

25-6617

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

NAQUEA ELAINE JOHNSON,

Petitioner,

v.

STATE OF NEW JERSEY, ET AL.,

Respondents.

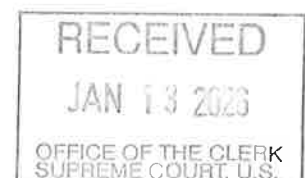
**MOTION TO EXPEDITE CONSIDERATION OF PETITION FOR WRIT OF
CERTIORARI**

Petitioner Naquea Elaine Johnson respectfully moves this Court to expedite consideration of her petition for writ of certiorari filed contemporaneously with this motion. In support, Petitioner states:

1. Extraordinary Circumstances Warrant Expedited Review

This case presents extraordinary circumstances requiring expedited consideration. The Fourth Circuit made three contradictory determinations regarding Petitioner's indigency based on identical financial evidence **within three months, denying** in forma pauperis status on **June 4, 2025, granting** IFP status on **June 23, 2025**, then **affirming** the district court's denial on **September 29, 2025**. The mandate issued on December 31, 2025.

2. Time-Sensitive Conflict of Interest



Jerrauld C. “Jay” Jones, Jr., was elected Virginia Attorney General on November 4, 2025 and will be sworn into office on January 17, 2026, during the 90-day certiorari window. As Attorney General, Jones will represent both his own mother, Judge Lyn Simmons (a named defendant sued individually and in her official capacity), and the Commonwealth of Virginia. This conflict became apparent **before the Fourth Circuit denied rehearing en banc on December 23, 2025**, yet **no judge requested a poll under Federal Rule of Appellate Procedure 40**.

3. Ongoing Constitutional Violations

The IFP denial does not merely impose a filing fee, it forecloses the underlying § 1983 action challenging state actors’ unauthorized exercise of jurisdiction to accomplish an interstate child removal. Without federal court access, Petitioner cannot compel discovery to prove that:

- Neither New Jersey nor Virginia held the mandatory home state hearing ordered by the New Jersey Appellate Division on May 28, 2020
- New Jersey issued the first custody orders on April 11, 2018, over a Virginia child born April 20, 2017, without home state jurisdiction or jurisdictional findings
- Virginia failed to make UCCJEA findings before assuming jurisdiction in December 2022
- New Jersey Division of Child Protection and Permanency possesses concealed records (confirmed in writing in 2023, but withheld absent court order)
- New Jersey Division of Criminal Justice possesses law enforcement investigative files (Glomar response to records request)

The IFP denial perpetuates the constitutional violations by preventing access to discovery that would document the jurisdictional fraud.

4. Continuing Harm

Petitioner continues to suffer involuntary wage garnishment of \$600 monthly (\$22,585.72 paid to date) pursuant to jurisdictionally void orders. Petitioner has not seen J.A.O. in person since August 2023 because exercising visitation would constitute submission to New Jersey's jurisdiction. She pays \$600 monthly child support through wage garnishment for a child she has not seen in over two years, while the IFP denial forecloses her federal challenge to the void orders.

The same void orders mandate she provide health insurance for J.A.O. These mandatory obligations reduce her net disposable income to \$138.81 below her monthly expenses, yet courts counted this garnished income as "available" to pay the \$405 filing fee.

5. National Importance

The questions presented affect countless indigent litigants nationwide who face IFP forms that request gross income without accounting for mandatory deductions, and parents across all fifty states who challenge functional deprivations of parental rights through jurisdictionally void proceedings.

6. Supreme Court Rule 10 Criteria Satisfied

This case satisfies Supreme Court Rule 10(a) because the Fourth Circuit's three contradictory IFP determinations on identical evidence "has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power." The case also

satisfies Rule 10(a) and (c) because the Fourth Circuit decided an important federal question in a way that conflicts with this Court's decision in *M.L.B. v. S.L.J.* by applying abuse-of-discretion review instead of heightened scrutiny when fundamental parental rights are at stake.

WHEREFORE, Petitioner respectfully requests that this Court expedite consideration of the petition for writ of certiorari.

Respectfully submitted,



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Dated: January 7, 2026