

IN THE SUPREME COURT OF THE UNITED STATES

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DANIEL JAMES CALDWELL,  
Petitioner,

v.

TEXAS FOR THE PROTECTION OF JENNIFER ZIMMERMAN,  
Respondent.

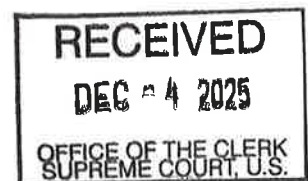
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PETITION FOR REHEARING UNDER SUPREME COURT RULE 44  
OF AN ORDER DENYING CERTIORARI

with a 1-page Summary: Why this case matters  
and seven (7) exhibits:

1. 07-29-2022 – Michael Denton’s denial of new trial hearing in No. 22-0072-POC4;
  2. 10-05-2022 – Zimmerman’s nonsuit dismissing counterclaim in No. 09-3577-FC4;
  3. 01-10-2023 – Amy Meacham’s denial of right to apply for writ of habeas corpus;
  4. 09-20-2023 – Daryl Coffey’s denial of writ of habeas corpus in No. 23-1273-C480;
  5. 06-14-2024 – Dib Waldrip’s denial of suit for modification in No. 09-3577-FC4;
  6. 07-10-2024 – Dib Waldrip’s denial of suit for expunction in No. 24-0247-C425;
  7. 07-18-2024 – Panel denial of mandamus in No. 03-24-00440-CV (re: 09-3577-FC4).
- 

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Petitioner, Pro Se and *in forma pauperis*  
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## **SUMMARY: Why this case matters**

This case presents unresolved constitutional conflicts striking at the heart of Supreme Court jurisprudence on family integrity, due process, and lawful exercise of judicial power.

Rehearing is warranted both because the Texas courts' decisions directly contradict multiple holdings of the U.S. Supreme Court while permanently restricting Petitioner's rights, and because no state forum remains open to adjudicate federal constitutional issues raised.

### **I. Fundamental Liberty Interests Are at Stake**

This Court has long recognized the parent-child relationship as a fundamental liberty interest under the Fourteenth Amendment. See *Troxel v. Granville*, 530 U.S. 57 (2000); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Stanley v. Illinois*, 405 U.S. 645 (1972); *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996). These decisions mandate heightened constitutional protection—including clear and convincing evidence—before the State may impose lifelong restraints on parental rights.

In direct conflict with the above federal precedents, Texas imposes permanent restraints on Petitioner's parental rights: without constitutionally adequate findings, without the mandated evidentiary standard, without procedural safeguards, and without a juror sworn in as judge for any court. This conflict is outcome-determinative and warrants the Supreme Court's intervention.

### **II. The Case Presents a Systemic Constitutional Defect Affecting Judicial Authority**

This Court has held that actions taken by an officer lacking lawful authority are void. See *Ryder v. United States*, 515 U.S. 177 (1995); *Norton v. Shelby County*, 118 U.S. 425 (1886). Article VI requires that state judicial officers must be duly sworn to exercise judicial power.

Petitioner presented evidence that the individuals issuing the restraints are not and were not then the elected or appointed judges of any court and did not take constitutionally valid oaths of office. Texas courts refused to review these defects. The resulting orders raise structural constitutional questions of national importance: whether a State may enforce or ratify judicial orders issued by individuals who did not lawfully acquire authority to act as judge of a court.

### **III. State Procedures Foreclosed Any Review of the Federal Questions**

Over a three-year period, Petitioner pursued every available state remedy—new trial, appeal, counterclaim, mandamus, habeas corpus, modification, and expunction—yet no Texas court addressed the underlying federal constitutional violations. When state procedures prevent meaningful review of federal claims, this Court has intervened. See *Turner v. Rogers*, 564 U.S. 431 (2011); *Patterson v. Alabama*, 294 U.S. 600 (1935); *Fay v. Noia*, 372 U.S. 391 (1963).

The total foreclosure of state remedies to restore deprived rights (familial, redress, personal security, etc.) makes the U.S. Supreme Court review not only appropriate but necessary.

### **IV. The Issues Are Nationally Recurring and Require Clarification**

Family-integrity cases arise in every State, yet courts remain divided on the minimum constitutional requirements for imposing lifelong restraints on parental and Second Amendment rights, especially outside formal termination proceedings. This case provides a clean vehicle for reaffirming the constitutional standards this Court established in *Bruen*, *Troxel*, *Santosky*, *Stanley*, and *M.L.B.*, and for addressing a judicial-authority question left unresolved in *Ryder*.

IN THE SUPREME COURT OF THE UNITED STATES

DANIEL JAMES CALDWELL,

Petitioner,

v.

STATE OF TEXAS FOR THE PROTECTION OF JENNIFER ZIMMERMAN,

Respondent.

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**Rule 44.2 PETITION FOR REHEARING**

Petitioner, Daniel James Caldwell, pursuant to Rule 44, respectfully moves for reconsideration of this Court’s November 10, 2025, order denying certiorari.

Rehearing is warranted because the underlying case squarely presents **unaddressed, outcome-determinative conflicts** between the decisions of the Texas court of appeals and of holdings of this Court’s precedent governing (1) the constitutional protections afforded to parents and children — required when the State seeks and imposes perpetual restraints on family integrity, and (2) fundamental due-process limits on the exercise of judicial power.

This petition presents **substantial grounds not previously presented**, namely the complete exhaustion of all possible state avenues for relief, making this Court the necessary forum of last resort for federal constitutional violations — that were ignored by the Texas courts — to now be adjudicated with application of constitutional protections in family relationship proceedings.

**I. SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED**

Petitioner requests this Court to reconsider its denial of review because:

1. **Texas courts issued lifelong restraints on Petitioner’s parental rights in direct conflict with this Court’s controlling family-integrity precedents** that protect

the Constitutional rights of parents and children when a State seeks lifelong, permanent restraint or termination of rights in a parent-child relationship.

This Court has repeatedly held that the **parent-child relationship is a fundamental liberty interest** protected by the Fourteenth Amendment:

- **Troxel v. Granville**, 530 U.S. 57, 65–66 (2000) (“the interest of parents in the care, custody, and control of their children—is perhaps the oldest fundamental liberty interest recognized by this Court”).
- **Santosky v. Kramer**, 455 U.S. 745, 753–54 (1982) (due process requires the State to prove grounds for termination by **clear and convincing evidence**).
- **Stanley v. Illinois**, 405 U.S. 645, 651 (1972) (government “may not deprive a parent of custody of his children without due process”).
- **M.L.B. v. S.L.J.**, 519 U.S. 102, 116 (1996) (termination proceedings demand “heightened procedural protections” because they are “irretrievably destructive” of fundamental family rights).

This Court requires **heightened constitutional protection**—including the **clear and convincing evidence** standard—before the State may terminate or permanently restrain parental rights. **Santosky**, *supra*.

Contrary to these decisions, the Texas courts imposed **lifelong, permanent restraints** on Petitioner’s parental rights (1) without a finding based on probable cause nor **clear and convincing evidence**, **Santosky**, *supra*; (2) without constitutionally adequate procedural safeguards, **M.L.B.**, *supra*; (3) without meaningful judicial review; and (4) without the juror first being sworn in as the judge of any court.

The Texas court of appeals’ contradictory rulings in this case stand in stark contrast to this Court’s controlling precedents requiring heightened constitutional protection before the State may terminate or permanently restrain parental rights.

This conflict alone independently satisfies the standard for rehearing and warrants certiorari.

**2. The State imposes severe liberty restraints without meeting minimal due-process requirements for deprivation of fundamental rights.**

This Court has long held that **significant restraints on liberty require constitutionally adequate evidentiary and procedural justification**, including:

- **Winship v. United States**, 397 U.S. 358, 364 (1970) (constitutional standards of proof protect due process).
- **Fuentes v. Shevin**, 407 U.S. 67, 80–82 (1972) (State must provide procedural safeguards before depriving liberty or property).
- **Carey v. Piphus**, 435 U.S. 247, 266–67 (1978) (procedural due process is violated when liberty is curtailed without lawful procedures).

Petitioner’s parental and Second Amendment (**Bruen**, *infra*) rights were forever extinguished without lawful evidentiary findings, without judicial authority nor due process, and without application of a constitutionally appropriate standard of review.

These defects place the Texas rulings in direct conflict with this Court’s jurisprudence.

**3. Petitioner has now fully exhausted every available state remedy for recourse** (direct attack by new trial and this appeal, and collateral attacks). No Texas court has fully or fairly reviewed or adjudicated the state or federal constitutional violations inherent in the void order despite those issues being properly raised.

Petitioner has pursued every method for seeking remedy through the Texas courts for relief from the offending order, including new trial, this appeal, counterclaim, habeas corpus, expunction, modification, and mandamus.

Consistent with decisions guaranteeing the opportunity to adjudicate constitutional claims when state procedures do not, federal review is required:

- **Turner v. Rogers**, 564 U.S. 431, 445 (2011) (failure of procedural mechanisms to provide meaningful review violates due process).

- **Patterson v. Alabama**, 294 U.S. 600, 607 (1935) (state procedures cannot foreclose federal constitutional review).
- **Fay v. Noia**, 372 U.S. 391, 438–40 (1963) (inability to obtain state corrective process may warrant federal relief).

The <sup>Seven</sup> ~~eight~~ final state-court actions (listed below) demonstrate that **no state forum remains open**, making Supreme Court rehearing — to resolve federal right grounds for appeal which were raised but not addressed below — both appropriate and necessary.

## II. CONTINUING FEDERAL CONSTITUTIONAL VIOLATIONS

As previously asserted, the State of Texas continues to enforce ongoing restraints that infringe on constitutionally enumerated freedoms of the Petitioner, including:

- **Article VI**: right of a fair trial adjudicated by a lawful judicial officer bound by Oath or Affirmation to support the Constitution;
- **1st Amendment**: familial association, peaceful assembly, and petition for redress of grievances;
- **2nd Amendment**: right to keep and bear arms (**New York State Rifle & Pistol Association, Inc. v. Bruen**, 597 U.S. 1 (2022) – Constitution protects carrying);
- **4th Amendment**: rights to be secure from unreasonable seizure (**Soldal v. Cook County**, 506 U.S. 56, 61 (1992) – seizures of liberty must meet requirements);
- **5th Amendment**: immunities from being held to answer for a felony without indictment, and from compulsion to witness against self without due process;
- **6th Amendment**: compulsory process for obtaining witnesses and the effective Assistance of *appointed* Counsel (**Gideon v. Wainwright**, 372 U.S. 335 (1963));
- **14th Amendment**: liberty interests in family integrity (**Troxel**; **Santosky**; **Stanley**; **M.L.B.**) and to earn a livelihood are to be protected from deprivation except by due process and equal protection of the law.

Failure by individuals who unlawfully acted as judicial officers, namely Alan Mayfield and Michael Denton, to first be duly bound by the taking of a constitutionally valid oath of office required by Article VI deprives a would-be judicial officer of lawful

authority, such that the orders must be deemed void which impose perpetual restraints on Petitioner.

The Williamson County Clerks, as the record keepers of the Williamson County courts, do not have any oath of office filed for Michael Denton, Amy Meacham, Daryl Coffey, Dib Waldrip, Rosa Theofanis et al, nor for the aforementioned Alan Mayfield. See <https://williamsoncountytexas-web.tylerhost.net/williamsonweb/>

Each restraint persists without lawful adjudication nor constitutional authority.

### III. VEXATIOUS LITIGANT FINDING BARS STATE COURT ACCESS

In support of this petition for rehearing, Petitioner submits copies of **seven (7) final actions of the Texas state courts** (to show complete elimination of all avenues for state remedies) upholding Mayfield's and Denton's lifetime terminations of rights:

1. 07-29-2022 – Michael Denton's denial of new trial hearing in No. 22-0072-POC4;
2. 10-05-2022 – Zimmerman's nonsuit dismissing counterclaim in No. 09-3577-FC4;
3. 01-10-2023 – Amy Meacham's denial of right to apply for writ of habeas corpus;
4. 09-20-2023 – Daryl Coffey's denial of writ of habeas corpus in No. 23-1273-C480;
5. 06-14-2024 – Dib Waldrip's denial of suit for modification in No. 09-3577-FC4;
6. 07-10-2024 – Dib Waldrip's denial of suit for expunction in No. 24-0247-C425;
7. 07-18-2024 – Panel denial of mandamus in No. 03-24-00440-CV (re: 09-3577-FC4).

These actions while this appeal was pending, each denying or dismissing the Petitioner's right to access any other relief, collectively demonstrate conclusive foreclosure of all state remedies. No remedy remains available in any Texas court.

### IV. RELIEF REQUESTED

**Petitioner respectfully requests that this Court:**

1. **Grant rehearing** under Rule 44.2;
2. Upon rehearing, **grant certiorari** to resolve the conflicts between the Texas courts' decisions and this Court's holdings on constitutional questions;

3. **Issue supervisory or injunctive relief** to determine the validity of orders issued by individuals acting as judicial officers **without first taking a constitutionally valid oath of office**, thereby rendering challenged orders **void ab initio**.

- See **Ryder v. United States**, 515 U.S. 177, 182–83 (1995) (actions of improperly appointed or unsworn officers are void and must be set aside).
- **Norton v. Shelby County**, 118 U.S. 425, 441–42 (1886) (“an unconstitutional act is not a law... confers no rights, imposes no duties, affords no protection”).

#### CERTIFICATION

I certify that this petition is presented in good faith, to remove ongoing unlawful restraints imposed by individuals that “usurped” (**Norton**) state authority, and not for delay, this 26th day of November, 2025, within the 25-day period allowed by Rule 44.

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#### CERTIFICATE OF SERVICE

I certify that I have attempted to confer with Carly Dessauer, opposing Counsel of Record for the State of Texas, by email at [carly.dessauer@wilcotx.gov](mailto:carly.dessauer@wilcotx.gov) and [carly.dessauer@wilco.org](mailto:carly.dessauer@wilco.org), and by telephone at 512-943-1111, leaving messages.

I further certify that concurrently with shipping ten copies to the Court Clerk, I caused to be served the above Rule 44.2 Petition for Rehearing, together with the eight exhibits and a 1-page summary, by first-class mail, postage prepaid, and by email, upon:

Carly Dessauer

Texas State Bar No. 24069083

Appellate Director, Criminal and Civil Divisions

Williamson County Attorney’s Office

405 M.L.K., No. 7, Georgetown, Texas 78626

I declare the foregoing to be true and correct, under penalty of perjury.

Signature: \_\_\_\_\_



November 26, 2025.

Daniel Caldwell, Pro Se, *in forma pauperis*

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R. 44.2 Pet. for Reh’g, Caldwell v. Texas, 25-5491

3:38 FILED  
at o'clock M

JUL 29 2022 JT

CAUSE NO. 22-0072-POC4

STATE OF TEXAS  
For the Protection of  
JENNIFER ZIMMERMAN,  
APPLICANT  
V.  
DANIEL JAMES CALDWELL,  
RESPONDENT

§  
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§

*Lisa Daniel*  
District Clerk, Williamson County, Texas  
COUNTY COURT AT LAW TX4

OF

WILLIAMSON COUNTY, TEXAS

**ORDER DENYING  
MOTION FOR REHEARING, RECONSIDERATION, OR NEW TRIAL;  
MOTION TO CONSOLIDATE;  
MOTION FOR MODIFICATION AND REQUEST FOR JURY TRIAL;  
AND RENEWAL OF REQUEST FOR HABEAS CORPUS RELIEF**

On the 29th day of July, 2022, came to be heard the Motion for Rehearing, Reconsideration, or New Trial; Motion to Consolidate; Motion for Modification and Request for Jury Trial; and Renewal of Request for Habeas Corpus Relief filed by the Respondent. The State appeared and announced ready. Respondent appeared and announced ready. The Court, having considered the pleadings and heard the evidence and argument of both parties DENIES the Motion for Rehearing, Reconsideration, or New Trial; DENIES the Motion to Consolidate; DENIES the Motion for Modification and Request for Jury Trial; and DENIES the Renewal of Request for Habeas Corpus Relief. The Clerk is hereby ORDERED to deliver a copy of the instant Order to the parties.

SIGNED this, 29 day of July, 2022.

*[Signature]*  
Judge Presiding

The Clerk is ordered to accept for filing  
the above referenced Motion  
The Clerk will also accept the *[Signature]*  
Proposed Findings of Fact and Law *[Signature]*

NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA

**NO. 09-3577-FC4**

**IN THE INTEREST OF**  
**IAN MARCUS CALDWELL**  
**A CHILD**

§  
§  
§  
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§  
§

**IN COUNTY COURT AT LAW**  
**NUMBER 4**  
**WILLIAMSON COUNTY, TEXAS**

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**NOTICE OF NON-SUIT**

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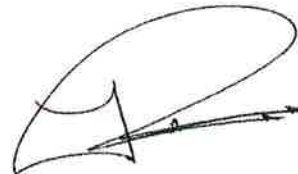
This *Notice of Non-suit* is brought by JENNIFER ELIZABETH ZIMMERMAN, the Petitioner in the pending modification matter in this cause number, who requests the Court to non-suit her pending *Petition to Modify Parent-Child Relationship*, in accordance with Texas Rule of Civil Procedure 162.

JENNIFER ELIZABETH ZIMMERMAN prays that the Court non-suit her pending *Petition to Modify Parent-Child Relationship* without prejudice immediately and upon filing of this notice.

Respectfully submitted,

**GORANSON BAIN AUSLEY, PLLC**  
3307 Northland Drive, Suite 420  
Austin, Texas 78731  
Tel: (512) 454-8791  
Fax: (512) 454-9091

By:



---

ROB FRAZER  
State Bar No. 24063674  
rfrazier@gbafamilylaw.com

CAUSE NO. 23-1273-C480

EX PARTE

VS.

DANIEL JAMES CALDWELL

§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

480<sup>TH</sup> JUDICIAL DISTRICT

WILLIAMSON COUNTY, TEXAS

ORDER

IT IS ORDERED the *Petition for Writ of Habeas Corpus, Request for Setting, Announcement of Appearance, and Motion for Summary Judgment* filed on July 31, 2023, in the above matter is hereby denied after a hearing with sworn testimony on September 18, 2023, at 1:45 p.m.

The protective order in cause number 22-0072-POC4 styled *State of Texas for the Protection of Jennifer Zimmerman vs. Daniel James Caldwell* is both valid and lawfully executed by a Texas Judge and Court with valid subject matter jurisdiction. The protective order is not over broad and is valid and legal in its scope, term and duration.

The Applicant's habeas corpus relief is DENIED.

SIGNED on this the 20th day of September 2023.

  
Honorable Judge Daryl Coffey

150 N. SEGUIN, SUITE 3114  
NEW BRAUNFELS, TEXAS 78130



(830) 620-3423 Office  
ADMINPJ3@CO.COMAL.TX.US

**DIB WALDRIP**  
PRESIDING JUDGE  
3RD ADMINISTRATIVE JUDICIAL REGION  
**June 14, 2024**  
**NO. 09-3577-FC4**

ITIO	§	IN THE COUNTY COURT
I.M.C.	§	AT LAW #4
A CHILD	§	WILLIAMSON COUNTY, TX

**ORDER DENYING PERMISSION TO FILE LITIGATION**

**CAME ON** Friday, June 14, 2024, to be presented a litigant's Petition to Modify the Parent-Child Relationship. Previously, Petitioner, Daniel James Caldwell, was held to be a vexatious litigant. The current presentation and consideration of this petition is limited solely to the purposes of Chapter 11 of the Texas Civil Practices & Remedies Code as to whether permission to file litigation should be granted.

Underlying presentation of this petition to the undersigned Regional Presiding Judge is the fact that the Local Administrative Judge recused from this cause. The Court has reviewed the petition and the trial court's file on this matter as well as a protective order cause referenced by petitioner. The child subject of this suit is a protected-party in the protective order in cause number 22-0072-POC4. The Order in that cause is currently on appeal. For so long as the child subject to this suit and this petition is a protected-party in another cause currently being otherwise litigated, this Court will not entertain a petition to modify the existing judgment in this cause. Without a hearing, the Court concludes that permission to file litigation should be and is, hereby, **DENIED** in accord with Tex.Civ.Prac. & Rem. Code § 11.102.

**IT IS SO ORDERED** on this the 14<sup>th</sup> day of June, 2024.

  
Honorable Dib Waldrip  
Regional Presiding Judge

150 N. SEGUIN, SUITE 3114  
NEW BRAUNFELS, TEXAS 78130



(830) 620-3423 Office  
ADMINPJ3@CO.COMAL.TX.US

**DIB WALDRIP**  
PRESIDING JUDGE  
3RD ADMINISTRATIVE JUDICIAL REGION  
**July 10, 2024**

NO. \_\_\_\_\_

ITMO	§	IN THE DISTRICT COURT
DANIEL JAMES CALDWELL	§	_____ JUDICIAL DISTRICT
	§	WILLIAMSON COUNTY, TX

**ORDER DENYING PERMISSION TO FILE LITIGATION**

**CAME ON** Friday, July 10, 2024, to be presented a litigant's Petition for Expunction. Previously, Petitioner, Daniel James Caldwell, was held to be a vexatious litigant, and he is subject to a pre-filing order. Presentation of this petition is limited solely for the purposes of Chapter 11 of the Texas Civil Practices & Remedies Code as to whether permission to file litigation should be granted.

Underlying presentation of this petition to the undersigned Regional Presiding Judge is the fact that the Local Administrative Judge recused from another cause involving Caldwell. The Court has reviewed the petition and the attached exhibit. The exhibit does not support Caldwell's assertion that he was acquitted of the alleged offense; thus, the Petition is without merit as presented. Without a hearing, the Court concludes that permission to file litigation should be and is, hereby, **DENIED** in accord with Tex.Civ.Prac. & Rem. Code § 11.102.

**IT IS SO ORDERED** on this the 10<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
Honorable DIB Waldrip  
Regional Presiding Judge

**COURT OF APPEALS  
FOR THE  
THIRD DISTRICT OF TEXAS**  
P.O. BOX 12547, AUSTIN, TEXAS 78711-2547  
(512) 463-1733

Date: July 18, 2024

Appeal No.: 03-24-00440-CV

Trial Court No.: 09-3577-FC4

Style: In re Daniel James Caldwell

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The enclosed opinion was sent this date to the following persons:

Ms. Alli Assiter  
Comal County District Attorney's Office  
150 N Seguin Ave., Ste. 307  
New Braunfels, TX 78130

The Honorable Shawn W. Dick  
The Williamson County District  
Attorney's Office  
405 M.L.K. St., Box 1  
Georgetown, TX 78626-6739  
\* DELIVERED VIA E-MAIL \*

Mr. Daniel James Caldwell  
P. O. Box 753  
Caldwell, TX 78680  
\* DELIVERED VIA E-MAIL \*

The Honorable Dib Waldrip  
433rd Judicial District  
150 N. Seguin, Suite 317  
New Braunfels, TX 78130  
\* DELIVERED VIA E-MAIL \*

The Honorable Nancy E. Rister  
Civil County Clerk  
Williamson County Clerk  
P. O. Box 647  
Jarrell, TX 76537-0647  
\* DELIVERED VIA E-MAIL \*

The Honorable Dib Waldrip  
Administrative Judge  
150 N. Seguin Street  
New Braunfels, TX 78130  
\* DELIVERED VIA E-MAIL \*

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-24-00440-CV**

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**In re Daniel James Caldwell**

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**ORIGINAL PROCEEDING FROM WILLIAMSON COUNTY**

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**MEMORANDUM OPINION**

We deny the petition for writ of mandamus. *See* Tex. R. App. P. 52.8(a).

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Rosa Lopez Theofanis, Justice

Before Justices Triana, Smith, and Theofanis

Filed: July 18, 2024

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