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App. A

Fourth Circuit Opinion Affirming IFP Denial

September 29, 2025, 10:57 AM
United States Court of Appeals for the Fourth Circuit
Case No. 25-1661

Description: Per curiam unpublished opinion affirming district court's denial of in forma pauperis status on the merits.

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661

NAQUEA ELAINE JOHNSON,

Plaintiff - Appellant,

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transcripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation;

WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, Chief District Judge. (2:25-cv-00186-MSD-DEM)

Submitted: September 25, 2025

Decided: September 29, 2025

Before GREGORY and WYNN, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Naqea Elaine Johnson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

Deccketed at 4:59 pm

PER CURIAM:

Naquea Elaine Johnson appeals the district court's order denying her motion to proceed in forma pauperis. Having reviewed the record and Johnson's submissions on appeal, we conclude that the district court did not abuse its discretion in denying Johnson's motion.* See *Dillard v. Liberty Loan Corp.*, 626 F.2d 363, 364 (4th Cir. 1980). Accordingly, we affirm the district court's order. *Johnson v. New Jersey*, No. 2:25-cv-00186-MSD-DEM (E.D. Va. June 6, 2025). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* A district court's order denying a motion to proceed in forma pauperis is immediately appealable. *Roberts v. U.S. Dist. Court*, 339 U.S. 844, 845 (1950). Although this court granted Johnson's motion to proceed in forma pauperis on appeal, we decline to disturb the district court's order given our deferential standard of review. See *Brodziak v. Runyon*, 145 F.3d 194, 196 (4th Cir. 1998) ("Reversal for abuse of discretion is reserved for those instances in which the court is clearly wrong; a[decision] within the discretion of the court should be affirmed even though we might have exercised that discretion quite differently." (internal quotation marks omitted)).

FILED: September 29, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661
(2:25-cv-00186-MSD-DEM)

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk

Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation; WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually

Defendants - Appellees

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

App. B

Fourth Circuit Compilation Order Denying Rehearing and Rehearing En Banc

December 23, 2025, 4:47 PM
United States Court of Appeals for the Fourth Circuit
Case No. 25-1661

Description: Single order simultaneously disposing of eight pending motions, including rehearing, rehearing en banc, Motion to Continue Stay of Mandate, Motion to Disqualify, two Motions to Appoint Counsel, Motion to Clarify, and Motion for Leave to File Supplemental Certificate. Entered 54 minutes after Petitioner's last filing.

FILED: December 23, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661
(2:25-cv-00186-MSD-DEM)

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN

BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transcripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation; WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually

Defendants - Appellees

O R D E R

The court denies the petition for rehearing and rehearing en banc, the motion to continue stay of mandate, the motion to disqualify and appoint special counsel, the motion to clarify, the motion to recuse and assign substitute counsel, and the motion to file supplemental certificate of interest. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Gregory, Judge Wynn, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

App. C

Fourth Circuit Mandate

December 31, 2025, 10:37 AM
United States Court of Appeals for the Fourth Circuit
Case No. 25-1661

Description: Mandate issued following denial of rehearing and rehearing en banc.

FILED: December 31, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661
(2:25-cv-00186-MSD-DEM)

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and

in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transcripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation; WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually

Defendants - Appellees

M A N D A T E

The judgment of this court, entered 09/29/2025, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk

App. D

Fourth Circuit Order Granting IFP Status on Appeal

June 23, 2025, 4:56 AM
United States Court of Appeals for the Fourth Circuit
Case No. 25-1661

Description: Order granting Petitioner in forma pauperis status to prosecute her appeal - finding her unable to pay the requisite fees - issued nineteen days after the same court denied her IFP application in connection with her mandamus petition, and within the same calendar month. This order is the Fourth Circuit's independent judicial determination that Petitioner was unable to pay, directly contradicting its September 29, 2025, affirmance of the district court's finding that she had sufficient income to pay.

FILED: June 23, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661
(2:25-cv-00186-MSD-DEM)

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN

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Defendants - Appellees

O R D E R

The court grants leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

App. E

Fourth Circuit Order Denying IFP and Mandamus Petition/Docket No. 1627

June 4, 2025,
United States Court of Appeals for the Fourth Circuit
Case No. 25-1627

Description: Docket and order denying Petitioner's petition for writ of mandamus and associated IFP application, filed after the district court failed to rule on Petitioner's IFP application for more than sixty days.

FILED: June 4, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1627
(2:25-cv-00186-MSD-DEM)

In re: NAQUEA ELAINE JOHNSON

Petitioner

ORDER

The court denies leave to proceed in forma pauperis.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

June 4, 2025

RULE 45 NOTICE

No. 25-1627, In re: Naquea Johnson
2:25-cv-00186-MSD-DEM

TO: Naquea Elaine Johnson

DEFAULT MUST BE REMEDIED BY: 06/20/2025

Please take notice that the court may dismiss this case for failure to prosecute pursuant to Local Rule 45 unless the default identified below is remedied within 15 days of the date of this notice through receipt of the requisite form or fee in the Court of Appeals clerk's office. The forms are available for completion as links from this notice and at the court's website, www.ca4.uscourts.gov.

Leave to proceed in forma pauperis has been denied. Filing fee must be paid to Clerk, U. S. Court of Appeals. The fee may be paid by **credit card through CM/ECF** or by check or money order payable to the Clerk, U.S. Court of Appeals.

Jeffrey S. Neal, Deputy Clerk
804-916-2702

General Docket
United States Court of Appeals for the Fourth Circuit

Court of Appeals Docket #: 25-1627**Docketed:** 06/03/2025

In re: Naquea Johnson

Termed: 06/23/2025**Appeal From:** United States District Court for the Eastern District of Virginia at Norfolk**Fee Status:** fee due**Case Type Information:**

- 1) Mandamus
- 2) mand
- 3) null

Originating Court Information:**District:** 0422-2 : 2:25-cv-00186-MSD-DEM**Respondent Judge:** Mark S. Davis, U. S. District Court Judge**Involved Judge:** Douglas E. Miller, U. S. Magistrate Judge**Date Rec'd COA:**

06/02/2025

Prior Cases:

None

Current Cases:


	Lead	Member	Start	End
Related	25-1627	<u>25-1661</u>	06/11/2025	
	<u>25-1661</u>	<u>25-1926</u>	08/12/2025	

In re: NAQUEA ELAINE JOHNSON
 Petitioner

Naquea Elaine Johnson
 Direct: 973-397-0909
 Email: jkcmonroe@gmail.com
 [NTC Pro Se]
 Apt. 2
 819 Colonial Avenue
 Norfolk, VA 23507

In re: NAQUEA ELAINE JOHNSON

Petitioner

06/02/2025	<input type="checkbox"/> <u>2</u> 164 pg, 4.93 MB	Petition for writ of mandamus filed by Naquea Elaine Johnson. [1001781094] [25-1627] JN [Entered: 06/03/2025 01:48 PM]
06/02/2025	<input type="checkbox"/> <u>3</u>	IFP-APPLICATION to proceed in forma pauperis (FRAP 24)(court access only) by Naquea Elaine Johnson. [1001781097] [25-1627] JN [Entered: 06/03/2025 01:50 PM]
06/03/2025	<input type="checkbox"/> <u>1</u> 1 pg, 56.23 KB	Case docketed. Originating case number: 2:25-cv-00186-MSD-DEM. Case manager: JeffNeal. [1001781087] [25-1627] JN [Entered: 06/03/2025 01:43 PM]
06/03/2025	<input type="checkbox"/> <u>4</u> 6 pg, 143.55 KB	DOCKETING NOTICE issued Re: [<u>2</u>] Motion for writ of mandamus. Originating case number: 2:25-cv-00186-MSD-DEM. [1001781098] [25-1627] JN [Entered: 06/03/2025 01:51 PM]
06/03/2025	<input type="checkbox"/> <u>5</u> 1 pg, 91.22 KB	Docket correction requested from Naquea Elaine Johnson re: writ of mandamus. [1001781102] [25-1627] JN [Entered: 06/03/2025 01:54 PM]
06/03/2025	<input type="checkbox"/> <u>6</u>  0 pg, 0 KB	(ENTRY RESTRICTED) FEE NOTICE issued to Naquea Elaine Johnson - initial notice. Fee or application to proceed as indigent due 06/18/2025. Originating case number: 2:25-cv-00186-MSD-DEM. [1001781251] [25-1627]--[Edited 06/04/2025 by JSN] JN [Entered: 06/03/2025 03:45 PM]
06/04/2025	<input type="checkbox"/> <u>7</u> 1 pg, 50.87 KB	ORDER filed denying Motion to proceed in forma pauperis [3]. Copies to all parties. Mailed to: Naquea Johnson. [1001781935] [25-1627] JN [Entered: 06/04/2025 01:07 PM]
06/04/2025	<input type="checkbox"/> <u>8</u> 1 pg, 87.59 KB	RULE 45 NOTICE issued to Naquea Elaine Johnson re: failure to satisfy fee requirements. [1001781939] [25-1627] JN [Entered: 06/04/2025 01:11 PM]
06/23/2025	<input type="checkbox"/> <u>9</u> 1 pg, 52.33 KB	ORDER filed dismissing appeal for failure to prosecute. Copies to all parties. Mailed to: Naquea Johnson. [1001792357] [25-1627] JN [Entered: 06/23/2025 11:48 AM]

App. F

**District Court Order Denying In Forma Pauperis Status and
Docket No. 2:25-cv-00186-MSD-DEM**

June 6, 2025

United States District Court, Eastern District of Virginia, Norfolk Division
Case No. 2:25-cv-00186-MSD-DEM

Description: Docket and order finding Petitioner's monthly income 'appeared to be sufficient to allow Plaintiff to pay the requisite filing fees and still provide for the necessities of life' and directing payment of \$350.00 in filing fees and \$55.00 in administrative fees within 30 days. This is the order whose constitutionality is the subject of the pending certiorari petition.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

NAQUEA ELAINE JOHNSON,

Plaintiff,

v.

ACTION NO. 2:25cv186

STATE OF NEW JERSEY, *et al.*,

Defendants.

ORDER

Plaintiff Naquea Elaine Johnson (“Plaintiff”), appearing *pro se*, filed an application to proceed *in forma pauperis* (“IFP Application”), i.e., without paying the requisite filing fees. IFP Appl., ECF No. 1. Upon review, the Court finds that Plaintiff does not qualify for *in forma pauperis* status.

“Federal courts have statutory power under 28 U.S.C. § 1915 to authorize commencement of civil actions *in forma pauperis*.” *DeBlasio v. Gilmore*, 315 F.3d 396, 398 (4th Cir. 2003) (italics added). “The federal *in forma pauperis* statute . . . is intended to guarantee that no citizen shall be denied access to the courts ‘solely because his [or her] poverty makes it impossible for him [or her] to pay or secure the costs.’” *Nasim v. Warden, Md. House of Corr.*, 64 F.3d 951, 953 (4th Cir. 1995) (quoting *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948)). A litigant need not be “absolutely destitute” to proceed *in forma pauperis*; however, such “status is a privilege, not a right, and is only available to a litigant who establishes an inability, due to poverty, to pay the requisite filing fees and still provide for the necessities of life.” *Hess v. Mainstreet Bank*, No. 1:19cv138, 2019 WL 2583598, at *1 (E.D. Va. Mar. 4, 2019) (first quoting *Adkins*, 335 U.S.

at 339; and then *El v. U.S. Dep't of Commerce*, No. 2:15cv532, 2016 WL 9223874, at *1 (E.D. Va. Sept. 21, 2016)), *adopted by* 2019 WL 2579640 (E.D. Va., June 24, 2019). The decision to grant or deny *in forma pauperis* status lies in the discretion of the district court. *See Dillard v. Liberty Loan Corp.*, 626 F.2d 363, 364 (4th Cir. 1980).

Based on a review of the financial information submitted in support of Plaintiff's IFP Application, it appears to the Court that Plaintiff's monthly income is sufficient to allow Plaintiff to pay the requisite filing fees and still provide for the "necessities of life." *See* IFP Appl. at 1-5; *see also Hess*, 2019 WL 2583598, at *1. Accordingly, Plaintiff's IFP Application, ECF No. 1, is **DENIED**. If Plaintiff would like to proceed with this action, Plaintiff is **ORDERED** to remit the \$350.00 filing fee and \$55.00 administrative fee within thirty (30) days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b). (explaining that the Court may dismiss an action when a plaintiff fails to prosecute the action or fails to comply with an Order of the Court).

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff.

IT IS SO ORDERED.



Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
June 6, 2025

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
600 GRANBY STREET
NORFOLK, VIRGINIA 23510
OFFICIAL BUSINESS

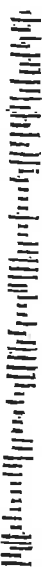
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U.S. District Court
Eastern District of Virginia - (Norfolk)
CIVIL DOCKET FOR CASE #: 2:25-cv-00186-MSD-DEM

Johnson v. State of New Jersey et al
Assigned to: Chief District Judge Mark S. Davis
Referred to: Magistrate Judge Douglas E. Miller
Case in other court: 4CCA Case manager Jeffrey S. Neal, 25-01661
Cause: 42:1983 Civil Right Denial of Due Process

Date Filed: 03/31/2025
Date Terminated: 01/28/2026
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff**Naquea Elaine Johnson**

represented by **Naquea Elaine Johnson**
819 Colonial Avenue
Apt. 2
Norfolk, VA 23507
973-397-0909
PRO SE

Defendant**State of New Jersey****Defendant****Commonwealth of Virginia****Defendant**

**New Jersey Division of Child Protection
and Permanency**
a state agency

Defendant

**Office of Attorney General State of New
Jersey**
a state agency

Defendant

The United States Department of Justice
a federal agency,

Defendant

The Federal Bureau of Investigation
a federal agency,

Defendant

The United States Marshals Service
a federal agency,

Defendant

**The United States Department of
Agriculture**
a federal agency,

Defendant

**The National Archives and Records
Administration**
a federal agency,

Defendant

The City of Norfolk Police Department
a municipal law enforcement agency,

Defendant

Matthew Platkin
*individually and in his official capacity as
Attorney General for the State of New
Jersey,*

Defendant

Commissioner Christine Norbut Beyer
*individually and in their official capacity as
Commissioner of NJ Division of Children,
Protection and Permanency (DCPP),*

Defendant

**The Honorable Sharifa Rashida Salaam,
Esq.**
*individually and in their official capacity as
Judge of the Superior Court of New Jersey,
Essex Vicinage,*

Defendant

Lyn Simmons, Esq.
*individually and in their official capacity as
Judge of the Norfolk Juvenile and Domestic
Relations District Court,*

Defendant

The Honorable Randolph Carlson, Esq.
*individually and in their official capacity as
Judge of the Norfolk Juvenile and Domestic
Relations District Court,*

Defendant

The Honorable Aldo Russo, Esq.
*individually and in their official capacity as
Judge of the Superior Court of New Jersey,
Essex Vicinage,*

Defendant

Alejandro Torres

*individually and in his official capacity as
Intake Supervisor for Norfolk Juvenile and
Domestic Relations Court,*

Defendant

James D. Garrett, Esq.

*individually and in their official capacity as
Court Appointed Guardian ad Litem,*

Defendant

Allison Anders Esq.

*individually and in their official capacity as
legal counsel,*

Defendant

Justin Bush, Esq.

*individually and in their official capacity as
legal counsel,*

Defendant

Tiffany Clarke-Burroughs, Esq.

*individually and in their capacity as
Attorney of Burroughs Family Law LLC,*

Defendant

Scott Cohen, Esq.

*individually and in his capacity as Agency
Director of G&L Transcripts of NJ,*

Defendant

G&L Transcripts of NJ

a New Jersey corporation,

Defendant

William Branch

*individually and not in his official capacity
as an employee of the National Archives and
Records Administration,*

Defendant

Anson Brett Orr

individually,

Defendant

Dianthe Martinez-Brooks

*individually,
also known as
Dawn Orr*

Defendant

Alan Clinton Wilson*individually,***Defendant****Dionne Williams***individually and not in his official capacity**as an employee of the United States**Department of Agriculture,***Defendant****Tahaja Wilson***individually,*

Date Filed	#	Docket Text
03/31/2025	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Naquea Elaine Johnson. (Attachments: # <u>1</u> Proposed Complaint, # <u>2</u> Exhibit list, # <u>3</u> Exhibits, # <u>4</u> Civil Cover Sheet, # <u>5</u> Proposed E-notice Motion)(epri,) (Additional attachment(s) added on 4/16/2025: # <u>6</u> AMENDMENT TO PLAINTIFF'S PREVIOUSLY FILED VERIFIED COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS, CONSPIRACY AGAINST RIGHTS, RACKETEERING, AND DECLARATORY AND INJUNCTION RELIEF: REQUEST FOR DISCLOSURE OF GRAND JURY TARGET STATUS FROM NEW JERSEY AND/OR VIRGINIA PROCEEDINGS # <u>7</u> Exhibit) (epri,). (Additional attachment(s) added on 4/22/2025: # <u>8</u> SUPPLEMENT TO PLAINTIFF'S PREVIOUSLY FILED VERIFIED COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS, CONSPIRACY AGAINST RIGHTS, RACKETEERING, AND DECLARATORY AND INJUNCTION RELIEF) (epri,). (Additional attachment(s) added on 5/16/2025: # <u>9</u> Proposed Motion for ruling on pending application to proceed in forma pauperis) (epri,). (Entered: 04/01/2025)
06/06/2025	<u>2</u>	ORDER: Plaintiff's IFP Application, ECF No. 1. is DENIED. If Plaintiff would like to proceed with this action. Plaintiff is ORDERED to remit the \$350.00 filing fee and \$55.00 administrative fee within thirty (30) days of the date of entry of this Order. A copy of this Order sent to Plaintiff as DIRECTED on 6.6.25. Signed by Chief District Judge Mark S. Davis and filed on 6/6/25. (epri,) (Entered: 06/06/2025)
06/09/2025	<u>3</u>	NOTICE OF APPEAL as to <u>2</u> Order on Motion for Leave to Proceed in forma pauperis, by Naquea Elaine Johnson. (epri,) (Entered: 06/09/2025)
06/10/2025	<u>4</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>3</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (Attachments: # <u>1</u> Notice of Appeal)(epri,) (Entered: 06/10/2025)
06/11/2025	<u>5</u>	USCA Case Number 25-1661 4CCA Case manager Jeffrey S. Neal for <u>3</u> Notice of Appeal filed by Naquea Elaine Johnson. (epri,) (Entered: 06/11/2025)
06/11/2025	<u>6</u>	Appeal Remark re <u>3</u> Notice of Appeal : RECORD requested from Clerk of Court Due: 06/25/2025. [25-1661 (epri,) (Entered: 06/11/2025)
06/11/2025		Assembled INITIAL Electronic Record Transmitted to 4CCA re <u>3</u> Notice of Appeal. (25-1661) (epri,) (Entered: 06/11/2025)
06/16/2025	<u>7</u>	FORMAL DEMAND FOR IMMEDIATE RETURN OF PROPERTY by Naquea Elaine Johnson. (epri,) (Entered: 06/16/2025)

06/20/2025	<u>8</u>	MATERIAL PICKUP LETTER TO FEDERAL COURT by Naquea Elaine Johnson. (epri,) (Entered: 06/20/2025)
06/23/2025	<u>9</u>	ORDER of USCA as to <u>3</u> Notice of Appeal filed by Naquea Elaine Johnson. The court grants leave to proceed in forma pauperis. (25-1661) (epri,) (Entered: 06/24/2025)
06/23/2025	<u>10</u>	EMERGENCY MOTION FOR INJUNCTIVE RELIEF, SANCTIONS, AND DAMAGES by Naquea Elaine Johnson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit H, # <u>10</u> Exhibit J)(epri,) (Entered: 06/24/2025)
07/21/2025	<u>11</u>	MOTION FOR ADMINISTRATIVE ORDER COMPELLING IMMEDIATE JUDICIAL ACTION by Naquea Elaine Johnson. (epri,) (Entered: 07/21/2025)
09/19/2025	<u>12</u>	ORDER of USCA as to <u>3</u> Notice of Appeal filed by Naquea Elaine Johnson. The court dismisses this proceeding for failure to prosecute pursuant to Local Rule 45. (25-1926) (epri,) (Entered: 09/22/2025)
09/29/2025	<u>13</u>	Opinion of USCA (Copy) AFFIRMED re <u>3</u> Notice of Appeal. Affirmed by unpublished per curiam opinion. (25-1661) (epri,) (Entered: 09/30/2025)
09/29/2025	<u>14</u>	USCA JUDGMENT as to <u>3</u> Notice of Appeal filed by Naquea Elaine Johnson. The judgment of the district court is affirmed. This judgment shall take effect upon issuance of this court's mandate. (25-1661) (epri,) (Entered: 09/30/2025)
10/10/2025	<u>15</u>	Copy of document filed in Fourth Circuit Appeals Court by Naquea Elaine Johnson. (epri,) (Entered: 10/14/2025)
10/14/2025	<u>16</u>	USCA Mandate re <u>3</u> Notice of Appeal. Mandate temporarily stayed pending ruling on petition for rehearing or rehearing en banc. (25-1661) (epri,) (Entered: 10/15/2025)
11/10/2025	<u>17</u>	Submission by Naquea Elaine Johnson. (Attachments: # <u>1</u> Envelope)(epri,) (Entered: 11/12/2025)
12/01/2025	<u>18</u>	MOTION TO UNSEAL CASE FILE by Naquea Elaine Johnson. (epri,) (Entered: 12/02/2025)
12/01/2025	<u>19</u>	Submission by Naquea Elaine Johnson. (epri,) (Entered: 12/02/2025)
12/23/2025	<u>20</u>	ORDER of USCA as to <u>3</u> Notice of Appeal filed by Naquea Elaine Johnson. The court denies the petition for rehearing and rehearing en banc, the motion to continue stay of mandate, the motion to disqualify and appoint special counsel, the motion to clarify, the motion to recuse and assign substitute counsel, and the motion to file supplemental certificate of interest. (25-1661) (epri,) (Entered: 01/02/2026)
12/31/2025	<u>21</u>	USCA Mandate re <u>3</u> Notice of Appeal. The judgment of the court, entered 09/29/2025, takes effect today. This constitutes the formal mandate of this court. (25-1661) (epri,) (Entered: 01/02/2026)
01/05/2026	<u>22</u>	ORDER: If Plaintiff would like to proceed with this action, Plaintiff is ORDERED to remit the \$350.00 filing fee and \$55.00 administrative fee within 21 days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. A copy of this Order sent to Plaintiff as DIRECTED on 1.5.26. Signed by District Judge Mark S Davis and filed on 1/5/26. (epri,) (Entered: 01/05/2026)
01/20/2026	<u>23</u>	Appeal Remark re <u>3</u> Notice of Appeal : SUPREME COURT REMARK--petition for writ of certiorari filed. 01/08/2026. 25-6617. [25-1661] (epri,) (Entered: 01/22/2026)
01/28/2026	<u>24</u>	DISMISSAL ORDER: This action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. A copy of this Dismissal Order sent to

		Plaintiff as DIRECTED on 1.28.26. Signed by District Judge Mark S Davis and filed on 1/28/26. (epri,) (Entered: 01/28/2026)
01/28/2026	<u>25</u>	CLERK'S JUDGMENT. Signed by Clerk on 1/28/26. (epri,) (Entered: 01/28/2026)

App. G

District Court Order Extending Payment Deadline and Conditioning All Motions on Fee Payment

January 5, 2026

United States District Court, Eastern District of Virginia, Norfolk Division

Case No. 2:25-cv-00186

Description: Order acknowledging Petitioner's payment deadline had expired during the pendency of her appeal, extending the deadline 21 days, ordering payment of \$405.00, and stating that Petitioner's pending motions '*will not be addressed by the Court unless and until Plaintiff pays the requisite fees.*' Entered three days before Petitioner filed her certiorari petition with this Court.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

NAQUEA ELAINE JOHNSON,

Plaintiff,

v.

ACTION NO. 2:25cv186

STATE OF NEW JERSEY, et al.,

Defendants.

ORDER

Plaintiff Naquea Elaine Johnson (“Plaintiff”), appearing *pro se*, initiated this action by filing an application to proceed *in forma pauperis*, i.e., without paying the requisite filing fees (“IFP Application”), along with a proposed Complaint. IFP Appl., ECF No. 1. In an Order entered on June 6, 2025, the Court determined that Plaintiff did not qualify for *in forma pauperis* status. Order at 1–2, ECF No. 2 (stating that the monthly income identified in Plaintiff’s IFP Application appeared to be sufficient to allow Plaintiff to pay the requisite filing fees and still provide for the “necessities of life”). Accordingly, the Court denied Plaintiff’s IFP Application and ordered Plaintiff to remit the \$350.00 filing fee and \$55.00 administrative fee within 30 days. *Id.* at 2.

On June 9, 2025, Plaintiff appealed the Court’s June 6, 2025 Order to the United States Court of Appeals for the Fourth Circuit. Notice Appeal, ECF No. 3. The Fourth Circuit reviewed the record and affirmed this Court’s Order. Op. at 1, ECF No. 13. Plaintiff filed a petition for rehearing with the Fourth Circuit, along with several other motions. Temp. Stay Mandate at 2, ECF No. 16; *see* Order at 2, ECF No. 20. In an Order entered on December 23, 2025, the Fourth

Circuit denied Plaintiff's petition for rehearing and other motions. Order at 2, ECF No. 20. The Fourth Circuit issued its mandate on December 31, 2025. Mandate, ECF No. 21.

As noted above, this Court previously denied Plaintiff's IFP Application on June 6, 2025, and ordered Plaintiff to pay the requisite fees within 30 days. Order at 2, ECF No. 2. Plaintiff's deadline to pay the fees expired during the pendency of her appeal. With Plaintiff's appeal now fully resolved, and with the Court's decision to deny Plaintiff IFP status affirmed, the Court will extend Plaintiff's deadline to pay the requisite fees. If Plaintiff would like to proceed with this action, Plaintiff is **ORDERED** to remit the \$350.00 filing fee and \$55.00 administrative fee within 21 days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b) (explaining that the Court may dismiss an action when a plaintiff fails to prosecute the action or fails to comply with an Order of the Court).¹

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff.

IT IS SO **ORDERED**.



Mark S. Davis
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 5, 2026

¹ The Court notes that Plaintiff has filed several motions in this action; however, such motions will not be addressed by the Court unless and until Plaintiff pays the requisite fees.

Other Orders/Judgments

2:25-cv-00186-MSD-DEM

Johnson v. State of New Jersey

et al

PRO SE

U.S. District Court

Eastern District of Virginia -

Notice of Electronic Filing

The following transaction was entered on 1/5/2026 at 4:12 PM EST and filed on 1/5/2026

Case Name: Johnson v. State of New Jersey et al

Case Number: 2:25-cv-00186-MSD-DEM

Filer:

Document Number: 22

Docket Text:

ORDER: If Plaintiff would like to proceed with this action, Plaintiff is ORDERED to remit the \$350.00 filing fee and \$55.00 administrative fee within 21 days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. A copy of this Order sent to Plaintiff as DIRECTED on 1.5.26. Signed by District Judge Mark S Davis and filed on 1/5/26. (epri,)

2:25-cv-00186-MSD-DEM Notice has been electronically mailed to:

2:25-cv-00186-MSD-DEM Notice has been delivered by other means to:

Naquea Elaine Johnson
819 Colonial Avenue
Apt. 2
Norfolk, VA 23507

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091796605 [Date=1/5/2026] [FileNumber=12998027-0] [770ea4e1fc6f4f7f73e9a48e86279fba916cb408be648f031c789c2aac868c246098702cd62b8275b7fd639961ec75b44d2c1b5479170bb18060231ad7e0447d]]

G-3

App. H

District Court Dismissal Order

January 28, 2026

United States District Court, Eastern District of Virginia, Norfolk Division
Case No. 2:25-cv-00186

Description: Order dismissing action without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to pay fees. Contains footnote 1 asserting 'Plaintiff has filed no such motion' to stay the mandate - a factually incorrect statement contradicted by Fourth Circuit Docket Entry #13 (Motion to Continue Stay, docketed October 22, 2025, at 3:25 PM). Entered with full knowledge of this Court's pending certiorari review, citing only non-binding unpublished district court decisions from other circuits.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

NAQUEA ELAINE JOHNSON,

Plaintiff,

v.

ACTION NO. 2:25cv186

STATE OF NEW JERSEY, *et al.*,

Defendants.

DISMISSAL ORDER

Plaintiff Naquea Elaine Johnson (“Plaintiff”), appearing *pro se*, initiated this action by filing an application to proceed *in forma pauperis*, i.e., without paying the requisite filing fees (“IFP Application”), along with a proposed Complaint. IFP Appl., ECF No. 1. In an Order entered on June 6, 2025, the Court determined that Plaintiff did not qualify for *in forma pauperis* status. Order at 1–2, ECF No. 2 (stating that the monthly income identified in Plaintiff’s IFP Application appeared to be sufficient to allow Plaintiff to pay the requisite filing fees and still provide for the “necessities of life”). Accordingly, the Court denied Plaintiff’s IFP Application and ordered Plaintiff to remit the \$350.00 filing fee and \$55.00 administrative fee within 30 days. *Id.* at 2.

On June 9, 2025, Plaintiff appealed the Court’s June 6, 2025 Order to the United States Court of Appeals for the Fourth Circuit. Notice Appeal, ECF No. 3. The Fourth Circuit reviewed the record and affirmed the Court’s June 6, 2025 Order. Op. at 1, ECF No. 13. Plaintiff filed a petition for rehearing with the Fourth Circuit, along with several other motions. Temp. Stay Mandate at 2, ECF No. 16; *see* Order at 2, ECF No. 20. In an Order entered on December 23, 2025, the Fourth Circuit denied Plaintiff’s petition for rehearing and other motions. Order at 2, ECF No. 20. The Fourth Circuit issued its mandate on December 31, 2025. Mandate, ECF No. 21.

On January 5, 2026, this Court entered an Order in which it (i) summarized the procedural issues discussed above; (ii) acknowledged that Plaintiff's deadline to pay the filing fees in this action expired during the pendency of her appeal; and (iii) extended Plaintiff's deadline to pay the filing fees. Order at 1–2, ECF No. 22. The Court specifically stated:

If Plaintiff would like to proceed with this action, Plaintiff is **ORDERED** to remit the \$350.00 filing fee and \$55.00 administrative fee within 21 days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b) (explaining that the Court may dismiss an action when a plaintiff fails to prosecute the action or fails to comply with an Order of the Court).

Id. at 2.

More than 21 days have passed, and Plaintiff has not paid the requisite fees, as ordered. Accordingly, this action is **DISMISSED without prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.¹

Plaintiff may appeal this Dismissal Order by forwarding a written notice of appeal to the Clerk of the United States District Court, Norfolk Division, 600 Granby Street, Norfolk, Virginia 23510. The written notice must be received by the Clerk within 60 days of the date of entry of this Dismissal Order.

¹ The Court notes that Plaintiff filed a petition for a writ of certiorari with the United States Supreme Court on January 8, 2026. Appeal Remark, ECF No. 23. However, the filing of a petition for a writ of certiorari with the United States Supreme Court “does not divest the court of appeals or [the] district court of jurisdiction.” *Crisdon v. N.J. Dep’t of Educ.*, No. 10-2911, 2011 U.S. Dist. LEXIS 129795, at *3 (D.N.J. Nov. 9, 2011); *see Tatum v. Lucas*, No. 11-C-1131, 2021 U.S. Dist. LEXIS 40561, at *2 (E.D. Wis. Mar. 4, 2021) (noting that “the filing of a petition for a writ of certiorari does not divest a district court of jurisdiction over . . . the case to which the petition relates”); *Dassault Systemes, S.A. v. Childress*, No. 09-10534, 2012 U.S. Dist. LEXIS 106619, at *5–6 (E.D. Mich. July 31, 2012) (noting that “[t]he mere filing of a petition for certiorari with the Supreme Court neither stops the mandate from issuing nor stops the case from proceeding in the district court” (quoting *United States v. Sears*, 411 F.3d 1240, 1242 (11th Cir. 2005))). Rule 41(d)(2) of the Federal Rules of Appellate Procedure provides that “[a] party may move to stay the mandate pending the filing of a petition for a writ of certiorari in the Supreme Court”; however, Plaintiff has filed no such motion. *See* Fed. R. App. P. 41(d)(2).

The Clerk is **DIRECTED** to send a copy of this Dismissal Order to Plaintiff.

IT IS SO ORDERED.

MS

Mark S. Davis
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 28, 2026

U.S. District Court
Eastern District of Virginia -

Notice of Electronic Filing

The following transaction was entered on 1/28/2026 at 12:20 PM EST and filed on 1/28/2026

Case Name: Johnson v. State of New Jersey et al

Case Number: 2:25-cv-00186-MSD-DEM

Filer:

WARNING: CASE CLOSED on 01/28/2026

Document Number: 24

Docket Text:

DISMISSAL ORDER: This action is **DISMISSED** without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. A copy of this Dismissal Order sent to Plaintiff as DIRECTED on 1.28.26. Signed by District Judge Mark S Davis and filed on 1/28/26. (epri,)

2:25-cv-00186-MSD-DEM Notice has been electronically mailed to:

2:25-cv-00186-MSD-DEM Notice has been delivered by other means to:

Naqea Elaine Johnson
819 Colonial Avenue
Apt. 2
Norfolk, VA 23507

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091796605 [Date=1/28/2026] [FileNumber=13051323-0] [a154bd56f66b9acf87e206f0a1887d2ce629d992a18f8ccb0317a87c53b3e6b4ce08da0dc8186bc8df656a6cc66394e0833b34322573649dfc01e531aeccc63f]]

App. I

Office of the Attorney General of Virginia - Inauguration Day Press Release

January 17, 2026
Office of the Attorney General of Virginia
Public Press Release

Description: Press release issued on Attorney General Jay Jones's inauguration day. Contains two statements directly material to this petition: (1) Jones's public commitment to '*protect Virginians, defend our Constitution, and ensure that the powers of this office are used to serve the public, not partisan agendas*'; and (2) Jones's announcement that '*my office is immediately launching a comprehensive 30-day review of all existing litigation to determine which lawsuits we should join or withdraw from.*' That 30-day review window expired February 16, 2026. Jones was sworn into office by his mother, Norfolk Juvenile and Domestic Relations District Court Chief Judge Lyn M. Simmons, a named defendant in this action.



Jay Jones
Attorney General of Virginia

Select Language

News Releases



Commonwealth of Virginia
Office of the Attorney General

Jay Jones
Attorney General

*202 North 9th
Street
Richmond,
Virginia 23219
804-786-2071
FAX 804-786-
1991
Virginia Relay
Service
800-828-1120*

For media inquiries only, contact:

Rae Pickett
RPickett@oag.state.va.us

**Attorney General Jones Announces Day One Actions to Keep Virginians Safe,
Lower Costs, and Protect Fundamental Rights**

Will join and advance litigation against the Trump Administration

I - 1

Launching 30-day review of all existing litigation

Richmond, Va - Today, on his first day in office, Virginia Attorney General Jay Jones announced a sweeping set of actions to keep Virginians safe, lower costs, and protect fundamental rights.

"With my actions today, I have made it clear that my mission as Virginia's 49th Attorney General will be to protect Virginians, defend our Constitution, and ensure that the powers of this office are used to serve the public, not partisan agendas," **said Attorney General Jones**. "This office belongs to the people of Virginia. We will use every lawful tool to ensure justice works for everyone in every corner of the Commonwealth.

"I promised Virginians that I would push back against the Trump administration's destructive overreach, and today we are delivering on our promise to do exactly that. My office will begin joining and advancing litigation to protect Virginians, including efforts to stop the dismantling of the Consumer Financial Protection Bureau, which has returned billions of dollars to consumers; to challenge the mass termination of 10,000 employees at the Department of Health and Human Services; and to prevent the firing of half the Department of Education and the erosion of its mission.

"Additionally, my office is immediately launching a comprehensive 30-day review of all existing litigation to determine which lawsuits we should join or withdraw from. As part of this review, we will also examine any agreements entered into with the Trump administration that surrender Virginians' rights in order to receive benefits they are already entitled to, restrict access to grant funding, or otherwise limit our freedoms. Following the review, my team will develop and implement a plan to address the issues identified.

There is much work to do, and my office will act with urgency, resolve, and an unwavering commitment to the people of Virginia."

Below are the actions I have taken today to protect Virginians:

Protecting Our Democracy:

Redistricting Opinion: Today, I issued an opinion protecting Virginians' rights by reaffirming the General Assembly's efforts to lawfully advance a constitutional redistricting amendment for eventual consideration by the voters.

Latasha Holloway et al. v. City of Virginia Beach, et al.: My office will immediately withdraw my predecessor's position, which sought to reinstate the inequitable system of city council representation in the City of Virginia Beach. We will work to ensure the residents of the City of Virginia Beach are supported in their effort to maintain the current voting system that ensures fair representation.

California v. Trump and Washington v. Trump: My office will enter the fight against President Trump's illegal executive orders attempting to interfere with and undermine our elections.

Lowering Costs:

New York v. Russell T. Vought: My office will work with the lead states to join this lawsuit and fight back against the dismantling of the U.S. Consumer Financial Protection Bureau, an agency that has coordinated with states and returned more than \$21 billion improperly taken from consumers throughout its 14-year existence. Virginians deserve a leader who will protect consumers and put money back in their pockets.

Massachusetts v. U.S. Department of Education: My office will work with the lead states to join this lawsuit and work to block the new rule that strips Public Service Loan Forgiveness eligibility from people whose work is disfavored by the Trump administration. My office will fight this new rule that will substantially increase the financial burden on hardworking public servants.

New York v. Brooke L. Rollins: My office will work with the lead states to join this lawsuit and challenge the U.S. Department of Agriculture's issuance of SNAP guidance that illegally restricts program eligibility for lawful permanent residents, jeopardizing access to critical food and devastating already stretched family budgets.

President Trump's Assault on Offshore Wind: My office will fulfill its duty to protect ratepayers and ensure the completion of Virginia's landmark offshore wind energy project and ensure this federal overreach does not drive up energy costs for Virginians.

Association of Energy Conservation Professionals v. Virginia State Air Pollution Control Board, et al.: I have directed my team to work with key stakeholders to

determine the best legal approach to ensure Virginia's participation in the Regional Greenhouse Gas Initiative (RGGI).

Protecting Virginians' Fundamental Rights:

Protecting Our Communities: I am directing my team to review my predecessor's opinion regarding United States Immigration and Customs Enforcement (ICE) detainers and develop clear guidance that balances public safety and trust between communities and law enforcement as it relates to how our immigration laws are implemented.

Washington v. Trump and New Jersey v. Trump: My office will ensure Virginia enters the fight in the U.S. Supreme Court to block the Trump administration's illegal executive order to end birthright citizenship.

California v. U.S. Department of Health and Human Services: My office will work with the lead states to join this lawsuit and prevent the unlawful and unnecessary sharing of sensitive, personal health data with the U.S. Department of Homeland Security.

California v. U.S. Department of Health and Human Services: My office will work with the lead states to join this lawsuit and fight back against efforts to block Medicaid reimbursements for essential health care services provided by Planned Parenthood.

Fighting Back Against Federal Overreach:

United States of America v. Virginia (In-State Tuition): My office will immediately reverse course, withdraw my predecessor's flawed and legally incorrect position, and fully defend Virginia's in-state tuition law.

New York v. Robert F. Kennedy, Jr.: My office will work with the lead states to join this lawsuit and put a stop to President Trump's dismantling of dozens of Department of Health and Human Services (HHS) agencies and the illegal firing of 10,000 HHS workers, a substantial number of which are Virginians.

New York v. Linda M. McMahon: My office will work with the lead states to join this lawsuit and fight back against President Trump's dismantling of the U.S. Department of Education and the subsequent illegal firings, a substantial number of which are Virginians, costing jobs and jeopardizing our students' education.

I-4

Taking Politics Out of Higher Education:

Boards of Visitors Governance: I am directing my team to review my predecessor's opinion governing duty of loyalty for boards of visitors and work in close collaboration with our public institutions of higher education to develop updated guidance that safeguards the integrity of our institutions and prevents the politicization of our best-in-class higher education system.

National Talent Search for Higher Education Counsel: I am directing my office to conduct a national search to recruit the brightest legal talent to fill vacant counsel positions at the Commonwealth's institutions of higher learning, the crown jewels of Virginia's education system.

###

**How can we
help?**

Main Line: **804-786-2071**

Consumer Protection

Hotline: **804-786-2042**



Hours: 8:30 am - 5:00 pm

Monday through Friday

Victims

Victim Notification

Program: **1-800-370-0459**

Office of Civil Rights:

804-225-2292

Report Fraud

Report Medicaid Fraud: **1-**

800-371-0824

Report Medicare Fraud: **1-**

800-HHS-TIPS / TTY: 1-800-377-

4950

© Attorney General
of Virginia 2026

I-5

App. J

Supreme Court Clerk's Docketing Letter

January 20, 2026

Supreme Court of the United States, Office of the Clerk
No. 25-6617

Description: Letter from Scott S. Harris, Clerk of the Court, confirming that the petition for writ of certiorari was filed January 8, 2026, and placed on the docket January 20, 2026, as No. 25-6617. Signed by Katie Heidrick, Case Analyst.

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

January 20, 2026

Ms. Naquea Johnson
PO Box 3011
Norfolk, VA 23514

Re: Naquea Elaine Johnson
v. New Jersey, et al.
No. 25-6617

Dear Ms. Johnson:

The petition for a writ of certiorari in the above-entitled case was filed on January 8, 2026 and placed on the docket January 20, 2026 as No. 25-6617.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

Scott S. Harris, Clerk

by 

Katie Heidrick
Case Analyst

Enclosures

J-1

App. K

Supreme Court Response Deadline Notice to Respondents

January 20, 2026

Supreme Court of the United States, Office of the Clerk

No. 25-6617

Description: Official notice issued by the Supreme Court Clerk to Counsel for Respondent - the Commonwealth of Virginia - establishing February 19, 2026, as the deadline for filing a brief in opposition. Served on the Office of the Attorney General of Virginia on January 20, 2026, three days after Attorney General Jones took office and on the same day his announced 30-day litigation review was already underway. No response and no waiver have been filed as of the date of this supplemental notice.

Supreme Court of the United States

Naquea Elaine Johnson
(Petitioner)

v.

No. 25-6617

New Jersey, et al.
(Respondent)

To _____ Counsel for Respondent:

NOTICE IS HEREBY GIVEN pursuant to Rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on January 8, 2026, and placed on the docket January 20, 2026. Pursuant to Rule 15.3, the due date for a brief in opposition is Thursday, February 19, 2026. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Beginning November 13, 2017, parties represented by counsel must submit filings through the Supreme Court's electronic filing system. Paper remains the official form of filing, and electronic filing is in addition to the existing paper submission requirement. Attorneys must register for the system in advance, and the registration process may take several days. Further information about the system can be found at <https://www.supremecourt.gov/filingandrules/electronicfiling.aspx>.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

Ms. Naquea Johnson
PO Box 3011
Norfolk, VA 23514
973-397-0909

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.

K-1

WAIVER

Supreme Court of the United States

No. 25-6617

Naquea Elaine Johnson
(Petitioner)

v.

New Jersey, et al.
(Respondents)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- I am filing this waiver on behalf of all respondents.
- I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

Please check the appropriate box:

- I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature _____

Date: _____

(Type or print) Name _____

Mr. Ms. Mrs. Miss

Firm _____

Address _____

City & State _____ Zip _____

Phone _____ Email _____

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE OR COVER LETTER IS REQUIRED.

cc:

App. L

Fourth Circuit Docket Sheet - Complete

Case Filed 2025
United States Court of Appeals for the Fourth Circuit
Case No. 25-1661

Description: Complete Fourth Circuit docket sheet for Case No. 25-1661, included to directly refute the district court's assertion in Dismissal Order footnote 1 that '*Plaintiff has filed no such motion*' to stay the mandate. The docket establishes the following sequence with precision: Entry #11 - Petition for Rehearing and Rehearing En Banc, docketed October 14, 2025 at 4:59 PM; Entry #12 - Automatic temporary stay of mandate, generated by the court's own system at 5:00 PM on October 14, 2025, sixty seconds after Entry #11; Entry #13 - Motion to Continue Stay of Mandate, served by courier October 21, 2025 and docketed October 22, 2025 at 3:25 PM; Entry #20 - Motion to Correct Docket, docketed December 23, 2025 at 3:53 PM; Entry #21 - Compilation order denying eight pending motions simultaneously, entered December 23, 2025 at 4:47 PM - 54 minutes after Entry #20. Entry #13 is the motion the district court stated was never filed. It is on the docket. It has a timestamp. It was docketed, ruled upon, and denied. The district court's statement to the contrary is directly contradicted by this record.

**General Docket
United States Court of Appeals for the Fourth Circuit**

Court of Appeals Docket #: 25-1661 Nature of Suit: 2440 Other Civil Rights Naquea Johnson v. State of New Jersey Appeal From: United States District Court for the Eastern District of Virginia at Norfolk Fee Status: in forma pauperis	Docketed: 06/11/2025 Termed: 09/29/2025
--	--

Case Type Information:
 1) Civil U.S.
 2) United States
 3) null

Originating Court Information:
District: 0422-2 : 2:25-cv-00186-MSD-DEM
Pre by Designation: Mark S. Davis, U. S. District Court Judge
Ordering Judge: Douglas E. Miller, U. S. Magistrate Judge
Date Filed: 03/31/2025
Date Order/Judgment: 06/06/2025 **Date Order/Judgment EOD:** 06/06/2025 **Date NOA Filed:** 06/09/2025 **Date Rec'd COA:** 06/10/2025

Prior Cases:
 None

Current Cases:

	Lead	Member	Start	End
Related				
	<u>25-1627</u>	25-1661	06/11/2025	
	25-1661	<u>25-1926</u>	08/12/2025	

NAQUEA ELAINE JOHNSON Plaintiff - Appellant	Naquea Elaine Johnson Direct: 973-397-0909 Email: jkcmmonroe@gmail.com [NTC Pro Se] Apt. 2 819 Colonial Avenue Norfolk, VA 23507
v.	
STATE OF NEW JERSEY Defendant - Appellee	
COMMONWEALTH OF VIRGINIA Defendant - Appellee	
NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency Defendant - Appellee	
OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency Defendant - Appellee	
UNITED STATES DEPARTMENT OF JUSTICE, a federal agency Defendant - Appellee	
FEDERAL BUREAU OF INVESTIGATION, a federal agency Defendant - Appellee	
UNITED STATES MARSHALS SERVICE, a federal agency Defendant - Appellee	
UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency Defendant - Appellee	

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency
Defendant - Appellee

CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency
Defendant - Appellee

MATTHEW J. PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey
Defendant - Appellee

COMMISSIONER CHRISTINE NORBUT BEYER, individually and in their official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP)
Defendant - Appellee

HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage
Defendant - Appellee

LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court
Defendant - Appellee

HONORABLE RANDOLPH CARLSON, II, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court
Defendant - Appellee

HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage
Defendant - Appellee

ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court
Defendant - Appellee

JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem
Defendant - Appellee

ALLISON W. ANDERS, individually and in her official capacity as legal counsel
Defendant - Appellee

JUSTIN BUSH, individually and his official capacity as legal counsel
Defendant - Appellee

TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC
Defendant - Appellee

SCOTT COHEN, individually and his capacity as Agency Director of G&L Transcripts of NJ
Defendant - Appellee

G&L TRANSCRIPTS OF NJ, a New Jersey Corporation
Defendant - Appellee

WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration
Defendant - Appellee

ANSON BRETT ORR, individually
Defendant - Appellee

DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually
Defendant - Appellee

ALAN CLINTON WILSON, individually
Defendant - Appellee

DIONNE WILLIAMS, individually and not in his official capacity as
an employee of the United States Department of Agriculture
Defendant - Appellee

TAHAJA WILSON, individually
Defendant - Appellee

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation; WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually

Defendants - Appellees

- 06/11/2025 1 Case docketed. Originating case number: 2:25-cv-00186-MSD-DEM. Case manager: JeffNeal. [1001785630] [25-1661] JN [Entered: 06/11/2025 10:52 AM]
2 pg, 66.56 KB
- 06/11/2025 2 FEE NOTICE issued to Naqea Elaine Johnson - initial notice. Fee or application to proceed as indigent due 07/11/2025. Originating case number: 2:25-cv-00186-MSD-DEM. Mailed to: Naqea Johnson [1001785635] [25-1661] JN [Entered: 06/11/2025 10:55 AM]
1 pg, 89.67 KB
- 06/11/2025 3 INFORMAL BRIEFING ORDER filed. [1001785637] Informal Opening Brief due 07/07/2025. Informal response brief, if any: 14 days after informal opening brief served. Mailed to: Naqea Johnson. [25-1661] JN [Entered: 06/11/2025 10:56 AM]
12 pg, 215.33 KB
- 06/11/2025 4 RECORD requested from Clerk of Court [1001785638]. Due: 06/25/2025. [25-1661] JN [Entered: 06/11/2025 10:58 AM]
1 pg, 88.58 KB
- 06/23/2025 5 IFP-APPLICATION to proceed in forma pauperis (FRAP 24)(court access only) by Naqea Elaine Johnson. [1001792920] [25-1661] JN [Entered: 06/23/2025 04:50 PM]
- 06/23/2025 6 DISCLOSURE STATEMENT by Naqea Elaine Johnson. Was any question on Disclosure Form answered yes? No [1001792922] [25-1661] JN [Entered: 06/23/2025 04:51 PM]
2 pg, 81.63 KB
- 06/23/2025 7 ORDER filed granting Motion to proceed in forma pauperis [5]. Copies to all parties. Mailed to: Naqea Johnson. [1001792934] [25-1661] JN [Entered: 06/23/2025 04:56 PM]
2 pg, 62.91 KB
- 07/07/2025 8 INFORMAL OPENING BRIEF by Naqea Elaine Johnson. [1001799536] [25-1661] JN [Entered: 07/07/2025 04:00 PM]
20 pg, 924.25 KB
- 09/29/2025 9 UNPUBLISHED PER CURIAM OPINION filed. Originating case number: 2:25-cv-00186-MSD-DEM. Copies to all parties and the district court/agency. Mailed to: Naqea Johnson. [1001850229] [25-1661] JN [Entered: 09/29/2025 10:55 AM]
3 pg, 117.1 KB
- 09/29/2025 10 JUDGMENT ORDER filed. Decision: Affirmed. Originating case number: 2:25-cv-00186-MSD-DEM. Entered on Docket Date: 09/29/2025. Copies to all parties and the district court/agency. Mailed to: Naqea Johnson. [1001850233] [25-1661] JN [Entered: 09/29/2025 10:57 AM]
5 pg, 176.69 KB
- 10/14/2025 11 PETITION for rehearing and rehearing en banc by Naqea Elaine Johnson. [1001859935] [25-1661] RP [Entered: 10/14/2025 04:59 PM]
18 pg, 1.45 MB
- 10/14/2025 12 Mandate temporarily stayed pending ruling on petition for rehearing or rehearing en banc. Mailed to: Naqea Elaine Johnson. [1001859936] [25-1661] RP [Entered: 10/14/2025 05:00 PM]
2 pg, 85.08 KB
- 10/22/2025 13 MOTION by Naqea Elaine Johnson to continue stay of mandate. Date and method of service: 10/21/2025 Courier delivery. [1001865126] [25-1661] JN [Entered: 10/22/2025 03:25 PM]
5 pg, 225.69 KB
- 11/20/2025 14 DOCUMENT - brief in support of [11] Motion for rehearing and rehearing en banc by Naqea Elaine Johnson. [1001881094] [25-1661] JN [Entered: 11/20/2025 11:29 AM]
13 pg, 826.22 KB
- 11/20/2025 15 Emergency MOTION by Naqea Elaine Johnson to appoint/assign counsel, to disqualify. Date and method of service: 11/07/2025 Courier delivery. [1001881096] [25-1661]--[Edited 11/21/2025 by TW, to add emergency to motion title] JN [Entered: 11/20/2025 11:31 AM]
9 pg, 1.13 MB
- 12/01/2025 16 MOTION by Naqea Elaine Johnson to clarify. Date and method of service: 11/28/2025 Courier delivery. [1001886725] [25-1661] JN [Entered: 12/02/2025 12:41 PM]
4 pg, 441.15 KB
- 12/01/2025 17 MOTION by Naqea Elaine Johnson to appoint/assign counsel. Date and method of service: 11/28/2025 Courier delivery. [1001886727] [25-1661] JN [Entered: 12/02/2025 12:42 PM]
6 pg, 699.44 KB
- 12/01/2025 18 MOTION by Naqea Elaine Johnson for leave to file supplemental certificate. Date and method of service: 11/28/2025 Courier delivery. [1001886729] [25-1661] JN [Entered: 12/02/2025 12:44 PM]
12 pg, 577.87 KB
- 12/10/2025 19 DOCUMENT - Supreme Court filing- by Naqea Elaine Johnson. [1001891751] [25-1661] JN [Entered: 12/10/2025 02:13 PM]
186 pg, 6.35 MB
- 12/23/2025 20 MOTION by Naqea Elaine Johnson to correct docket. Date and method of service: 12/19/2025 Courier delivery. [1001899328] [25-1661] JN [Entered: 12/23/2025 03:53 PM]
246 pg, 12.2 MB
- 12/23/2025 21 COURT ORDER filed denying Motion for rehearing and rehearing en banc [11]; denying Motion to continue stay of mandate [13]; denying Motion to disqualify [15]; denying Motion to appoint/assign counsel [15], denying Motion to appoint/assign counsel [17]; denying Motion to clarify [16]; denying Motion for leave to file supplemental certificate [18]; administratively terminating Motion to correct docket. [20] Copies to all parties. [1001899408] [25-1661] JN [Entered: 12/23/2025 04:47 PM]
2 pg, 64.24 KB
- 12/31/2025 22 Mandate issued. Referencing: [10] Judgment Order , [9] unpublished per curiam Opinion. Originating case number: 2:25-cv-00186-MSD-DEM. [1001901586] [25-1661] JN [Entered: 12/31/2025 10:37 AM]
2 pg, 86.91 KB

01/20/2026 23
1 pg, 52.23 KB

SUPREME COURT REMARK--petition for writ of certiorari filed. 01/08/2026. 25-6617. [1001912869] [25-1661] EB [Entered: 01/21/2026 03:11 PM]

App. M

Petitioner's Motion to Continue Stay of Mandate

Served October 21, 2025; Docketed October 22, 2025, at 3:25 PM
United States Court of Appeals for the Fourth Circuit
Case No. 25-1661, Docket Entry #13

Description: Petitioner's Motion to Continue Stay of Mandate, served by courier on October 21, 2025, and docketed by the Fourth Circuit on October 22, 2025, at 3:25 PM as Docket Entry #13. Included for three independent purposes: (1) The title of the motion on its face - 'Motion to Continue Stay of Mandate' - directly refutes the district court's assertion in Dismissal Order footnote 1 that '*Plaintiff has filed no such motion*'; (2) The rule cited in the motion confirms the procedurally correct subsection - Fed. R. App. P. 41(d)(1) - governing stays pending rehearing determination, which was the precise procedural posture at the time of filing on October 21, 2025, when rehearing was still pending; (3) Any accompanying courier service documentation confirms delivery on October 21, 2025, the day before docketing, closing any possible gap in the chain of filing. This motion was denied by the Fourth Circuit as part of its Compilation order of December 23, 2025 (Entry #21). Read together with App. L (Fourth Circuit Docket Sheet), this document establishes beyond dispute that the motion the district court said was never filed was in fact filed, docketed, ruled upon, and denied.

JN/JC

Naquea Elaine Johnson
819 Colonial Ave, Apt. 2
Norfolk, VA 23507
973-397-0909
jkcmonroe@gmail.com

RECEIVED

2025 OCT 22 A 9:54

U.S. COURT OF APPEALS
FOURTH CIRCUIT

October 21, 2025

Clerk of Court
United States Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: Motion to Continue Stay of Mandate Pending Rehearing Determination
Case No. 25-1661 Originating Case No. 2:25-cv-00186-MSD-DEM

Dear Clerk of Court,

Please find enclosed for filing Petitioner's Motion to Continue Stay of Mandate Pending Rehearing Determination pursuant to Federal Rule of Appellate Procedure 41(d)(1). This motion is submitted in response to the Court's October 14, 2025, notice of temporary stay, and seeks to preserve the status quo while the pending petition for panel rehearing and rehearing en banc is under consideration.

I am filing this motion pro se and have included a certificate of service reflecting service on all relevant parties. Please do not hesitate to contact me if further information is required.

Thank you for your attention to this matter.

Respectfully,



Naquea Elaine Johnson
Petitioner, pro se

M-1

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**Naqea Elaine Johnson,
Petitioner-Appellant,****v.****State of New Jersey, et al.,
Respondents-Appellees.****No. 25-1661 Originating Case No. 2:25-cv-00186-MSD-DEM****MOTION TO CONTINUE STAY OF MANDATE PENDING REHEARING
DETERMINATION**

Petitioner respectfully moves this Court to continue the stay of mandate pursuant to Federal Rule of Appellate Procedure 41(d)(1), pending resolution of the petition for panel rehearing and rehearing en banc. The rehearing petition raises unresolved constitutional questions of exceptional importance, and premature issuance of the mandate would irreparably prejudice Petitioner's ability to obtain discovery and review of the underlying proceedings.

Petitioner's rehearing petition identifies multiple cert-worthy issues, including:

- Whether poverty determinations under 28 U.S.C. § 1915 must consider mandatory deductions such as child support, taxes, and retirement contributions, consistent with other federal poverty standards.
- Whether *M.L.B. v. S.L.J.*'s principle barring wealth-based denial of fundamental rights adjudication applies beyond parental termination to custody, visitation, and civil contempt.
- Whether intra-circuit contradictions: panel-en banc reversals, contradictory IFP rulings, and a 93% unpublished opinion rate, violate due process requirements for consistent, reasoned decision-making.

Petitioner's denial of in forma pauperis status obstructed access to discovery and appellate review of an interstate child removal carried out under the guise of custody proceedings. This removal implicates fundamental liberty interests recognized in *Troxel v. Granville*, *Santosky v. Kramer*, and *Stanley v. Illinois*. Issuing the mandate while rehearing remains pending would foreclose review of these constitutional violations and undermine the integrity of the appellate process.

Petitioner respectfully requests that the Court continue the stay of mandate pending resolution of the rehearing petition. The issues presented are substantial, the harm irreparable, and the need for judicial review urgent.

Respectfully submitted,


Naquea Elaine Johnson

Petitioner, pro se

819 Colonial Ave, Apt. 2

Norfolk, VA 23507

973-397-0909

jkcmonroe@gmail.com

Date: October 21, 2025

Certificate of Service

I certify that on October 21, 2025, I served a copy of this Motion to Continue Stay of Mandate on the following parties via FedEx:

New Jersey Attorney General
Division of Law
25 Market Street
Trenton, New Jersey 08625

Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219

Georgia Attorney General
40 Capital Square SW
Atlanta, GA 30334

District of Columbia Attorney General
400 6th Street, NW
Washington, DC 20001

Naqea Elaine Johnson 
Petitioner, pro se

EXPRESS

Allian top of FedEx Express® shipping label here.

ORIGIN ID: 0956 (9/3) 397-0909
NAQUER JOHNSON
819 COLONIAL AVE PPT 2
NORFOLK, VA 23507
UNITED STATES US

SHIP DATE: 21OCT25
ACT WT: 0.05 LB
CAD: 689471755FE2621
BILL CREDIT CARD

TO CLERK OF COURT
US COURT OF APPEALS FOURTH CIRCUIT
1100 EAST MAIN ST
SUITE 501
RICHMOND VA 23219

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U.S. MARSHALS
DEPT

1.3LB
0004-5111
1100 E MAIN ST
RICHMOND VA 23219
06-15561723



TRK# 3944 9979 1344
0201

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** 2DAY **

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23219
VA-US RIC



Envelope

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Part # 16297-435 ANDR2 EXP 10/25

5-2

App. N

District Court Docket

Case Filed 2025
U.S. District Court
Eastern District of Virginia – (Norfolk)
Civil Docket for Case No. 2:25-cv-00186-MSD-DEM

Description: District Court Docket showing Entry #23.

U.S. District Court
Eastern District of Virginia - (Norfolk)
CIVIL DOCKET FOR CASE #: 2:25-cv-00186-MSD-DEM

Johnson v. State of New Jersey et al
Assigned to: Chief District Judge Mark S. Davis
Referred to: Magistrate Judge Douglas E. Miller
Case in other court: 4CCA Case manager Jeffrey S. Neal, 25-
01661
Cause: 42:1983 Civil Right Denial of Due Process

Date Filed: 03/31/2025
Date Terminated: 01/28/2026
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff**Naquea Elaine Johnson**

represented by **Naquea Elaine Johnson**
819 Colonial Avenue
Apt. 2
Norfolk, VA 23507
973-397-0909
PRO SE

Defendant**State of New Jersey****Defendant****Commonwealth of Virginia****Defendant****New Jersey Division of Child Protection
and Permanency**
*a state agency***Defendant****Office of Attorney General State of New
Jersey**
*a state agency***Defendant****The United States Department of Justice**
*a federal agency,***Defendant****The Federal Bureau of Investigation**
*a federal agency,***Defendant****The United States Marshals Service**
a federal agency,

Defendant

**The United States Department of
Agriculture**
a federal agency,

Defendant

**The National Archives and Records
Administration**
a federal agency,

Defendant

The City of Norfolk Police Department
a municipal law enforcement agency,

Defendant

Matthew Platkin
*individually and in his official capacity as
Attorney General for the State of New
Jersey,*

Defendant

Commissioner Christine Norbut Beyer
*individually and in their official capacity as
Commissioner of NJ Division of Children,
Protection and Permanency (DCPP),*

Defendant

**The Honorable Sharifa Rashida Salaam,
Esq.**
*individually and in their official capacity as
Judge of the Superior Court of New Jersey,
Essex Vicinage,*

Defendant

Lyn Simmons, Esq.
*individually and in their official capacity as
Judge of the Norfolk Juvenile and Domestic
Relations District Court,*

Defendant

The Honorable Randolph Carlson, Esq.
*individually and in their official capacity as
Judge of the Norfolk Juvenile and Domestic
Relations District Court,*

Defendant

The Honorable Aldo Russo, Esq.
*individually and in their official capacity as
Judge of the Superior Court of New Jersey,
Essex Vicinage,*

Defendant

Alejandro Torres
*individually and in his official capacity as
Intake Supervisor for Norfolk Juvenile and
Domestic Relations Court,*

Defendant

James D. Garrett, Esq.
*individually and in their official capacity as
Court Appointed Guardian ad Litem,*

Defendant

Allison Anders Esq.
*individually and in their official capacity as
legal counsel,*

Defendant

Justin Bush, Esq.
*individually and in their official capacity as
legal counsel,*

Defendant

Tiffany Clarke-Burroughs, Esq.
*individually and in their capacity as
Attorney of Burroughs Family Law LLC,*

Defendant

Scott Cohen, Esq.
*individually and in his capacity as Agency
Director of G&L Transcripts of NJ,*

Defendant

G&L Transcripts of NJ
a New Jersey corporation,

Defendant

William Branch
*individually and not in his official capacity
as an employee of the National Archives and
Records Administration,*

Defendant

Anson Brett Orr
individually,

Defendant

Dianthe Martinez-Brooks
*individually,
also known as
Dawn Orr*

Defendant

Alan Clinton Wilson*individually,***Defendant****Dionne Williams***individually and not in his official capacity**as an employee of the United States**Department of Agriculture,***Defendant****Tahaja Wilson***individually,*

Date Filed	#	Docket Text
03/31/2025	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Naquea Elaine Johnson. (Attachments: # <u>1</u> Proposed Complaint, # <u>2</u> Exhibit list, # <u>3</u> Exhibits, # <u>4</u> Civil Cover Sheet, # <u>5</u> Proposed E-notice Motion)(epri,) (Additional attachment(s) added on 4/16/2025: # <u>6</u> AMENDMENT TO PLAINTIFF'S PREVIOUSLY FILED VERIFIED COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS, CONSPIRACY AGAINST RIGHTS, RACKETEERING, AND DECLARATORY AND INJUNCTION RELIEF: REQUEST FOR DISCLOSURE OF GRAND JURY TARGET STATUS FROM NEW JERSEY AND/OR VIRGINIA PROCEEDINGS # <u>7</u> Exhibit) (epri,). (Additional attachment(s) added on 4/22/2025: # <u>8</u> SUPPLEMENT TO PLAINTIFF'S PREVIOUSLY FILED VERIFIED COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS, CONSPIRACY AGAINST RIGHTS, RACKETEERING, AND DECLARATORY AND INJUNCTION RELIEF) (epri,). (Additional attachment(s) added on 5/16/2025: # <u>9</u> Proposed Motion for ruling on pending application to proceed in forma pauperis) (epri,). (Entered: 04/01/2025)
06/06/2025	<u>2</u>	ORDER: Plaintiff's IFP Application, ECF No. 1. is DENIED. If Plaintiff would like to proceed with this action. Plaintiff is ORDERED to remit the \$350.00 filing fee and \$55.00 administrative fee within thirty (30) days of the date of entry of this Order. A copy of this Order sent to Plaintiff as DIRECTED on 6.6.25. Signed by Chief District Judge Mark S. Davis and filed on 6/6/25. (epri,) (Entered: 06/06/2025)
06/09/2025	<u>3</u>	NOTICE OF APPEAL as to <u>2</u> Order on Motion for Leave to Proceed in forma pauperis, by Naquea Elaine Johnson. (epri,) (Entered: 06/09/2025)
06/10/2025	<u>4</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>3</u> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (Attachments: # <u>1</u> Notice of Appeal)(epri,) (Entered: 06/10/2025)
06/11/2025	<u>5</u>	USCA Case Number 25-1661 4CCA Case manager Jeffrey S. Neal for <u>3</u> Notice of Appeal filed by Naquea Elaine Johnson. (epri,) (Entered: 06/11/2025)
06/11/2025	<u>6</u>	Appeal Remark re <u>3</u> Notice of Appeal : RECORD requested from Clerk of Court Due: 06/25/2025. [25-1661 (epri,) (Entered: 06/11/2025)
06/11/2025		Assembled INITIAL Electronic Record Transmitted to 4CCA re <u>3</u> Notice of Appeal. (25-1661) (epri,) (Entered: 06/11/2025)
06/16/2025	<u>7</u>	FORMAL DEMAND FOR IMMEDIATE RETURN OF PROPERTY by Naquea Elaine Johnson. (epri,) (Entered: 06/16/2025)

06/20/2025	<u>8</u>	MATERIAL PICKUP LETTER TO FEDERAL COURT by Naqea Elaine Johnson. (epri,) (Entered: 06/20/2025)
06/23/2025	<u>9</u>	ORDER of USCA as to <u>3</u> Notice of Appeal filed by Naqea Elaine Johnson. The court grants leave to proceed in forma pauperis. (25-1661) (epri,) (Entered: 06/24/2025)
06/23/2025	<u>10</u>	EMERGENCY MOTION FOR INJUNCTIVE RELIEF, SANCTIONS, AND DAMAGES by Naqea Elaine Johnson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit H, # <u>10</u> Exhibit J)(epri,) (Entered: 06/24/2025)
07/21/2025	<u>11</u>	MOTION FOR ADMINISTRATIVE ORDER COMPELLING IMMEDIATE JUDICIAL ACTION by Naqea Elaine Johnson. (epri,) (Entered: 07/21/2025)
09/19/2025	<u>12</u>	ORDER of USCA as to <u>3</u> Notice of Appeal filed by Naqea Elaine Johnson. The court dismisses this proceeding for failure to prosecute pursuant to Local Rule 45. (25-1926) (epri,) (Entered: 09/22/2025)
09/29/2025	<u>13</u>	Opinion of USCA (Copy) AFFIRMED re <u>3</u> Notice of Appeal. Affirmed by unpublished per curiam opinion. (25-1661) (epri,) (Entered: 09/30/2025)
09/29/2025	<u>14</u>	USCA JUDGMENT as to <u>3</u> Notice of Appeal filed by Naqea Elaine Johnson. The judgment of the district court is affirmed.This judgment shall take effect upon issuance of this court's mandate. (25-1661) (epri,) (Entered: 09/30/2025)
10/10/2025	<u>15</u>	Copy of document filed in Fourth Circuit Appeals Court by Naqea Elaine Johnson. (epri,) (Entered: 10/14/2025)
10/14/2025	<u>16</u>	USCA Mandate re <u>3</u> Notice of Appeal. Mandate temporarily stayed pending ruling on petition for rehearing or rehearing en banc. (25-1661) (epri,) (Entered: 10/15/2025)
11/10/2025	<u>17</u>	Submission by Naqea Elaine Johnson. (Attachments: # <u>1</u> Envelope)(epri,) (Entered: 11/12/2025)
12/01/2025	<u>18</u>	MOTION TO UNSEAL CASE FILE by Naqea Elaine Johnson. (epri,) (Entered: 12/02/2025)
12/01/2025	<u>19</u>	Submission by Naqea Elaine Johnson. (epri,) (Entered: 12/02/2025)
12/23/2025	<u>20</u>	ORDER of USCA as to <u>3</u> Notice of Appeal filed by Naqea Elaine Johnson. The court denies the petition for rehearing and rehearing en banc, the motion to continue stay of mandate, the motion to disqualify and appoint special counsel, the motion to clarify, the motion to recuse and assign substitute counsel, and the motion to file supplemental certificate of interest. (25-1661) (epri,) (Entered: 01/02/2026)
12/31/2025	<u>21</u>	USCA Mandate re <u>3</u> Notice of Appeal. The judgment of the court, entered 09/29/2025, takes effect today. This constitutes the formal mandate of this court. (25-1661) (epri,) (Entered: 01/02/2026)
01/05/2026	<u>22</u>	ORDER: If Plaintiff would like to proceed with this action, Plaintiff is ORDERED to remit the \$350.00 filing fee and \$55.00 administrative fee within 21 days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. A copy of this Order sent to Plaintiff as DIRECTED on 1.5.26. Signed by District Judge Mark S Davis and filed on 1/5/26. (epri,) (Entered: 01/05/2026)
01/20/2026	<u>23</u>	Appeal Remark re <u>3</u> Notice of Appeal : SUPREME COURT REMARK--petition for writ of certiorari filed. 01/08/2026. 25-6617. [25-1661] (epri,) (Entered: 01/22/2026)
01/28/2026	<u>24</u>	DISMISSAL ORDER: This action is DISMISSED without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. A copy of this Dismissal Order sent to

		Plaintiff as DIRECTED on 1.28.26. Signed by District Judge Mark S Davis and filed on 1/28/26. (epri,) (Entered: 01/28/2026)
01/28/2026	<u>25</u>	CLERK'S JUDGMENT. Signed by Clerk on 1/28/26. (epri,) (Entered: 01/28/2026)
