reason to treat pro se appellate briefs any less liberally than pro se pleadings." "This court recognizes that it has a duty to ensure that pro se litigants do not lose their right to a hearing on the merits of their claim ..." *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990) citing above and (*McCottrel v. E.E.O.C.*, 726 F.2d 350, 351 (7th Cir.1984) (pro se litigants held to lower standard of brief-writing than attorneys)

Eighth, Seventh, and Second Circuits: "We decline to dismiss Kirby's appeal, because he is proceeding pro se and his brief makes a discernable argument. See *LoSacco v. City of Middletown*, 71 F.3d 88, 93 (2d Cir. 1995) (appellate courts do not generally hold pro se litigants rigidly to formal briefing standards set forth in Rule 28); cf. *McCottrell v. EEOC*, 726 F.2d 350, 351 (7th Cir. 1984) (appellate court may dismiss pro se appeal where brief submitted "contains no identifiable argument")." *Kirby v. Roth*, No. 10-3697 (8th Cir. May 2, 2011). *McCottrell supra* pro se brief not rejected despite unsupported argument; *Correa v. White*, 518 F.3d 516, 518 (7th Cir. 2008) ("dismissal too harsh sanction for not having adequate explanations as to error in argument section and omitted legal citations – given leave to amend). *LoSacco v. City of Middletown*, 71 F.3d 88, 93 (2d Cir. 1995) (appellate courts do not generally hold pro se litigants rigidly to formal briefing standards set forth in Rule 28)). Thus, as pro se pleadings are liberally construed, particularly where civil rights claims are involved. *Christensen v. C.I.R.*, 786 F.2d 1382, 1384-85 (9th Cir.1986); *Bretz v. Kelman*, 773 F.2d 1026, 1027 n. 1 (9th Cir.1985) (en banc). Defendants suggest no reason to treat pro se appellate briefs any less liberally than pro se pleadings." *Balistreri v. Pacifica Police Department* 901 F.2d 696, 698–99 (9th Cir. 1990) at 699.

Third, Ninth, and Tenth Circuits have rules and provide informal brief requirements and forms for pro se litigants[36]

---

[36] See Leary, Marie. Analysis of Briefing Requirements in the United States Courts of Appeals: Report to the Judicial

The Eighth and Fourth Circuit have simplified pro se rules to ensure access to the courts. The Seventh has not. Second Circuit has developed a number of local rules governing all pro se cases - Local Rule 27(j) erects additional barriers to entry by requiring a precise statement of issues for appeal as an initial filing requirement, and Local Rule 34 reduces pro se oral arguments to just five minutes—well less than the standard ten to fifteen minutes afforded to represented parties. 2D CIR. R. 27(j); 2D CIR. R. 34.

8. Policies and Practices of the Circuits Derived to Handle Increasing Caseloads Since Middle of Last Century Are Manifesting Unintended Results Compromising the Federal Judiciary

Many litigants' cases (disproportionately pro se's) are being denied First Amendment right to seek redress. Seventh Circuit cause for concern, litigants twice as likely to get dismissed on procedural grounds in Seventh Circuit (50.10%) than would from Eighth Circuit (25.82%), essentially same for Fourth (26.49%) (most other courts, circuits averaging at 33.78% excluding Seventh). See table b1 2023. Further investigation shows percentage of dismissal by Default alone (excluding FRAP 42, cert of appealability jurisdictional defects et al) is nearly half of all procedural for the Seventh Circuit – again shows twice Fourth Circuit, 5.6 time higher than Eighth Circuit (roughly twice most other circuits; Eleventh,

---

Conference Advisory Committee on Appellate Rules. Federal Judicial Center, 2004

the other outlier). B-5A Table 2023. Seventh Circuit has been competing for top placement in a category none should.[37]

Legal scholars have been vocal about the seriousness of the situation pointing to what is occurring as more than a serious threat to meaningful access to the courts, it amounts to being unconstitutional, a violation: of Article III, separation of powers, judicial non-delegation doctrine as well as Fifth Amendment due process and equal protection clauses, First Amendment right to seek redress...[38]

---

[37] https://www.uscourts.gov/data-table-numbers/b-1; https://www.uscourts.gov/data-table-numbers/b-5a

[38]Pether, Penelope J., "Sorcerers' Apprentices: How Judicial Clerks and Staff Attorneys Impoverish U.S. Law" (2006). Working Paper Series. 62 document the phenomenon of the de facto delegation of the vast majority of Article III judicial power to judicial clerks and staff attorneys, demonstrating that these newly-graduated lawyers disproportionately decide cases against "have-nots."

Penelope Pether, Constitutional Solipsism: Toward a Thick Doctrine of Article III Duty; or Why the Federal Circuits' Nonprecedential Status Rules Are (Profoundly) Unconstitutional, 17 Wm. & Mary Bill Rts. J. 955 (2009);

William M. Richman & William L. Reynolds, Injustice on Appeal: The United States Courts of Appeals in Crisis (2013). Judges began to rely more on what the authors call "additional decision makers"—particularly law clerks and staff attorneys—to assist in performing their official responsibilities pg. 91-111; See also Iuliano, Jason, The Judicial Nondelegation Doctrine (June 21, 2023). Alabama Law Review, 2024, Forthcoming, University of Utah College of Law Research Paper No. 558, noting 8th & 11th Circuit's assertion that "delegating a judicial function violates Article III of the U.S. Constitution." contains numerous splits among states and circuits Id.

Circuits have held lower courts to task for same issue that is admitted themselves to be doing.[39] Including "rubber stamping"[40]

C. The Decisions Are Wrong

1. District's Holdings Clearly Conflict with the Seventh Circuit and This Court's Precedents

The district's holdings from the get go are wrong. The use of abstentions conflicts squarely with this

---

On pro se litigation throughout US legal system see: Stephan Landsman, The Growing Challenge of Pro Se Litigation, 13 Lewis & Clark L Rev 439 (2009) warning of "legitimacy".

Also: Jona Goldschmidt, "How Are Courts Handling Pro Se Litigants?" 82 Judicature, no. 1, July-Aug. 1998. and Levy, M. (2018). Empirical patterns of pro se litigation in federal district courts. University of Chicago Law Review. 85. 1819-1867 noting 2-4% success rates pro se plaintiffs' have compared to 50% (or more) if represented. "testing the market" fails notably for cases with declaratory injunctive relief – most difficult to obtain representation even for those with the best and most compelling basis. Id.

[39] *U.S. v. Faulk,* 181 Fed.Appx. 882, 883 (11th Cir. 2006); *U.S. v. Skyles* 165 Fed.Appx. 807, 809 (11th Cir. 2006) ("delegating a judicial function is a violation of Article III of the U.S. Constitution"); Posner supra pg. 6, 138; *N.L.R.B. v. Detroit Newspapers*, 185 F.3d 602, 606 (6th Cir. 2009) (no "discretion to delegate an Article III responsibility to an Article II judge.").

[40] "district court's 'rubber stamp' of the master's order is an inexcusable abdication of judicial responsibility and a violation of article III of the Constitution." *Burlington Northern R. Co. v. Department of Revenue of State of Wash.*, 934 F.2d 1064 (9th Cir. 1991).

court's precedents of inter alia *Sprint* and *Ankenbrandt*. Plaintiff squarely stated not asking court to issue impermissible custody decree. Addressed abstentions not initially raised by the court to defend in [DR16] motion e.g. re *Younger* pgs. 14-17 – district court's refusal to acknowledge this Court's controlling cases squarely on the matters and correct its holding show they are clearly wrong. So too dismissal valid claims, refusal time for attorney, to amend and to recruit/appoint an attorney e.g. rule 17 if one could not be found. E.g. *Dennis v. Sparks*, 499 U.S. 24, 27 (1980) (parties who conspire with immune officials suable under § 1983 and "judicial immunity" does not negate accountability," other remedies available where damages are precluded).

The improper premature action of the court acted as a functional equivalent to denial of access to representation. Rubberstamping prior improper removal of area of damages did the same again – removed money attorneys were interested in. Juries have recognized significant emotional damages associated with forced familial separations.[41]

Seventh Circuit precedent, its own abstention, younger based comity, would not apply. Plaintiff was clearly barred from any relief or pursuit of it in state court see inter alia DR12, DR16, DR18 order, DR303,

---

[41] See *Lozoya v. Gracia*, 1993 WL 850565 (N. Mex. Jan. 1993) ($6 million to mother for lost custody); *Streeter v. Exec. Jet Mgmt.*, 2005 WL 4357633 (Conn. Super. Nov. 10, 2005) ($27 million jury award for mother separated from her child for 22 months); *Smith v. Smith*, 1985 WL 327994 (Tex. July 1985) ($7 million to mother for pain and suffering associated with loss of society with her children, who were abducted by another relative); $31.35 Million *Finnegan v. Myers*, No. 3: 08-CV-503 (N.D. Ind. Sept. 30, 2016).

also DR22-3 -DR26). Order R14 pg. 4 regarding count 9 also improperly, before discovery, dismissed Monell. Clear pattern and practice amounting to policy – e.g. *Lakics v Zaruba* et al 09-CV-6929 (weaponizing the department for personal and political agendas originating with the Sheriff himself.) – S.A, listed on that case, refused to disclose.

Court denied Seventh Amendment right to a jury trial on factual issues common to both the legal and equitable claims. *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500 (1959); *Lytle v. Household Mfg., Inc.*, 494 U.S. 545 (1990).

Ignoring *Sprint*, *Younger* exceptions were clearly squarely here and raised – unless plaintiff shows that he is the victim of official bad faith or harassment, or that the state is acting pursuant to a patently unconstitutional state statute, *Younger* precludes a federal court from enjoining a pending state court proceeding. *Younger*, 401 U.S. at 49, 53.

Error to hold length as basis to dismiss amended complaint see *Kadmovas v. Stevens*, 706 F.3d 843, 844 (7th Cir. 2013) ("some [claims] require more explanation than others to establish their plausibility" (citations omitted) thus improper to be considered a failure to comply with FRCP 8(a); length, "because it contains a large number of distinct charges" as "brevity must be calibrated to the number of claims and to their character" is complying with rule 8(a)(2)).

The court started off on the wrong foot, inducing further errors of law that likely would have been avoided. Seventh Circuit recently held "claims dismissed pursuant 1915(e) should be allowed to

proceed if plaintiff pays filing fee" *Arnett v. Webster*, 658 F.3d 742, 756 (7th Cir. 2011). Here plaintiff paid. Claims affecting his child improperly dismissed without properly considering e.g. Rule17(c) or given chance to defend.

2. Seventh Circuit's Decisions Are Wrong

This honorable court should take this case as the orders have so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power, conflicting with the Fifth Amendment due process. Dismissal of briefs clearly conflict Seventh Circuit precedent.

Principles From the Rules' earliest days, this Court has sought to administer them based on sound judicial policy—"to promote the ends of justice, not to defeat them." *Hormel v. Helvering*, 312 U.S. 552, 557 (1941). "Circuits orders, policies and procedures orderly rules of procedure do not require sacrifice of the rules of fundamental justice." Ibid.

"It is too late in the day and entirely contrary to the spirit of the Federal Rules of Civil Procedure for decisions on the merits to be avoided on the basis of such mere technicalities." *Foman v. Davis*, 371 U.S. 178, 181 (1962).

Defendants' brief was nonconforming given chance to amend CR16/18. Fed. R. App. P. 31 (c) or (d) were followed but not pro se... Inter alia Rule 2 and the importance of ruling on merits and the issues of national importance should have compelled ruling on merits.

D. The Questions Presented Warrant This Court's Review

The questions are important, and, as the splits, intolerable. The case is a good vehicle to resolve the conflicts as the facts are emblematic of how the legal issues generally arise, deepens acknowledged and entrenched conflicts, the issues are important and reoccurring, of exceptional national importance, and uniquely situated to allow addressing where often not. Somethings are clear – Do not: Steal from children, steal children, help those that do, incentivize those that would. Decisions are not only wrong, but in direct conflict with this court. Further deliberation is unnecessary given the clear precedents and circuit splits. If the court finds additional arguments are needed, it should remand the case for a thorough review. Otherwise, the court has enough information from the briefing and amicus to decide key issues affecting pro se litigants and families, ensuring meaningful access to the courts and a ruling on the merits.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,
/s/ James Synnott
/s/ John Doe
/s/ JS