

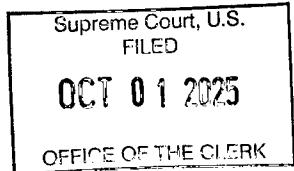
25-6074

ORIGINAL  
PETITION

In The

**SUPREME COURT OF THE UNITED STATES**

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**OLAYIWOLA ADEBISI,**  
Petitioner,

v.

**TEXAS OFFICE OF THE ATTORNEY GENERAL,**  
Respondent.

**PETITION FOR WRIT OF CERTIORARI**

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OLAYIWOLA ADEBISI  
1842 Smithers Landing Dr.  
Richmond, Texas 77469 Petitioner,  
Pro Se

## **QUESTION PRESENTED**

Whether the Texas courts violated clearly established federal precedent protecting jurisdictional access and due process rights of pro se litigants when they dismissed Petitioner's claims without a hearing, and over objections concerning lack of service, lack of jurisdiction, and statutory non-compliance, in a child support enforcement proceeding.

This petition presents three closely related questions:

1. Whether a state court may enter a child-support order under UIFSA against a nonresident parent without valid service or personal jurisdiction, contrary to the Fourteenth Amendment.
2. Whether the Texas courts erred in refusing to vacate a default UIFSA judgment entered without notice, despite Petitioner's sworn jurisdictional objections and affidavits of non-residency.
3. Whether the denial of Petitioner's Motion to Vacate, without findings of fact or conclusions of law, violates the due process protections guaranteed by the Fifth and Fourteenth Amendments.

## **LIST OF PARTIES**

Pursuant to Rule 14.1(b) of the Rules of the Supreme Court of the United States, the following is a complete list of all parties to the proceedings in the court whose judgment is the subject of this petition:

**Petitioner:**

Olayiwola Adebisi, an individual proceeding pro se.

**Respondent:**

Office of the Attorney General of Texas  
Child Support Division  
400 S. Zang Blvd., Suite 1100  
Dallas, TX 75208

## **COUNSEL**

**For Petitioner (pro se):**

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## **OPINIONS BELOW**

The opinion of the Texas Supreme Court denying review is unreported and dated September 26, 2025. The Texas Court of Appeals opinion affirming the dismissal is likewise unpublished. These decisions were rendered without detailed explanation, despite significant constitutional and jurisdictional claims raised by the Petitioner.

## **JURISDICTION**

The Texas Supreme Court denied rehearing on September 26, 2025. This Court has jurisdiction under 28 U.S.C. § 1257(a) because the decision below rests on grounds that violate due process and conflict with decisions of this Court concerning jurisdiction and access to the courts.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

U.S. Const. amend. V (Due Process Clause)  
U.S. Const. amend. XIV (Equal Protection and Due Process)  
28 U.S.C. § 1257(a)

## **STATEMENT OF THE CASE**

Petitioner, acting pro se, challenged a child support enforcement action in Texas courts, arguing that the underlying judgment lacked service, personal jurisdiction, and was void under both Texas and federal law. The courts below dismissed his claims as “untimely” and “without merit,” failing to evaluate the jurisdictional objections or due process violations. This writ addresses the systemic denial of hearing and constitutional access for pro se litigants.

## REASONS FOR GRANTING THE WRIT

### I. Lower Courts Disregarded Precedent Protecting Jurisdictional Access for Pro Se Litigants

This Court has long held that access to courts must not be conditioned on procedural barriers that obstruct jurisdictional review, particularly for pro se litigants. In *Haines v. Kerner*, 404 U.S. 519 (1972), this Court instructed that pro se pleadings be held “to less stringent standards than formal pleadings drafted by lawyers.” Despite that mandate, the Texas courts summarily dismissed Petitioner’s constitutional and jurisdictional claims without a hearing.

Similarly, in *Faretta v. California*, 422 U.S. 806 (1975), the Court reaffirmed the autonomy of litigants to represent themselves and to be afforded the same jurisdictional protections. The dismissal below disregarded this precedent by penalizing pro se status and denying Petitioner a fair opportunity to be heard on jurisdictional defects, including lack of service and statutory non-compliance.

As the Supreme Court held in *Bell v. Hood*, 327 U.S. 678 (1946), federal courts must not dismiss a complaint for lack of jurisdiction simply because it fails to state a cause of action. Here, the Texas courts circumvented that very principle by refusing to allow jurisdictional merits to be adjudicated and instead dismissed based on procedural objections unrelated to subject-matter competence.

This Court has repeatedly emphasized that filings by pro se litigants must be held “to less stringent standards than formal pleadings drafted by lawyers.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). The trial and appellate courts, however, treated the Petitioner’s submissions as if they were authored by trained counsel, rejecting them outright based on

procedural technicalities rather than addressing their constitutional substance. By doing so, the lower courts not only disregarded *Estelle* but also violated the well-established duty to liberally construe pleadings from self-represented individuals—especially in cases where fundamental rights, such as jurisdictional access and due process, are at stake.

The Supreme Court has repeatedly instructed lower courts to construe pro se filings liberally and not dismiss them on technical grounds. In *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), the Court held that “a document filed pro se is ‘to be liberally construed,’ and a pro se complaint, ‘however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.’” The lower courts in this case, however, summarily dismissed Petitioner’s filings without even a cursory acknowledgment of this controlling precedent—effectively penalizing him for proceeding without counsel, and ignoring the substance of his jurisdictional objections and due process claims.

## **II. Due Process Was Ignored in Favor of State Technicalities**

The dismissal relied on alleged technical procedural defaults rather than addressing substantive constitutional claims. The Fifth and Fourteenth Amendments guarantee a meaningful opportunity to be heard. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), this Court emphasized that due process bars the denial of access to courts where fundamental rights are at stake. Petitioner’s claims concerning lack of personal jurisdiction and improper service strike at the core of due process protections and were improperly brushed aside.

### **III. The Denial of Rehearing Conflicts with Supreme Court Precedents Guaranteeing Fundamental Fairness**

Petitioner's timely filing was complicated by inconsistent communication from court personnel, who instructed him to refile documents that had already been submitted and docketed. This re-filing—done in good faith to comply with court instructions—led to discrepancies in file-marked dates that the appellate court later used to justify jurisdictional dismissal.

Texas precedent holds that such clerical confusion or staff error should not be imputed to the litigant. In *Warner v. Glass*, 135 S.W.3d 681 (Tex. 2004), the Texas Supreme Court reversed a dismissal that resulted from clerical failure to process a timely motion. Similarly, in *In re J.M.*, 396 S.W.3d 528, 531 (Tex. 2013), the Court acknowledged that litigants cannot be punished for judicial or clerical missteps.

Federal jurisprudence also prohibits penalizing litigants for errors caused by court personnel. In *Maples v. Thomas*, 565 U.S. 266 (2012), this Court reiterated that cause for procedural default exists where a party is abandoned or misled by officers of the court. Here, Petitioner was clearly misled and acted diligently to comply.

This factor weighs heavily in favor of equitable tolling and against a mechanical application of deadlines to deny jurisdiction. Courts are to avoid dismissals that are a result of their own administrative errors, particularly when they harm a self-represented litigant acting in reliance on official instruction.

This Court has emphasized the constitutional significance of rehearing processes when claims implicate jurisdiction and due process. In *Fuentes v. Shevin*, 407 U.S. 67 (1972), the Court reaffirmed that individuals must have an opportunity to be heard “at a meaningful time and in a meaningful manner.” By denying rehearing without addressing

the fundamental constitutional errors raised—including lack of jurisdiction and denial of a fair hearing—the Texas Supreme Court contravened clearly established federal standards.

Furthermore, in *Young v. United States*, 535 U.S. 43 (2002), the Court reaffirmed that jurisdictional defects cannot be waived or overlooked. Petitioner’s motion for rehearing clearly and timely raised these defects. The refusal to grant rehearing without analysis conflicts with the core holding in *Young* and strips litigants of meaningful review for claims implicating the validity of judicial proceedings themselves.

#### **IV. Failure to Address Jurisdictional Defects Results in a Void Judgment**

##### **Misapplication of Verburgt and Ignoring Hernandez**

The lower courts dismissed the petitioner’s appeal for lack of jurisdiction despite the timely filing of a notice of appeal during the 15-day grace period following the expiration of the standard filing deadline. This directly contradicts the holding in:

*Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997); “If the notice of appeal is filed within the fifteen-day period provided by Rule 41(a)(2), the appellate court has jurisdiction to consider the appeal, even if no motion for extension of time is filed.” By ruling otherwise, the court applied a stricter interpretation than permitted, thus closing the courthouse doors to a pro se litigant based on a procedural default that binding precedent explicitly allows to be overcome.

Additionally, in *Hernandez v. Lopez*, 288 S.W.3d 180, 184 (Tex. App.—Houston [1st Dist.] 2009, no pet.), the court reinforced that a timely filed notice of appeal—even if lacking a formal extension motion—invokes appellate jurisdiction under Verburgt.

### **Constitutional Due Process Violation**

This misapplication, when imposed on a pro se litigant, particularly contravenes the precedent set in:

*Haines v. Kerner*, 404 U.S. 519 (1972) (*per curiam*): Courts must construe pro se pleadings liberally and avoid dismissals on mere technicalities.

*Pliler v. Ford*, 542 U.S. 225, 231 (2004): Federal courts must ensure pro se litigants are not unfairly prejudiced due to lack of legal sophistication.

This means that jurisdictional access cannot be denied based on hyper-technical readings that frustrate the constitutional guarantee of appellate review under the Due Process Clause of the Fourteenth Amendment.

It is well-settled law that a judgment entered without jurisdiction is void. In *United States v. Cotton*, 535 U.S. 625 (2002), the Court emphasized that defects in subject-matter jurisdiction render a judgment invalid, even if not raised at trial. Similarly, in *Steel Co. v. Citizens for Better Environment*, 523 U.S. 83 (1998), the Court held that jurisdiction “is a threshold matter” and must be addressed before any merits-based adjudication.

Here, Petitioner demonstrated that the child support order was based on a proceeding where no valid service was ever completed and where statutory procedures under Texas law were not followed. The state courts’ refusal to address the facial invalidity of service and statutory defects resulted in enforcement of a void order, violating basic principles of federal jurisprudence.

## **V. Dismissal Based on Technical Grounds Contravenes Equity and Federal Jurisprudence**

This Court has frequently cautioned that technical procedural rules must not override substantive rights, especially in cases implicating constitutional claims. In *Conley v. Gibson*, 355 U.S. 41 (1957), the Court explained that federal pleadings should not be dismissed "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Similarly, in *Foman v. Davis*, 371 U.S. 178 (1962), the Court reversed a denial of relief based on procedural grounds where the substance of the claim was not addressed, emphasizing that decisions should not rest on mere technicalities, particularly when substantial justice is at stake.

In *Haines v. Kerner*, 404 U.S. 519 (1972), the Court held that pro se complaints are to be held "to less stringent standards than formal pleadings drafted by lawyers," underscoring that access to courts should not be conditioned on legal sophistication. This is especially critical where the petition raises issues of jurisdiction, due process, and constitutional protections, as it does here. The refusal of the Texas courts to consider the substance of Petitioner's challenge—based on lack of personal jurisdiction and improper service—simply because of perceived procedural deficiencies, flies in the face of *Haines* and denies meaningful review.

Moreover, in *Boag v. MacDougall*, 454 U.S. 364 (1982), this Court summarily reversed a lower court's dismissal of a pro se complaint where the pleadings, though inartful, plainly stated a potential claim. The Court reaffirmed that even minimal procedural deficiencies should not bar access to justice where substantial rights are at issue.

Here, Petitioner raised constitutional objections that directly implicate the integrity of the underlying judgment—namely, that it was obtained without valid service or jurisdiction. The state court’s dismissal of these objections without reaching their merits constitutes a denial of due process. The failure to analyze jurisdictional arguments or to provide findings of fact and conclusions of law further illustrates the inequitable and constitutionally infirm approach taken below.

Permitting procedural technicalities to eclipse a party’s constitutional rights not only contradicts the holdings of this Court, but also erodes public confidence in the judiciary’s role as the guarantor of fair process. Particularly when the litigant is pro se and the claim concerns fundamental jurisdictional defects, the courts have a duty to hear and address the merits—not avoid them through procedural shortcuts.

The lower court’s dismissal of Petitioner’s claims on grounds of untimeliness contravenes the well-established federal mailbox rule, under which documents submitted by pro se litigants are considered filed on the date they are deposited in the prison or postal mail system. See *Houston v. Lack*, 487 U.S. 266, 270–71 (1988) (establishing that pro se filings are deemed filed when handed to prison officials); see also *Campbell v. MSPB*, 123 F.3d 1303, 1306 (Fed. Cir. 1997) (extending the mailbox rule to administrative filings by non-incarcerated pro se litigants).

Petitioner timely mailed his filings in good faith and maintains proof of mailing. The fact that the lower court chose to disregard or exclude those filings—without issuing findings or holding a hearing—constitutes a clear violation of procedural due process. This denial of access based on technical assumptions about delivery timing is especially egregious in light of Petitioner’s pro se status and reliance on postal submission.

## **VI. The Rulings Below Conflict with Decisions from Multiple Federal and State**

### **Courts**

The decisions of the Texas courts below directly conflict with rulings of other federal and state courts regarding jurisdiction, service of process, and due process in child support enforcement actions. For example:

In *In re Marriage of Wherrell*, 274 Ill. App. 3d 859 (1995), the Illinois appellate court held that failure to serve the respondent personally invalidated the entire support order.

In *Pennoyer v. Neff*, 95 U.S. 714 (1877), this Court emphasized that no court can lawfully exercise jurisdiction without valid service of process.

In *Kulko v. California Superior Court*, 436 U.S. 84 (1978), this Court held that jurisdiction in child support matters must be grounded in the defendant's meaningful contacts with the forum state.

The lower courts' decisions also conflict with well-settled federal jurisprudence on doctrines of estoppel, fairness, and uniformity in litigation involving governmental entities. In *United States v. Mendoza*, 464 U.S. 154 (1984), this Court held that courts must ensure consistent application of legal doctrines when the government is a party, rejecting attempts to bind the federal government to a single adverse ruling through nonmutual collateral estoppel.

In this case, however, the Texas Attorney General's Office was allowed to assert binding effect of prior defaults and dismissals without establishing jurisdictional sufficiency or addressing the individual merits of Petitioner's claims. This not only runs

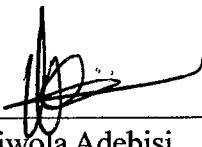
afoul of *Mendoza*, but also promotes an inequitable system where state actors may cherry-pick procedural victories and avoid federal standards of uniform due process.

By upholding enforcement of a judgment without proper service or jurisdictional basis, and without considering the pro se Petitioner's constitutional objections, the rulings below deviate sharply from this controlling authority. These conflicts warrant resolution by this Court to ensure uniformity and constitutional compliance in similar proceedings across jurisdictions.

## **CONCLUSION**

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

Respectfully submitted,



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