No.

25-5483

ORIGINAL

IN THE

Supreme Court of the United States

Z. G.,

Petitioner,

v.

M. C.,

Respondent.

On Petition For A Writ Of Certiorari
To The Supreme Court Of Pennsylvania

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The question presented is whether a judge who made a number of troubling statements that appear to have been motivated by stigma and stereotypes associated with a disability that affects petitioner contravened Title II, § 202 of the Americans with Disabilities Act and the Due Process Clause of the Fourteenth Amendment by failing to grant petitioner's motion for recusal.

PARTIES TO THE PROCEEDING

In addition to the parties named in the caption, the minor children of the parties were represented by an attorney who was appointed as their *guardian ad litem* in the proceedings below. That *guardian ad litem*, who was an appellee below, is a respondent in this Court.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Zachary P. Gelacek respectfully submits this *pro se* petition for a writ of certiorari to review the judgment of the Supreme Court of Pennsylvania.

OPINIONS BELOW

The Supreme Court of Pennsylvania denied petitioner's petition for allowance of appeal in an unpublished, one-sentence order. Pet. App. 144a. The opinion of the Superior Court of Pennsylvania also is not published. *Id.* at 1a-17. Judge Henry-Taylor's orders and opinions declining to recuse herself are not reported. *Id.* at 18a-143a, 174-75a, 176a, 203a-07a, 226-28a, 229a-30a.

JURISDICTION

The Supreme Court of Pennsylvania entered judgment on March 24, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

Title II, Section 202, of the Americans with Disabilities Act provides:

> . . . no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

42 U.S.C. § 12132.

The Fourteenth Amendment to the U.S. Constitution provides, in relevant part:

> No State shall . . . deprive any person of life, liberty, or property, without due process of law . . . .

U.S. Const. amend. XIV, § 1.

STATEMENT OF THE CASE

This case presents this Court with an issue of federal law that state courts frequently overlook and that lower federal courts typically abstain from reviewing: minimum process due to a disabled individual who wishes to exercise his fundamental right to maintain a meaningful parental relationship with his minor children. Accordingly, this case supplies this Court an opportunity to establish that a trial judge who demonstrates that he or she harbors counterfactual and stereotypical views regarding a stigmatized disability of a parent creates an "appearance of bias" that requires recusal under the anti-discrimination clause of § 202 of the Americans with Disabilities Act, 42 U.S.C. § 12132 ("no qualified individual with a disability shall, by reason of such disability, . . . be subjected to discrimination by any [public] entity"), and the Fourteenth Amendment. *Commonwealth Coatings Corp. v. Cont'l Cas. Co.*, 393 U.S. 145, 150 (1968) ("any tribunal permitted by law to try cases and controversies not only must be unbiased but also must avoid even the appearance of bias").

Petitioner and respondent are the biological parents of two minor children. Petitioner is a disabled attorney who first was licensed to practice law in Pennsylvania in 2007.[1] At this point, he has endured a four-plus-year odyssey in which he has attempted to enforce in the court system of the Commonwealth of

[1] Petitioner obtained a *Juris Doctor* from Columbia Law School, where he repeatedly was named a James Kent Scholar. From 2007 through 2009, petitioner served as law clerk to the late Honorable Joseph F. Weis, Jr., of the United States Court of Appeals for the Third Circuit.

Pennsylvania his fundamental and statutory federal rights to play a meaningful role in his children's upbringing.[2]

In 2005, petitioner first was diagnosed with degenerative disc disease and herniations of multiple discs in his lumbar and sacral spine. At that time, as well as at various points in the ensuing years, petitioner's treating physicians prescribed him compounds containing opioids to help manage intense pain associated with the condition.

Several years thereafter, the parties to this action married and respondent subsequently gave birth to two children.[3] Within a year of becoming a parent, petitioner, who at that time was employed as an associate with an international law firm, began to experience overwhelming stress and anxiety and began to develop a maladaptive behavioral mechanism of using opioids to cope.

In early January 2021, respondent informed petitioner, who by that point continuously had been receiving intensive treatment for his disability for nearly five years (and continues in such treatment to this day), that she wished to end their marriage. In response, petitioner commenced this action for custody of his minor children on February 21, 2021. A hearing officer subsequently awarded petitioner interim partial custody of the children.

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[2] Petitioner was represented by counsel for approximately the first two-and-a-half years of this action. After being represented by counsel at multiple pre-trial proceedings and attempting – without success – to expressly assert his federal rights vis-à-vis custody through those arrangements, petitioner began to pursue his custody claim *pro se*.

[3] Respondent obtained a *Juris Doctor* from the University of Pittsburgh School of Law. During law school, respondent served as a judicial intern to the Honorable Lawrence J. O'Toole, a judge of the trial court that adjudicated petitioner's custody action who retired from the bench after Judge Henry-Taylor made the remarks at issue in this petition.

In early 2022, the judge who until that point had presided over the custody action was reassigned to the trial court's criminal division. The trial court then assigned the Honorable Chelsa Wagner, a classmate of respondent from law school and an individual with whom respondent maintained a social relationship for nearly two decades, to preside over the action.

On January 6, 2023, respondent filed before Judge Wagner a motion for a custody evaluation of both parties, a critical pre-trial proceeding in Pennsylvania custody actions,[4] through which she requested relief that she desired and petitioner opposed. Petitioner responded by filing a counter-petition for a custody evaluation of both parties and a motion seeking Judge Wagner's recusal from the action based on her longtime social relationship with respondent.

Judge Wagner denied Father's motion for recusal on January 27, 2023, announcing in that ruling that she "did not have any recollection of [respondent]." She also granted respondent's petition for custody evaluation and rejected petitioner's counter-petition.

On April 12, 2023, petitioner appeared before Judge Wagner for a pre-trial hearing in a related action for equitable distribution of the parties' marital estate. At that time, Judge Wagner informed the parties that she decided to recuse herself from presiding over the parties' pending actions due to her social relationship with respondent.

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[4] Up to this point, the parties had not yet engaged in any proceedings before Judge Wagner.

In late April 2023, the trial court assigned Judge Henry-Taylor to preside over petitioner's custody action. On July 6, 2023, respondent filed a motion for special relief through which she sought to move the children to a community located over an hour's drive from respondent. Given the profound changes to his relationship with his children that respondent's motion sought to effect, petitioner opposed it.

On July 24, 2023, the trial court appointed Alyson T. Landis as *guardian ad litem* of the parties' minor children.[5]

On August 4, 2023, the trial court held a hearing on respondent's motion to move the children. During that hearing, Judge Henry-Taylor remarked, with respect to petitioner's desires as to the geographical proximity of his children to his residence, "With his issues, why does he even think he gets a say?"[6] On August 7, 2023, Judge Henry-Taylor issued an order that granted respondent the relief she sought.

Thereafter, on September 15, 2023, respondent filed another motion for special relief through which she sought various additional changes to the parties' interim custodial arrangement. Petitioner opposed that motion *pro se*. Judge Henry-Taylor scheduled a hearing on that motion for September 25, 2023.

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[5] At the time of the order appointing her *guardian ad litem*, Ms. Landis had been licensed to practice law for less than four years. Ms. Landis subsequently stated that this was her first appointment as *guardian ad litem*.

[6] This comment so upset respondent's counsel at that hearing, Chrystal Tinstman, that she expressly chided Judge Henry-Taylor.

At the September 25, 2023, hearing, Judge Henry-Taylor humiliated petitioner in open court by, among other things, informing petitioner, who was not under the influence of any unprescribed substance with potential for abuse,[7] that he appeared "flushed" and may be "under the influence of drugs." She then began to quiz petitioner on purported "co-occurring disorders." When petitioner attempted to address her questions by describing the treatment he receives for his disability, Judge Henry-Taylor repeatedly cut him off and interjected, "That was not my question." Later, she stated that petitioner may need a "batterer's intervention" and announced that she needed to check whether he previously was the subject of any protection-from-abuse orders.[8]

Judge Henry-Taylor's unfounded remarks greatly upset petitioner. Petitioner never engaged in any abusive or controlling behavior, including physical abuse, nor has he been accused of engaging in conduct of that nature. Petitioner believes that Judge Henry-Taylor's remarks at the August 4 and September 25, 2023, hearings instead were motivated by stereotypes that she harbors regarding his stigmatized disability. Given the consequences that men typically experience in their professional and personal lives when they are accused of engaging in abusive

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[7] In addition to swearing under oath that he was not under the influence at that hearing, petitioner subsequently produced contemporaneous urinalysis results that demonstrated that point.

[8] *See* 23 Pa.C.S. §§ 6101-122 (Pennsylvania Protection from Abuse Act). That statutory regime supplies a civil remedy to family members, household members, and intimate partners of individuals who create a "reasonable fear of bodily injury." *K.B. v. Tinsley*, 208 A.3d 123, 128 (Pa. Super. Ct. 2019). Petitioner never has been involved with any proceedings under the Protection from Abuse Act nor has he been accused of engaging in abuse.

behavior, Judge Henry-Taylor's comments have cause petitioner distress and trauma and they continue to cause him to experience those consequences.

Thereafter, on October 12, 2023, petitioner filed a verified motion through which he sought Judge Henry-Taylor's recusal[9] based on her conduct at the aforementioned hearings. Pet. App. 145a-158a. A few hours after petitioner filed that motion, Judge Henry-Taylor issued an order through which she abrogated petitioner's listing of argument on his motion for a public hearing and instead scheduled it for consideration during a confidential custody mediation previously scheduled for October 16, 2023. *Id.* at 174a-75a. In addition to removing consideration of petitioner's motion from the public eye, that ruling by Judge Henry-Taylor also precluded petitioner from offering evidence, such as the testimony of witnesses who also observed the judge engage in the challenged conduct, in support of his recusal motion. At that time, Judge Henry-Taylor further ruled that petitioner's burden to justify recusal at that closed hearing was to "produc[e] evidence to establish bias, prejudice, or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially." *Id.* at 174a (quoting *Commonwealth v. Watkins*, 108 A.3d 692, 734 (Pa. 2014)).

At the October 16, 2023, confidential custody mediation hearing, Judge Henry-Taylor announced that petitioner would be allotted three minutes – during which he was not permitted to present evidence – to make a showing sufficient to warrant Judge Henry-Taylor's recusal under the erroneous legal standard she

[9] A verified motion occurs when the movant swears under penalty of perjury that the factual basis for the motion is true.

applied to that question.[10] Later in the hearing, she described petitioner's recusal motions as "threats" and "bullying."

After the hearing concluded, Judge Henry-Taylor filed an order denying petitioner's verified recusal motion "WITHOUT PREJUDICE." *Id.* at 176a. Judge Henry-Taylor did not supply the rationale for that decision in that order.

Judge Henry-Taylor subsequently scheduled a bench trial on petitioner's custody claim for April 9, 2024, and established deadlines for several anticipated pre-trial filings. Renewed motions for recusal were not governed by any of Judge Henry-Taylor's pre-trial orders.

On April 8, 2024, petitioner filed a renewed motion for recusal, *id.* at 177a-202a, supported by an affidavit in which petitioner swore under oath as to the truth of the facts upon which it was based. *Id.* at 201a. Like the previous verified motion, the renewed motion was based, in part, on Judge Henry-Taylor's statements at the August 4 and September 25, 2023, pre-trial hearings in this action. *Id.* at 187a-93a.

Later that day, Judge Henry-Taylor summarily denied petitioner's renewed motion for recusal without a hearing. *Id.* 205a-06a.[11] A bench trial subsequently was held on April 9, 2024.

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[10] By contrast, Ms. Landis, the children's *guardian ad litem*, was supplied five minutes to address a petition for payment of a $1,600 invoice.

[11] Although Judge Henry-Taylor cited her order establishing pre-trial deadlines as one basis for denying petitioner's renewed motion for recusal, Pet. App. 205a, no order concerning deadlines for *pre-trial submissions governed or, for that matter, mentioned motions for recusal.*

On May 13, 2024, petitioner filed a post-trial motion for reconsideration of his renewed motion for recusal. *Id.* 208a-25a. On May 23, 2024, Judge Henry-Taylor issued an order entering judgment on petitioner's custody claims.

On June 24, 2024, petitioner appealed the trial court's May 23, 2024, judgment to the Superior Court of Pennsylvania. Shortly thereafter, on June 28, 2024, Judge Henry-Taylor denied petitioner's post-trial motion for reconsideration of his motion for recusal. *Id.* at 229a. On August 5, 2024, Judge Henry-Taylor issued a 165-page opinion explaining her rationale for the trial court's judgment. *Id.* at 18a-143a.

On appeal, petitioner asserted that Judge Henry-Taylor's refusal to recuse herself from adjudicating petitioner's custody claim after her conduct during the August, September, and October 2023 hearings described *supra* contravened established Pennsylvania law, § 202 of the Americans with Disabilities Act, and the Fourteenth Amendment.[12] The Superior Court denied petitioner's appeal in an unpublished opinion and order issued on December 30, 2024. *Id.* at 1a-17a.

In that opinion, the Superior Court commenced its application of the law governing recusal by noting that Judge Henry-Taylor's decision to move argument on the motion from open court to a confidential mediation session was permissible because "it's very hard to get court dates . . . ." *Id.* at 15a. It then observed that respondent's counsel – who was not present during the September 25, 2023, hearing

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[12] On November 5, 2024, petitioner moved for the recusal of one of the three judges who constituted the panel assigned to decide petitioner's appeal because that judge has maintained a friendship with respondent since they were classmates in high school. On November 13, 2024, that motion was granted, the judge recused herself, and another judge was assigned to the panel.

described *supra* – "wholly refuted [petitioner]'s accusations." *Id.* at 15a-16a. It further stated that Judge Henry-Taylor's denial of petitioner's renewed motion for recusal was proper because petitioner's motion "w[as] not properly filed," *id.* at 403a, but notably did not explain what was improper about the manner through which petitioner filed that motion. *Id.* Based on those findings, the Superior Court explained, it "discern[ed] no error in how the court considered [petitioner]'s recusal request." *Id.* It then added, "[t]he . . . record . . . contains no evidence warranting a reasonable person to question the trial judge's impartiality in the custody proceedings." *Id.*

On January 29, 2025, petitioner filed with the Supreme Court of Pennsylvania a petition for allowance of appeal in which he raised for review, *inter alia*, the propriety, under § 202 of the Americans with Disabilities Act and the Fourteenth Amendment, of the Superior Court's rejection of petitioner's appeal of Judge Henry-Taylor's orders through which she refused to recuse herself from the custody action. The Supreme Court of Pennsylvania denied that petition, without explanation, on March 24, 2025. *Id.* at 144a.

REASONS FOR GRANTING THE PETITION

This petition implicates multiple fundamental issues of federal law that have been all but ignored by the Pennsylvania courts that have adjudicated this action. Perhaps most salient among those is the bedrock principle of due process that "any tribunal permitted by law to try cases and controversies not only must be unbiased

but also must avoid even the appearance of bias." *Commonwealth Coatings*, 393 U.S. at 150.

A neutral factfinder devoid of an appearance of bias is necessary to protect the fundamental rights of all individuals whose interests are at stake in a custody action. As this Court also has recognized, the due process clause also protects the fundamental interest of individuals, like petitioner, who wish to maintain or augment their parent-child relationships through custody actions. Thus, in *Stanley v. Illinois*, 405 U.S. 645, 651 (1972), this Court opined:

> The private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection. It is plain that the interest of a parent in the companionship, care, custody, and management of his or her children comes to this Court with a momentum for respect lacking when appeal is made to liberties which derive merely from shifting economic arrangements.

Petitioner consistently has cited those fundamental maxims of federal law in his pursuit of maintaining a meaningful parent-child relationship with his minor children. In the process of seeking to enforce those basic rights, petitioner, who undisputedly both suffers from a disability and is perceived by others to be disabled, confronted a jurist in Judge Henry-Taylor who uttered multiple unsolicited remarks that demonstrate that she subscribes to stereotypes regarding petitioner's stigmatized disability.

Petitioner has been diagnosed with several health conditions. During the course of the custody action, respondent and Judge Henry-Taylor zeroed in on opioid use disorder, a condition that petitioner first was diagnosed with in 2016, as a basis for resisting and denying, respectively, petitioner's attempts to maintain a

close parent-child relationship with his minor children. The National Center on Substance Abuse and Child Welfare, a division of the United States Department of Health and Human Services (HHS), has noted, "[s]ubstance use[and] mental health disorders[ ] . . . are [among] the most highly stigmatized conditions in society." Nat'l Ctr. on Substance Abuse & Child Welfare, *Disrupting Stigma: How Understanding, Empathy, & Connection Can Improve Outcomes for Families Affected by Substance Use & Mental Disorders* 5 (2024).

Congress passed the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et seq.*, in order to, *inter alia*, "assure equality of opportunity, full participation, independent living, and economic self-sufficiency for . . . individuals" with disabilities, *Id.* § 12101(a)(7), and "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." *Id.* § 12101(b)(1). Title II, § 202, of the Americans with Disabilities Act provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." *Id.* § 12132.

"For nearly twenty-five years after the passage of [§ 202], most family courts found that the law did not apply to, and could not be raised in, family court proceedings." Sarah H. Lorr, *Unaccommodated: How the ADA Fails Parents*, 110 Calif. L. Rev. 1315, 1319-20 (2022). In 2015, the United States Departments of Justice and Health and Human Services issued a joint technical assistance through

which they refuted that understanding of applicable law, thereby confirming that family court proceedings are within § 202's purview. *See* U.S. Dep't of HHS & Dep't of Justice, *Protecting the Rights of Parents and Prospective Parents with Disabilities: Technical Assistance for State and Local Welfare Agencies and Courts under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act* (hereinafter "Technical Assistance") (Aug. 10, 2015), at 9.

Within that document, the Departments of Justice and HHS noted that both agencies "have received numerous complaints of discrimination from individuals with disabilities involved with the child welfare system, and the frequency of such complaints is rising." *Id.* at 1. They observed that such "issues are long-standing and widespread," *id.* at 2, and that "parents with psychiatric disabilities face the most discrimination based on stereotypes[and] lack of individualized assessments." *Id.*

The agencies further found that "[d]iscriminatory separation of parents from their children can result in long-term negative consequences to both parents and their children," *id.*, "undermining precious moments for the [children] and parents that can never be replaced." *Id.* They opined that "[a]ny case of discrimination against parents . . . due to their disability is not acceptable." *Id.* at 2.

Addressing Title II of the Americans with Disabilities Act, the agencies stated that its provisions apply to the activities of "all state . . . court systems." *Id.* at 3. They further confirmed that the terms "services, programs, and activities" in § 202 "extend to child . . . custody hearings." *Id.*

With respect to application of § 202 in such proceedings, the agencies announced that "[t]wo principles are fundamental to Title II of the ADA . . . : (1) individualized treatment; and (2) full and equal opportunity." *Id.* at 4. With respect to the first principle:

> Individuals with disabilities must be treated on a case-by-case basis consistent with the facts and objective evidence. Persons with disabilities may not be treated on the basis of generalizations or stereotypes. For example, prohibited treatment . . . include[s actions of a state court] based on the stereotypical belief, unsupported by an individualized assessment, that people with disabilities are unable to safely parent their children.

Id. (internal citations omitted). As to the latter principle, the agencies found that "[i]ndividuals with disabilities must be provided opportunities to benefit from or participate in child welfare programs, services, and activities that are equal to those extended to individuals without disabilities." *Id.*

Perhaps most pertinent to the issue before this Court, the agencies commented that all activities of family courts fall within the scope of § 202. *Id.* at 9. Accordingly, they added:

> We also remind judges and court personnel of their obligations under the American Bar Association, Model Code of Judicial Conduct, Rule 2.3 (b) that states: "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based on race, sex, gender, religion, national origin, ethnicity, disability, . . . and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so."

Id. Finally, they confirmed that "an aggrieved person may raise [§ 202]" as a positive source of rights in child custody proceedings. *Id.* at 17.

The Technical Assistance demonstrates why the remarks of Judge Henry-Taylor during the pre-trial proceedings that petitioner challenges herein are particularly problematic. Her remarks – which were grounded in stereotypes rather than the facts before the court – not only tainted the proceedings with the appearance of bias, they confirmed that petitioner, an individual both affected by a harshly stigmatized disability and perceived as being affected by that disability,[13] had his custody claim adjudicated in a manner that contravenes § 202.

Petitioner believes that the circumstances attendant to this petition's arrival before this Court demonstrate why parents who qualify as affected by disability under the Americans with Disabilities Act need a ruling of this Court on this subject matter. Despite Congress's express intent of eliminating discrimination against individuals with disabilities when it enacted the Americans with Disabilities Act approximately thirty-five years ago, courts refused to even apply that federal authority to child custody disputes for the first quarter-century of its existence. During that time, when the issue was raised in state court proceedings, those

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[13] "Disability" is defined in 42 U.S.C. § 12102(1). That provision states:

> (1) **Disability**
> The term "disability" means, with respect to an individual—
> (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
> (B) a record of such impairment; or
> (C) being regarded as having such an impairment.

Id. With respect to § 12102(1)(C):

> An individual meets the requirements of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Id. § 12102(3)(A). Accordingly, one only needs to be perceived as affected by a disability in order to qualify for protection under § 202.

tribunals typically ignored both the text of § 202 and Congress's intent and instead fashioned an unwarranted exemption for family court actions. *See, e.g., In re Antony B.*, 735 A.2d 893, 899 (Conn. App. Ct. 1999); *In re B.S.*, 693 A.2d 716, 720-22 (Vt. 1997); *In re Torrance P.*, 522 N.W.2d 243, 245-46 (Wis. App. 1994); *In re Doe*, 60 P.3d 285, 290 (Haw. 2002).

The problem with lack of enforcement of the Americans with Disabilities Act in state family court proceedings became so acute by 2015 that the Departments of Justice and HHS issued the aforementioned Technical Assistance. Technical Assistance at 1-2. On October 16, 2017 – not long after those agencies issued that document – HHS declared a public health emergency due to the opioid crisis affecting the United States.[14] Subsequently, in 2022, the Department of Justice found it necessary to announce that the protections of § 202 extend to individuals, like petitioner, who participate in programs for treatment of opioid use disorder. U.S. Dep't of Justice, *The Americans with Disabilities Act and the Opioid Crisis: Combatting Discrimination Against People in Treatment or Recovery* (Apr. 5, 2022), at 1-8.

Petitioner's experiences with Judge Henry-Taylor's patently discriminatory remarks in summer and fall of 2023 as well as his inability to obtain recusal as relief for those incidents in subsequent proceedings in the Pennsylvania courts demonstrate that the federal courts need to supply guidance in this area. The prospect of obtaining such relief is complicated, however, by abstention doctrines

[14] On June 18, 2025, Robert F. Kennedy, Jr., the current Secretary of HHS, renewed that determination, effective March 22, 2025.

that function to confine custody litigation almost exclusively to state courts. As this Court previously has observed, "[f]amily relations are a traditional area of state concerns." *Moore v. Sims*, 442 U.S. 415, 435 (1979). Doctrines such as *Younger* abstention, which this Court applied in *Moore*, *id.*, preserve the primacy of state courts in that subject matter by largely removing custody disputes from the jurisdiction of the lower federal courts. Consequently, discretionary appeal of state court judgments to this Court remains the only viable vehicle to put this issue before a federal court.

This petition presents this Court with an opportunity to remind state courts of their obligation to faithfully apply § 202 of the Americans with Disabilities Act in the custody actions that are occurring in the midst of the national opioid crisis. It also supplies a vehicle through which this Court can reinforce its longstanding principle of due process that preserves the legitimacy of the judiciary by requiring recusal any time that circumstances demonstrate that an "appearance of bias" is manifest. Such an appearance became present in this action when, as set forth *supra*, during pre-trial hearings in 2023, Judge Henry-Taylor suggested – without evidentiary support – (i) that petitioner's battle with opioid use disorder disqualified him from offering an opinion as to where his children should live; (ii) described petitioner – who was not under the influence of any substances of concern – as "flushed" and "likely under the influence of drugs;" (iii) interrogated petitioner about purported "co-occurring disorders" and became visibly frustrated when he tried to explain the medical treatment he was receiving for his condition; (iv)

suggested – again in spite of the facts – that petitioner was a physically violent individual subject to civil protection orders who needed a "batterer's intervention;" and (v) labeled petitioner's expressed intention to pursue potentially-available remedies as a result of her judicial conduct as "threats" and "bullying."

Petitioner does not seek any relief through this petition that would alter the critical calculus that a state court must make in resolving custody proceedings, *i.e.*, reaching the delicate balance of the respective rights, obligations, and interests of petitioner, respondent, and their minor children in order to reach an optimal custody arrangement. Instead, petitioner merely requests that this Court utilize this opportunity, in which a custody action properly is before this Court, to clarify that, under the circumstances, § 202 of the Americans with Disabilities Act and the Fourteenth Amendment required Judge Henry-Taylor to recuse herself when petitioner requested that relief in October 2023. Due process and Congress's stated intent in passing the Americans with Disabilities Act necessitate such a result, and the citizens of this nation, like petitioner, affected by the ongoing opioid crisis desperately need it.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted.

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Pro Se Petitioner

August 23, 2025