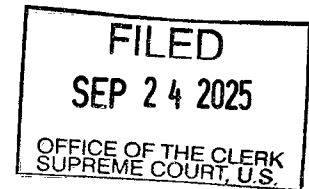


25-5852

ORIGINAL

No. \_\_\_\_\_



\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

~~AMRO N. ELKABANY,~~ \_\_\_\_\_ — PETITIONER  
(Your Name)

vs.

~~JUDGE LOUIS SHAPIRO, et al.~~ \_\_\_\_\_ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Third Circuit  
\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

AMRO N ELKABANY  
\_\_\_\_\_  
(Your Name)

102 COUNTRY VILLAGE, ROAD  
\_\_\_\_\_  
(Address)

JERSEY CITY , NJ , 07305  
\_\_\_\_\_  
(City, State, Zip Code)

717-226-5234  
\_\_\_\_\_  
(Phone Number)

## **QUESTION(S) PRESENTED**

### **Part I – Constitutional / Federal Questions**

Whether judicial immunity bars relief under 42 U.S.C. § 1983, when a judge conducts a secret, off-the-record hearing, admits falsified evidence, and removes proceedings from the official record, thereby depriving a litigant of due process under the Fourteenth Amendment.

Whether a private attorney who engages in joint, secret proceedings with a state judge and submits falsified evidence that is admitted by the court may be considered to have acted under color of state law” for purposes of liability under 42 U.S.C. § 1983.

Whether the Rooker-Feldman doctrine bars federal jurisdiction where the petitioner does not seek review of the merits of a state court divorce judgment, but instead raises an independent constitutional challenge to the fairness and integrity of the state judicial process.

### **Part II – Fact-Based Questions Supported by Evidence (Q1–Q8)**

Were the altered and manipulated documents submitted by opposing counsel true and valid, or am I fabricating my claims?

Did the trial judge refuse my motions twice when they raised clear allegations of fraud, or not?

Did the trial judge accept the falsified documents and ignore my original, authentic documents, or not?

Was there in fact a secret hearing between the trial judge and opposing counsel on June 27, 2025, to issue the alimony order without my knowledge or participation, and was this hearing later removed from the official record after I filed a complaint, in an effort to conceal judicial misconduct and corruption?

Did the Appellate Division change or misstate the name of the judge in its records, or not?

Do I not have the right to request reconsideration once such an error in the record is corrected?

After I filed complaints against the trial judge for refusing my fraud motions, did that judge retaliate by issuing the June 27, 2025 judgment and were my motions for recusal and reconsideration then denied, or not?

Was I denied access to Plaintiff’s evidence (Exhibits 12–21) despite my formal request, and did the trial judge nevertheless admit those documents into evidence, in violation of my due process rights?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

New Jersey Superior Court, Family Division (Salem County) – Final Judgment of Divorce, June 27, 2025, Docket No. FM-17-92-24

U.S. District Court for the District of New Jersey – Case No. 1:25-cv-12719, Order dated July 10, 2025

United States Court of Appeals for the Third Circuit – Appeal No. 25-2322, Order dated September 17, 2025

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

1.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 09/17/2025.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix c.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.    A   .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 06/27/2025.  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.    A   .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1 (Fourteenth Amendment, Due Process Clause):  
“...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

42 U.S.C. § 1983:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured ...

28 U.S.C. § 1257(a):

Final judgments or decrees rendered by the highest court of a State ... may be reviewed by the Supreme Court by writ of certiorari ...”

28 U.S.C. § 1254(1):

Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari ...”



## STATEMENT OF THE CASE

On June 27, 2025, the Superior Court of New Jersey, Family Division, entered a Final Judgment of Divorce against Petitioner. That judgment was rendered by Judge Louis C. Shapiro following proceedings in which Petitioner contends that critical due process violations occurred. Specifically, the trial court admitted falsified financial documents, excluded genuine bank statements and receipts, and conducted off-the-record proceedings, thereby depriving Petitioner of his constitutional right to due process and a fair trial.

Petitioner appealed to the United States District Court for the District of New Jersey (Case No. 1:25-cv-12719), raising federal constitutional claims under the Fourteenth Amendment and 42 U.S.C. § 1983. The District Court dismissed the case, and the United States Court of Appeals for the Third Circuit (Case No. 25-2322, Sept. 17, 2025, not precedential) summarily affirmed, leaving unresolved substantial constitutional questions regarding judicial bias and due process violations.

Throughout these proceedings, Petitioner has consistently argued that judicial bias, improper exclusion of evidence, and reliance on falsified documents deprived him of a fair trial and meaningful appellate review. Having been denied relief in both state and federal courts, Petitioner now seeks review in this Court as the only forum capable of addressing these fundamental constitutional violations and restoring public confidence in the judicial process.

## **Statement of the Case**

This case arises from serious due process violations and fraudulent practices that occurred during the trial proceedings.

- The Plaintiff's attorney submitted fraudulent documents, while the trial judge refused my fraud-related motions on two separate occasions, even after the falsifications were discovered.
- The fraudulent submissions were accepted, and my original documents as Defendant were unjustly rejected.
- There was clear collusion between the attorney and the judge, including a secret hearing before the final judgment that was later removed from the court record after I complained about this misconduct.
- On appeal, every motion I filed was denied in an apparent attempt to shield the trial judge, and the judge's name was even substituted with another judge's name in the appellate record.
- Despite my repeated efforts to defend my constitutional rights and present the truth, my motions for reconsideration and recusal were denied.
- During trial, I requested access to the evidence used against me in order to prepare my defense, but I was denied that right.

These actions collectively demonstrate a pattern of fraud, judicial bias, and violations of my constitutional right to due process. The matter is presented in Appendix D – Question 1, with supporting evidence organized under Appendices D1 through D7.

## **Appendix D – Question 1**

Question 1: Did the Plaintiff's attorney knowingly submit fraudulent and manipulated documents to the Court, or not?

### **Appendix D1 – Fraudulent Electric Account and Bills**

#### **Appendix D1.1 – Fraudulent Contract**

This contract was opened by the Plaintiff using my name and personal information without my knowledge or consent.

#### **Appendix D1.2 – Original Electric Bill History**

The authentic bills from the electric company were approximately \$60–\$70 per month. After the fraudulent contract was opened, the bills suddenly increased to more than \$500 per month.

The fraudulent bill was submitted in court by Plaintiff's attorney on 12/16/2024 under document number P-6.

### **Appendix D1.3 – Zelle Record Confirmation**

The Zelle banking record confirms that the email address used in the fraudulent contract (puttycat2008@hotmail.com) is registered under the Plaintiff, Sumitra Balchan-Elkabany. This directly links the Plaintiff to the fraudulent account and bill.

### **Appendix D2 – Fraudulent Water Bill**

#### **Appendix D2.1 – Fraudulent Bill**

This water bill was fraudulently opened under my name and personal information without my knowledge or consent. The bill shows \$190.40 for one month, which is false and inflated. The fraudulent bill was submitted in court by Plaintiff's attorney on 12/16/2024 under document number P-6.

#### **Appendix D2.2 – Official Bill History**

The official municipal records show that the average monthly charges were approximately \$88 only.

This proves that the account was unlawfully opened under my name and used to mislead the court with false expenses.

### **Appendix D3 – Fraudulent Sewer Repair Invoice**

The Plaintiff submitted a sewer repair invoice from Sunbelt Rentals claiming it was for work at the marital residence. However:

1. The listed job site address is 54 Market Street, Salem, NJ, which is not our home address and has no connection to our property.
2. The invoice was issued in the name of 'Sommers, Ken' rather than the Plaintiff, raising further doubts about its authenticity and relevance.

The fraudulent invoice was presented in court by Plaintiff's attorney on 12/16/2024, under document number P-6.

This invoice is fraudulent and unrelated to any real sewer repair at our home. Submitting it under oath represents intentional deception and bad faith, and it should be disregarded as evidence.

## **Appendix D4 – Fraudulent Grass Cutting Receipts**

### **Summary of Fraudulent Action:**

The Plaintiff submitted multiple handwritten receipts for grass cutting services, each claiming \$100 in charges. However, two of these receipts are dated within the same month, which is highly suspicious since there is no reasonable justification to cut the grass twice within such a short period, especially at this cost.

Additionally, the receipts lack professional formatting, business names, or identifiable information from the service provider, raising serious doubts about their authenticity and whether any actual service was performed.

### **Conclusion:**

The Plaintiff likely fabricated or exaggerated these grass cutting expenses to inflate the appearance of household maintenance costs. These unverifiable and duplicative receipts should not be relied upon in determining financial need or alimony.

## **Appendix D5 – False Car Expenses in Plaintiff's Case Information Statement**

### **Summary of Fraudulent Action:**

The Plaintiff included false car-related expenses in her Case Information Statement (CIS), listing costs for insurance, maintenance, and gas, despite the fact that she does not own a vehicle and does not possess a valid driver's license. These fabricated expenses were strategically added to create the false impression of financial hardship and increase her claim for support or alimony.

### **Supporting Evidence:**

1. A copy of the Plaintiff's Case Information Statement showing false car expenses.
2. A copy of the Plaintiff's New Jersey Identification Card, which is marked 'Identification Only' and not a driver's license, proving she was not legally permitted to drive and did not own or operate a vehicle during the relevant period.

### **Procedural Note:**

These documents were submitted in court on 12/16/2024 by the Plaintiff's attorney, under document number P-5.

### **Conclusion:**

The inclusion of these false car expenses represents a deliberate attempt to mislead the court and inflate the Plaintiff's financial needs. Such fabricated entries should be disregarded entirely when assessing financial disclosures.

## **Appendix D6 – False Medical Insurance Claims**

### **Summary of Fraudulent Action:**

The Plaintiff, Sumitra Balchan-Elkabany, falsely claimed \$800 in monthly medical insurance expenses in her Case Information Statement (CIS), even though she was fully enrolled in NJ FamilyCare (Medicaid).

### **Supporting Evidence:**

- Plaintiff's CIS lists \$800 as a monthly medical insurance expense.
- NJ FamilyCare official record confirms Plaintiff was enrolled in Medicaid at no cost.

### **Procedural Note:**

The fraudulent \$800 medical insurance expense was submitted by Plaintiff's attorney to the Court on December 16, 2024, under document P-5.

### **Conclusion:**

This inflated expense misled the Court by creating the appearance of financial hardship. Relying on this false claim violated Defendant's right to due process and resulted in an inaccurate assessment of financial need.

## **Appendix D7 – Fraudulent Bank Statements**

### **Summary of Fraudulent Action:**

The Plaintiff and her attorney submitted an incomplete version of the Defendant's bank statements, where important Zelle transfers were deliberately removed. These transfers represented personal support received from a friend, not income from employment. The omission created the false impression that all deposits were generated from Uber/Lyft work.

### **Supporting Evidence:**

- The original bank statements clearly show repeated Zelle transfers from a friend in the amounts of:
  - \$1000
  - \$2040
  - \$454.37
  - \$500
  - \$1680
  - \$500
- The version submitted by Plaintiff's attorney omitted all these transfers.
- This alteration misrepresented the nature of the Defendant's finances by portraying personal support as income.

**Conclusion:**

The concealment of these Zelle transfers constitutes deliberate document falsification. By presenting incomplete bank records, the Plaintiff misled the Court about the true financial situation.

**Procedural Note:**

The incomplete and fraudulent bank statements were submitted by Plaintiff's attorney on February 24, 2025, under document P-4.

**Appendix E – Question 2**

Question 2: Did the trial judge refuse my motions twice when they raised clear allegations of fraud, or not?

**Explanation:**

1. On January 15, 2025 (page 4 of the judgment): I filed a motion requesting oversight by the State of New Jersey to ensure a fair trial. The judge denied the motion, stating that no such mechanism exists and that the only recourse was to appeal.

2. On March 25, 2025 (page 5 of the judgment): I filed a motion for sanctions and to enforce litigant's rights, objecting to the admission of falsified documents during trial. The judge again denied the motion, calling it procedurally improper and refusing to address the fraud allegations.

These two refusals demonstrate that the trial judge repeatedly ignored motions directly raising fraud, depriving me of a fair opportunity to present critical evidence. This shows a deliberate disregard of my constitutional right to due process.

## **Appendix F – Question 3**

Question 3:

Did the trial judge accept the falsified documents and ignore my original, authentic documents, or not?

### **Explanation:**

The record demonstrates that the trial judge accepted falsified documents while rejecting authentic evidence:

#### **1. Admission of falsified exhibits**

- On page 2 of the judgment: The judge admitted all of Plaintiff's exhibits P-1 through P-22 into evidence, including P-1 through P-12, which I objected to and demonstrated were falsified and altered.

#### **2. Rejection of authentic evidence**

- On page 5 of the judgment: The judge ignored the motion I filed on March 25, 2025, which included more than 260 pages of original bank statements proving the truth and exposing manipulation. The motion was denied outright, without review of the authentic documents.

### **Conclusion:**

This shows that the court relied on falsified evidence (P-1 through P-12) while rejecting genuine evidence (260 pages of bank statements). Accordingly, the judgment was based on fraud and the exclusion of authentic documents.



#### **Appendix G – Question 4**

Question 4: Was there in fact a secret hearing between the trial judge and opposing counsel on June 27, 2025 to issue the alimony order without my knowledge or participation, and was this hearing later removed from the official record after I filed a complaint, in an effort to conceal judicial misconduct and corruption?

Explanation: The evidence shows that a secret hearing was held on June 27, 2025, between the trial judge and opposing counsel without my knowledge or participation. The alimony amount discussed in that hidden hearing (\$300 per week) exactly matched the final judgment issued on the same day.

- Exhibit I-D confirms that the alimony judgment was entered on June 27, 2025, for \$300 weekly, without prior notice or a public hearing. The judgment was emailed to me at 4:23 PM, just before the courthouse closed, leaving no opportunity to object.
- Exhibit M (Hidden Hearing) demonstrates that the hearing occurred in secret and was later removed from the official record after I filed a complaint. The removal of this hearing from the docket was an intentional attempt to conceal judicial misconduct.
- Subsequent court correspondence in September 2025 confirmed that the list of official hearings provided to me did not include the June 27 session, further proving it was deliberately omitted from the record.

These facts establish that a secret hearing did occur, its outcome directly influenced the judgment, and the record was later altered to cover it up.

## **Appendix H – Question 5**

Question 5: Did the Appellate Division change or misstate the name of the judge in its records, or not?

### **Explanation:**

The Appellate Division records contained an incorrect entry regarding the trial judge's name and order information. This error is not only material but also directly impacted my filings.

(Email from Clerk – September 15, 2025):

The Clerk acknowledged the error in the court's records and confirmed that no motion was necessary, as the correction would be made administratively. This serves as an official admission that the record was inaccurate.

-(eCourts Appellate Communication):

The eCourts notice explicitly states: "Trial court order and judge information updated to reflect the correct date/judge of order being appealed." This confirms that the Appellate Division indeed corrected the record, proving that an error in the judge's name and order details existed in the system.

These documents demonstrate that the Appellate Division initially misstated the judge's information in its records, and only corrected it after my repeated objections. This supports Question 5 and highlights the irregularities that undermined the fairness of the appellate process.

## **Appendix I – Question 6**


Question 6:

Do I not have the right to request reconsideration once such an error in the record is corrected?

### **Explanation:**

The Appellate Division's own records acknowledged that the name of the trial judge was incorrectly entered. On September 15, 2025, the Clerk confirmed that this error would be corrected administratively, and the record now properly reflects "Hon. Charles Shapiro" as the presiding judge.

This correction demonstrates that my prior motion was valid and based on a real error in the record. Once the mistake has been officially corrected, I have the right to request reconsideration of the judgment, as it was previously affirmed under inaccurate information.

 Therefore, this evidence supports my position that I am entitled to file for reconsideration once the court has acknowledged and corrected such an error.

## Appendix J – Question 7

Question 7: After I filed complaints against the trial judge for refusing my fraud motions, did that judge retaliate by issuing the June 27, 2025 judgment and were my motions for recusal and reconsideration then denied, or not?

### Explanation:

The record shows that after I filed complaints against the trial judge for refusing to hear my fraud motions, the judge issued the June 27, 2025 judgment against me. Following this judgment, my subsequent motions for recusal and reconsideration were denied or ignored, as confirmed by court correspondence.

The July 24, 2025 email from court staff (Alexandra Oasin, NJ Courts) explicitly confirms that no decision was issued on my recusal and reconsideration motions, and that they would not be heard. This sequence of events demonstrates retaliation: the judge acted adversely after my complaints and blocked my right to have recusal and reconsideration properly reviewed.

➡ This evidence supports Question 7, showing that the June 27, 2025 judgment was retaliatory and undermined my constitutional right to a fair and impartial tribunal.

### Additional Explanation (Appellate Division Denials):

Furthermore, the Appellate Division also denied my motions seeking to disqualify the trial judge (M-007180-24) and to strike fraudulent evidence (M-006487-24), as well as my motion to present evidence of fraud (M-006486-24) and bank record tampering (M-006485-24). These repeated denials show that both the trial and appellate courts refused to address clear fraud and misconduct, and instead acted to shield the judge from accountability.

## Appendix K – Question 8

Question 8: Was I denied access to Plaintiff's evidence (Exhibits 12–21) despite my formal request, and did the trial judge nevertheless admit those documents into evidence, in violation of my due process rights?

Explanation: The record confirms that I formally requested copies of Plaintiff's Exhibits 12–21 during trial. Despite my request, these documents were never provided to me. Nevertheless, the trial judge admitted Exhibits 12–21 into evidence.

This sequence of events demonstrates a clear violation of due process: I was denied the opportunity to review and challenge evidence that was used against me. By admitting these exhibits without disclosure, the trial court deprived me of a fair chance to contest their authenticity or accuracy.

Therefore, this evidence supports Question 8, showing that my right to due process was directly violated by the admission of Exhibits 12–21 without my access to them.

## **Appendix L – Question 9**

Question 9:

Did the trial judge violate my constitutional rights and demonstrate bias by refusing to investigate fraud, threatening me with contempt, permitting irrelevant criminal allegations, ignoring recorded admissions, and applying double standards in the evidence?

### **Answer and Legal Analysis:**

#### **1. 1. Improper Threats and Refusal to Consider Evidence (pp. 5–11)**

During the April 14, 2025 hearing, Defendant submitted over 258 pages of documentary evidence, including bank statements, repair invoices, and financial correspondence. Instead of reviewing these exhibits, the trial judge interrupted the Defendant, threatened him with contempt, and refused to examine the supporting materials. This behavior constitutes a denial of due process and reveals a predisposition against the Defendant's position.

#### **2. 2. Improper Reliance on Counsel and Admission of Irrelevant Testimony (pp. 17–18)**

Plaintiff's attorney, Lynn Castillo, requested to call Plaintiff's neighbor, Ms. Kaur, as a witness. During the discussion, the judge explicitly recognized that Ms. Kaur had no firsthand knowledge of the disputed financial documents, stating: "She didn't create that document... I don't think she has firsthand knowledge of that." (Transcript p. 17). Despite this acknowledgment, and after counsel's insistence, the judge ruled: "I'll allow some limited testimony from Ms. Kaur." This decision directly contradicts the judge's own statement and violates N.J.R.E. 602, which requires personal knowledge for witness testimony. Allowing irrelevant testimony while rejecting Defendant's certified, dated evidence demonstrates judicial bias and selective treatment.

#### **3. 3. Counsel's False Statement Under Oath and Judicial Neglect (pp. 51–52)**

During the trial, Plaintiff's attorney, Lynn Castillo, testified under oath that the disputed financial documents were received directly from the bank. The following day, Defendant contacted the bank's legal department, which confirmed that such documents could not have been issued. MR. ELKABANY (Transcript p. 52): "The next day I called the bank and I asked – I talked to the legal department. They said

there's no way we could have issued documents like this." Despite this clear evidence of forgery and professional misconduct, the judge refused to investigate or strike the documents, asserting instead that forgery was merely a 'matter of weight, not admissibility.' This represents both judicial neglect and bias, as well as a violation of RPC 3.3 (Candor Toward the Tribunal).

#### 4. 4. Dismissal of Dated and Certified Evidence (pp. 46–54)

Defendant presented multiple dated exhibits, including school certificates and photographs from 2023, proving that the children resided with him. However, the trial judge wrongly described these documents as 'undated' and declined to consider them, even though the dates were visibly printed. Meanwhile, the court gave full credibility to unsupported statements by Plaintiff's counsel. This selective acceptance of evidence further highlights a double standard and undermines judicial neutrality.

#### 5. 5. Constitutional Violations

Taken together, these actions show repeated violations of Defendant's constitutional rights under the U.S. Constitution (Amendments I & XIV) and the New Jersey Constitution (Article I, Paragraph 1). The judge's refusal to evaluate valid evidence, acceptance of false statements, and allowance of irrelevant testimony demonstrate actual judicial bias and a denial of a fair trial guaranteed by law.

## **Appendix M – Question 10**

Did the Appellate Division wrongfully deny my request for a fee waiver, despite my documented financial hardship and submission of all supporting evidence required by law?

**Explanation:** The record confirms that I submitted a complete financial hardship certification along with my 2024 Federal Tax Return, rental payment proof, SNAP benefits, Social Security statement, medical assistance documentation, and an affidavit of financial assistance from a friend. These documents clearly demonstrated my inability to pay transcript fees, filing fees, and the cost of multiple required copies.

Despite this overwhelming evidence of indigency, the Appellate Division nevertheless denied my request for a fee waiver. This decision contradicts both federal and state principles recognizing access to justice for indigent litigants, and it deprived me of equal protection and due process.

This denial of my waiver request has the effect of blocking my constitutional right to appeal, not because of the merits of my case, but solely because of my inability to pay. Such a result undermines the fundamental right of access to the courts guaranteed under the Fourteenth Amendment of the U.S. Constitution and the New Jersey Constitution.

Therefore, this evidence supports Question 9, showing that the Appellate Division's refusal to grant my fee waiver violated my right to due process and equal protection, despite clear proof of my financial hardship.



### **REASONS FOR GRANTING THE PETITION**

This case presents urgent and substantial federal questions concerning judicial misconduct, due process, and the limits of judicial immunity.

Petitioner alleges that the state trial judge conducted secret, off-the-record proceedings, admitted falsified financial documents, and excluded authentic evidence. These actions strike at the very core of the Fourteenth Amendment's guarantee of due process and equal protection, and therefore warrant this Court's intervention.

The lower courts' reliance on judicial immunity and the Rooker-Feldman doctrine improperly foreclosed constitutional review. By dismissing Petitioner's claims on those grounds, the District Court and the Court of Appeals effectively insulated unconstitutional judicial conduct from federal oversight. This interpretation is inconsistent with this Court's precedents, which hold that judicial immunity does not apply when judges act outside lawful authority, and that federal courts retain jurisdiction when constitutional violations are raised independent of the state court judgment

. The question is of profound national importance. If left unreviewed, the decisions below would allow state courts to conceal constitutional violations—including secret hearings and reliance on falsified evidence—without any federal check. Such a precedent undermines the rule of law and erodes public confidence in the judiciary.

This case provides a uniquely appropriate vehicle for this Court to clarify the constitutional boundaries of judicial immunity and the scope of the Rooker-Feldman doctrine. It presents a clean record for resolving these questions and for reaffirming that litigants cannot be deprived of due process under 42 U.S.C. § 1983.

. For these reasons, Petitioner respectfully submits that this Court's intervention is essential to restore fundamental constitutional protections, reaffirm the limits of judicial immunity, and preserve the integrity of the judicial process.

## RELIEF REQUESTED

For the reasons set forth above, and pursuant to the following constitutional and statutory provisions,

Petitioner respectfully requests that this Court:

1. Vacate and set aside the Final Judgment of Divorce entered on June 27, 2025, in the Superior Court of New Jersey, and any related orders based on falsified evidence or off-the-record proceedings, consistent with *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).
2. Direct an investigation into the judicial misconduct and due process violations that occurred, including the acceptance of fraudulent documents, denial of fraud motions, and the secret hearing of June 27, 2025, in light of *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).
3. Declare that such actions violated Petitioner's rights to due process and equal protection under U.S. Const. amend. XIV and are actionable under 42 U.S.C. § 1983.
4. Grant such other and further relief as this Court deems just and proper, including the application of any constitutional provisions, federal statutes, or precedents that most appropriately fit the facts and circumstances of this case.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A. M. Elkabany

Date: 10/08/2025

# **Document Cover Sheet**

**Amro N. Elkabany, Petitioner v. Louis C. Shapiro,  
Individually and in His Official Capacity as a Judge,  
Superior Court of New Jersey, Gloucester County, et al.**

**Appendix**

**SCUS|379287|42**



## **APPENDIX B**

U.S. District Court Decision (July 10, 2025)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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AMRO N. ELKABANY,

*Plaintiff,*

No. 25-cv-12719

v.

JUDGE LOUIS CHARLES  
SHAPIRO, *et al.*,

**ORDER**

*Defendants.*

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**THIS MATTER** comes before the Court upon an Application to Proceed *in Forma Pauperis*, (ECF No. 1-2), filed by *pro se* Plaintiff Amro N. Elkabany (“Plaintiff”) and an Application for an Temporary Restraining Order, (ECF No. 3); and

**WHEREAS**, Plaintiff has established their inability to pay the costs of the proceeding, and the Court grants their application to proceed *in forma pauperis* without prepayment of fees and costs under 28 U.S.C. § 1915(a); and

**WHEREAS**, pursuant to § 1915(e)(2), the Court holds the right to dismiss a complaint, or any portion thereof, if it finds that the action is: (1) frivolous or malicious; (2) fails to state a claim

upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.<sup>1</sup> § 1915(e)(2)(B); and

**WHEREAS**, Plaintiff brings claims against Defendants Gloucester County Superior Court Judge Louis Charles Shapiro and Lynn M. Castillo, Esq. (collectively, “Defendants”) for Deprivation of Civil Rights under Color of State Law under 42 U.S.C. § 1983 given Defendants’ roles as Judge and counsel in Plaintiff’s divorce proceedings, (ECF No. 1); and

**WHEREAS**, Plaintiff claims that Defendant Judge Shapiro “denied Plaintiff’s right to a fair hearing,” “treated [Plaintiff] unequally compared to the represented party,” and “suppress[ed] Plaintiff’s lawful complaints,” violating Plaintiff’s Due Process and Equal Protection rights under the Fourteenth Amendment and Plaintiff’s First Amendment right to petition and speak on matters of public concern, (ECF No. 1 at ¶¶ 17–27); and

**WHEREAS**, courts have held that judges are absolutely immune from liability in civil actions, including § 1983 actions, for their judicial acts. *Dennis v. Sparks*, 449 U.S. 24, 27 (1980); *Desposito v. New Jersey*, No. 14-1641, 2015 WL 2131073, at \*8 (D.N.J. May 5, 2015); *Thomas v. Schlegel*, No. 14-1282, 2015 WL 617867, at \*4 (E.D. Pa. Feb. 11, 2015); and

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<sup>1</sup> When evaluating whether a claim must be dismissed under § 1915(e) for failure to state a claim upon which relief may be granted, the Court applies the same standard of review that governs a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 112 (3d Cir. 2002). To survive a 12(b)(6) motion to dismiss, a complaint must contain “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). Courts construe *pro se* plaintiffs’ submissions liberally and hold them to a less stringent standard than those filed by attorneys, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), but “*pro se* litigants still must allege sufficient facts in their complaints to support a claim,” *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2019) (citation omitted).

**WHEREAS**, the only two exceptions to absolute judicial immunity are (1) when a judge performs “nonjudicial actions” and (2) when a judge performs actions that are judicial in nature but taken in the absence of jurisdiction. *Ehrlich v. Alvarez*, No. 20-6398, 2021 WL 2284108, at \*7 (D.N.J. June 4, 2021) (quoting *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991)); and

**WHEREAS**, Plaintiff makes no allegations of any non-judicial conduct or any judicial conduct without jurisdiction that would preclude the application of the absolute judicial immunity doctrine; and

**WHEREAS**, thus, judicial immunity applies to the claims against Defendant Judge Shapiro; and

**WHEREAS**, Plaintiff additionally claims that Defendant Castillo’s “submission of altered documents constituted fraud upon the court,” “deprived Plaintiff of his right to an impartial process,” and constitutes a violation of Plaintiff’s Due Process rights under the Fourteenth Amendment, (ECF No. 1 at ¶¶ 19–20); and

**WHEREAS**, a § 1983 claim may only be maintained against a defendant who acts under color of state law, *Faylor v. Szupper*, 411 F. App’x 525, 530 (3d Cir. 2011); and

**WHEREAS**, although an attorney is an officer of the Court, an attorney representing a client is not acting under color of state law within the meaning of § 1983. *Polk Cnty. v. Dodson*, 454 U.S. 312, 318 (1981); see *Steward v. Meeker*, 459 F.2d 669, 670 (3d Cir. 1972) (stating that privately retained counsel does not act under color of state law when representing their client in court); and

**WHEREAS**, Defendant Castillo represented Plaintiff in his divorce proceedings; and



**WHEREAS**, Defendant Castillo, in representing Plaintiff, was not acting under color of state law within the meaning of § 1983, and Plaintiff therefore cannot recover from Defendant Castillo; and

**WHEREAS**, accordingly, Plaintiff has failed to state any claim under § 1983 upon which relief can be granted; and

**WHEREAS**, Plaintiff's Application for a Temporary Restraining Order, (ECF No. 3), is also denied as the Court does not have the authority to review state court decisions. *See Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 415–16 (1923) (explaining the *Rooker-Feldman* doctrine bars a lower federal court from exercising jurisdiction over a case that would be the functional equivalent of an appeal from a state court judgment); therefore

**IT IS HEREBY** on this 10th day of July, 2025,

**ORDERED** that Plaintiff's Application to Proceed *in Forma Pauperis*, (ECF No. 1-2), is **GRANTED**; and it is further

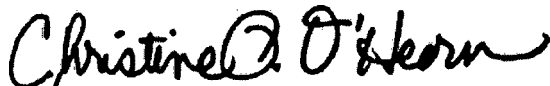
**ORDERED** that Plaintiff's Application for a Temporary Restraining Order, (ECF No. 3), is **DENIED**; and

**ORDERED** that the Clerk of Court shall file the Complaint, (ECF No. 1); and it is further

**ORDERED** that Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** as to Defendant Shapiro and **DISMISSED WITH PREJUDICE** as to Defendant Castillo under 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted; and it is further

**ORDERED** that the Clerk of the Court shall **CLOSE** this matter; and it is finally

**ORDERED** that the Clerk of the Court shall send a copy of this Order to Plaintiff by regular U.S. mail.

  
CHRISTINE P. O'HEARN  
United States District Judge

## **APPENDIX C**

U.S. Court of Appeals – Third Circuit (September 17, 2025)

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE

215-597-2995

September 17, 2025

Amro N. Elkabany  
102 Country Village Road  
Jersey City, NJ 07305

RE: Amro Elkabany v. Louis Shapiro, et al  
Case Number: 25-2322  
District Court Case Number: 1:25-cv-12719

ENTRY OF JUDGMENT

Today, **September 17, 2025**, the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service, unless the petition is filed and served through the Court's electronic-filing system.

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 25-2322

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AMRO N. ELKABANY,  
Appellant

v.

JUDGE LOUIS C. SHAPIRO, in his official and individual capacities;  
LYNN M. CASTILLO, ESQ, in her individual and professional capacity

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 1:25-cv-12719)  
District Judge: Honorable Christine P. O'Hearn

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
September 11, 2025  
Before: HARDIMAN, MATEY, and CHUNG, Circuit Judges

(Opinion filed: September 17, 2025)

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OPINION\*

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PER CURIAM

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Amro Elkabany appeals the District Court's order dismissing his complaint. For the reasons that follow, we will affirm the District Court's judgment.

On June 27, 2025, Judge Shapiro, a family court judge in New Jersey, entered a final judgment of divorce which required Elkabany to pay \$300 per week in spousal support for six years, pay \$46,000 in legal fees out of his share of the sale of their marital home, and maintain a life insurance policy to secure the spousal support obligation. Judge Shapiro entered the judgment after four days of trial and analyzed the evidence and issues in the divorce proceeding in a detailed 84-page opinion. Elkabany, who proceeded pro se during the trial, filed an appeal to the New Jersey Superior Court, Appellate Division.

A few days later, Elkabany filed a complaint pursuant to 42 U.S.C. § 1983 in the United States District Court for the District of New Jersey against Judge Shapiro and Lynn Castillo, the attorney who represented his ex-wife in the divorce proceedings.<sup>1</sup> He alleged, inter alia, that Castillo had submitted false evidence. He stated that he had filed motions challenging that evidence, but Judge Shapiro allowed the evidence into the record. He contended that Judge Shapiro violated his rights to due process and equal

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<sup>1</sup> In his complaint, Elkabany states that Castillo represented the plaintiff in the divorce case. It appears that the District Court believed that Castillo had represented Elkabany, the plaintiff in the District Court proceedings, in the divorce case. Castillo, however, represented Elkabany's ex-wife who was the plaintiff in the divorce proceedings. The party that Castillo represented does not change the analysis of the claim against her.

protection and retaliated against him. As relief, he requested that enforcement of the final judgment of divorce be enjoined, that the judgment of divorce be declared invalid, and that he be awarded compensatory damages.

Concluding that Judge Shapiro was entitled to judicial immunity, the District Court dismissed the claims against him without prejudice before service pursuant to 28 U.S.C. § 1915(e)(2). Because it determined that Castillo was not acting under color of state law under § 1983, the District Court dismissed the claims against her with prejudice. The District Court also denied Elkabany's request for a Temporary Restraining Order (TRO) based on the Rooker-Feldman doctrine.<sup>2</sup> Elkabany filed a notice of appeal.

We have jurisdiction pursuant to 28 U.S.C. § 1291 and exercise plenary review over a District Court's sua sponte dismissal of a complaint under § 1915(e). See Dooley v. Wetzel, 957 F.3d 366, 373 (3d Cir. 2020).

We agree with the District Court that Judge Shapiro was acting within his jurisdiction and was entitled to judicial immunity. See Stump v. Sparkman, 435 U.S. 349, 355–57 (1978) (stating that judges not civilly liable for judicial acts). And the District Court did not err in determining that Castillo was not a state actor for the purposes of § 1983. See West v. Atkins, 487 U.S. 42, 48-49 (1988) (noting that conduct complained of must be committed by person acting under color of state law); Henderson v. Fisher,

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<sup>2</sup> The Rooker-Feldman doctrine deprives a District Court of jurisdiction to review, directly or indirectly, a state court adjudication. See D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983); Rooker v. Fid. Tr. Co., 263 U.S. 413 (1923).

631 F.2d 1115, 1119 (3d Cir. 1980) (explaining that lawyers are not state actors simply because they are licensed by the state). Because Elkabany's claims fall as a matter of law, the District Court did not err in not allowing him discovery or a hearing.

In his brief, Elkabany argues that the District Court erred in dismissing his complaint based on the Rooker-Feldman doctrine. The District Court, however, dismissed the complaint for the reasons described above; it relied on the Rooker-Feldman doctrine to deny Elkabany's request for a Temporary Restraining Order in which he requested that the District Court stay the state court's judgment. On appeal, Elkabany has also filed motions to stay the state court judgment. We will deny those motions. See 28 U.S.C. § 2283 (providing that "[a] court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments").

For the above reasons, we will affirm the District Court's judgment. Elkabany's motions are denied.

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