IN THE SUPREME COURT OF THE UNITED STATES

25-6727 ORIGINAL

No. _____

(Tenth Circuit Case No. 25-4081)

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

ANTONIA BLACKWELL, *Petitioner,*

v.

MICHAEL BOEHM, et al., *Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

ANTONIA BLACKWELL
Pro Se Petitioner
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QUESTIONS PRESENTED

1. Whether a two-judge appellate panel violates 28 U.S.C. § 46(b)'s mandate that panels "consist of three judges," rendering decisions void under *Nguyen v. United States*, 539 U.S. 69 (2003), whether Federal Rule of Appellate Procedure 40 is violated when the same two-judge panel whose order is challenged decides the en banc petition without submission to all active circuit judges, and whether appellate courts violate the Fifth Amendment when characterizing a district court order as containing findings that do not exist in the actual order.
2. Whether an arrest warrant setting bail at $10,000 for a Class B misdemeanor, when Utah's legislature established $680-$700 as the appropriate amount across multiple statutes, violates the Eighth Amendment's prohibition on excessive bail, what standard applies to excessive bail claims in federal habeas proceedings, and whether federal habeas courts may dismiss such claims without analysis.
3. Whether parents advocating for federally-guaranteed disability education rights are protected from criminal prosecution coordinated by schools and municipalities with whom the parent had no direct contact, under the First Amendment, 42 U.S.C. § 1983, and 42 U.S.C. § 1985, and whether *A.J.T. v.*

Osseo Area Schools, 145 S. Ct. 1647 (2025), prohibiting schools from denying accommodations for administrative convenience, applies when a parent's federally-validated advocacy results in criminal prosecution coordinated by the school itself.

4. Whether Younger v. Harris abstention applies when state courts have systematically refused to address constitutional claims, including refusing to file motions, refusing to analyze Eighth Amendment violations, and refusing to provide counsel, rendering state remedies functionally unavailable, and whether federal courts must analyze Younger's established exceptions before dismissing habeas petitions.
5. Whether systematic state patterns of suppressing federal education law enforcement, through coordinated action by courts, prosecutors, police, defense counsel, and legislators, including fabrication of evidence against children documented in sworn testimony, require federal intervention to protect IDEA rights.

PARTIES TO THE PROCEEDING

All parties to the proceeding in the Court of Appeals appear in the caption.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Petitioner states that she is an individual and there are no parent or subsidiary corporations to disclose.

RELATED PROCEEDINGS

United States District Court, District of Utah:

- *Blackwell v. Boehm, et al.*, No. 2:25-cv-00465-TS (habeas corpus). Judgment entered June 26, 2025.
- *Blackwell v. Early Light Academy, et al.*, No. 2:25-cv-00689-RJS-DBP (RICO). Magistrate recommendation issued October 2025; Petitioner's Objections and request for de novo review filed October 2025; Petitioner is still awaiting a response after request for de novo review.

United States Court of Appeals for the Tenth Circuit:

- *Blackwell v. Boehm, et al.*, No. 25-4081. Order denying relief entered August 28, 2025. Petition for rehearing en banc denied September 22, 2025.

South Jordan Justice Court, Utah:

- *City of South Jordan v. Blackwell*, No. 241800012. Arrest warrant issued May 15, 2025.

Utah Court of Appeals:

- *Blackwell v. Boehm*, No. 20250470-CA (criminal appeal). Filed May 29, 2025. Relief denied June 4, 2025.

Utah Supreme Court:

- *Blackwell v. Boehm*, No. 20250589-SC. Filed May 29, 2025. Transferred June 4, 2025.

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OPINIONS BELOW

The order of the United States Court of Appeals for the Tenth Circuit denying Petitioner's motions for injunctive relief pending appeal, issued August 28, 2025 (App. A), is unreported. The order of the United States Court of Appeals for the Tenth Circuit denying Petitioner's petition for rehearing en banc, issued September 22, 2025 (App. B), is unreported. The order of the United States Court of Appeals for the Tenth Circuit denying certificate of appealability, issued September 24, 2025 (App. C), is unreported. The order of the United States District Court for the District of Utah dismissing Petitioner's habeas corpus petition, issued June 26, 2025 (App. D), is unreported. The arrest warrant issued by South Jordan Justice Court (App. E) is unreported.

JURISDICTION

The United States Court of Appeals for the Tenth Circuit entered its order denying Petitioner's motions for injunctive relief pending appeal on August 28, 2025, in Case No. 25-4081 (App. A). Petitioner filed a petition for rehearing en banc on September 2, 2025. The petition was denied on September 22, 2025 (App. B). On September 24, 2025, a separate three-judge panel denied Petitioner's certificate of appealability (App. C). This Court has jurisdiction under 28 U.S.C. § 1254(1). This petition is timely filed within 90 days of the September 24, 2025 order.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Amendment I: "Congress shall make no law... abridging the freedom of speech... or the right of the people... to petition the Government for a redress of grievances."

U.S. Constitution, Amendment VIII: "Excessive bail shall not be required..."

28 U.S.C. § 46(b): "In each circuit the court may authorize the hearing and determination of cases and controversies by separate panels, each consisting of three judges, at least a majority of whom shall be judges of that court, unless such judges cannot sit because recused or disqualified, or unless the chief judge of that court certifies that there is an emergency including, but not limited to, the unavailability of a judge of the court because of illness."

42 U.S.C. § 1983: Creates liability for deprivation of constitutional rights under color of state law.

42 U.S.C. § 1985(3): Creates liability for conspiracy to interfere with civil rights.

Utah Code § 77-20-204(3)(c): Limits bail for Class B misdemeanors to $680 for jail official releases.

Utah Code § 77-20-205.5(2)(b): Establishes $700 as the default judicial bail amount for Class B misdemeanors.

These statutes demonstrate the Utah legislature's determination that $680-$700 is the appropriate bail amount for Class B misdemeanors, making bail set at $10,000 (over 14 times higher) presumptively excessive under the Eighth Amendment.

Utah Rule of Criminal Procedure 29(c)(1): "When a motion for disqualification is timely filed, the judge must take no further action in the case until the motion is decided."

Full text of relevant provisions of 42 U.S.C. § 1983, 42 U.S.C. § 1985, and 20 U.S.C. § 1400 et seq. is available in the record of the proceedings below.

STATEMENT OF THE CASE

KEY PARTIES

School Defendants:

- Stephanie Schmidt - Executive Director, Early Light Academy
- Amy Bird - Principal (secretly recorded child, created false evidence)
- Erin Preston - School Attorney (admitted coordinating with prosecutor, then denied it under oath three days later)
- Anne Trout - Special Education Director (false testimony about federal law)
- Sarah Hyatt - Behavioral Specialist (filed false police reports despite no contact with Petitioner)

Government Defendants:

- Judge Michael Boehm - South Jordan Justice Court (issued $10,000 warrant on $680 maximum)
- Deborah Snow - South Jordan City Prosecutor (blocked federal court documents; refuses to respond to pro se litigant)
- Ed Montgomery - South Jordan City Prosecutor (agreed to pursue charges before investigation complete)

- Sergeant Eric Anderson - South Jordan Police (overruled Detective Palmer, filed charges 40 days after contact ceased)

Legislative Defendants:

- Kirk Cullimore Jr. - Utah State Senator (co-sponsored HB464; collaborated with Tangaro to reduce child rape penalties for Adams' granddaughter)
- Jordan Teuscher - Utah State Representative, Petitioner's own representative (ignored plea for help, then co-sponsored HB464)

Legal Sabotage Network:

- Cara Tangaro - Owner, Tangaro Law (collaborated with Cullimore Jr. to reduce child rape penalties; her employee sabotaged Petitioner's defense)
- Nicole Faas - Attorney, Tangaro Law ("unconstitutionality is not a trial defense")
- Kristin Wilson - Attorney (did nothing for nine months, withdrew before critical hearing)

The Connection: The same network (Tangaro/Cullimore) that protected Utah Senate President Stuart Adams' granddaughter from consequences for four first-degree felonies of child rape and child sodomy simultaneously sabotaged Petitioner's defense against a Class B misdemeanor for advocacy emails.

I. THE PROTECTED ADVOCACY AND FEDERAL VALIDATION

Petitioner's child, a then-first-grader with a documented disability at the time of these events, required special education services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq. Early Light Academy itself conducted the assessment and determined Petitioner's child had a disability. On June 1, 2023, Petitioner signed consent for special education services. When school resumed in fall 2023, Early Light Academy placed Petitioner's child back in general education without the agreed-upon services, a violation of federal law.

Petitioner's child has missed a majority of his elementary education and is now missing third grade due to housing instability and the active warrant. During the 2023-2024 school year, Petitioner advocated via email for her child's federally-guaranteed educational rights at Early Light Academy, a federally-funded charter school in South Jordan, Utah.

On January 6, 2023, the Utah State Board of Education issued Decision #SC-2223-08, confirming that Petitioner's child was entitled to IDEA disciplinary protections and that the school "knew or should have known" this (App. F). This decision validates that Petitioner's advocacy to enforce her child's federally-guaranteed rights was protected federal activity, communications containing no threats, no profanity, simply holding the school accountable to federal law it was violating. After this validation, Petitioner continued the exact same advocacy with the same tone and content. Despite this official validation from Utah's education agency, criminal prosecution proceeded.

On November 29, 2023, Early Light Academy expelled Petitioner's child without conducting the federally-required Manifestation Determination Review. Forty days later, with zero intervening contact, the City of South Jordan filed criminal charges on January 9, 2024. If Petitioner's emails were genuinely threatening or harassing, charges would have been filed while the conduct was ongoing, not 40 days after it ceased. The timing proves

this prosecution was retaliation for past advocacy, not protection from ongoing harm. When Petitioner posted a YouTube video documenting her experience, her son being kicked out of school and the system's failures, the video was removed and criminal charges followed shortly thereafter.

The school's own subsequent admissions confirm this: On January 22, 2024, just thirteen days after filing criminal charges, the school issued Findings of Fact stating: "Ms. Blackwell loves T and is trying to get him a good education" (App. J). The school filed charges, then admitted the "criminal" conduct was simply a mother seeking education for her child.

Petitioner has had no trial in the nearly two years since charges were filed. Courts have deliberately refused to resolve the case, leaving these false charges hanging over Petitioner indefinitely.

Petitioner also filed a complaint with the U.S. Department of Education's Office for Civil Rights (OCR Case 08-24-1110). OCR was actively investigating discrimination and retaliation by Early Light Academy when the Department of Education was disbanded. Original OCR investigators have been removed, and the case remains unresolved with no federal agency to pursue it.

Petitioner's then-first-grade child was successful at another school half a mile away, with zero behavioral issues, proving the "problem" was Early Light Academy's targeting of the child, not any actual misconduct. A child severe enough to warrant expulsion from first grade would continue that behavior at any school, yet he thrived immediately upon transfer within the same school year.

II. THE WEAPONIZED WARRANT: $10,000 BAIL ON $680 MAXIMUM, WITH MANUFACTURED MENTAL HEALTH DECLARATIONS

Petitioner was charged with Electronic Communication Harassment under Utah Code § 76-9-201(2), a Class B misdemeanor. Utah's legislature has consistently established that $680-$700 is the appropriate bail amount for Class B misdemeanors: Utah Code § 77-20-204(3)(c) caps jail official bail at $680, and Utah Code § 77-20-205.5(2)(b) sets the default judicial bail at $700.

On May 15, 2025, Judge Michael Boehm of South Jordan Justice Court issued arrest warrant #3044125, setting bail at $10,000 (App. E). The warrant characterized Petitioner as "suicidal" and "hostile towards authority."

Regarding the mental health disclosure: Petitioner requested ADA accommodations based on mental health needs. Since that time, God has given Petitioner the rest needed, and Petitioner is now in a much better space. Judge Boehm took this disclosure, made in the context of seeking reasonable accommodations, and weaponized it in a public warrant document to justify heightened police response protocols. By including "suicidal" in a public warrant, Judge Boehm created conditions for escalated police encounters and potential violence during any arrest. This tactic is particularly dangerous: officers responding to a "suicidal" subject use different protocols, including restraint techniques, force escalation, and involuntary detention for psychiatric evaluation.

The characterization of Petitioner as "hostile towards authority" is false. If Respondents claim otherwise, let Judge Boehm prove it. Judge Boehm cannot identify a single instance where Petitioner was hostile towards him because their interactions were minimal. Why did Judge Boehm include this false characterization in a public warrant?

Detective Todd Palmer, who had extensive contact with Petitioner throughout the investigation, wrote on November 9, 2023: "Thank you for always being so thorough and easy to work with." Palmer's statements reveal Petitioner as cooperative.

In contrast, Judge Boehm had minimal contact with Petitioner yet included this damaging characterization. Those with extensive contact found her reasonable; those with minimal contact manufactured defamatory claims. This inverse relationship proves the characterizations were fabrications designed to justify institutional persecution.

The bail amount demonstrates clear Eighth Amendment violation:

- Legislative Standard: $680-$700 (established across multiple Utah statutes)
- Warrant Bail Amount: $10,000
- Excessive by: Over 14 times the legislative standard

Judge Boehm issued this warrant while two critical motions were pending: a Motion to Dismiss filed April 10, 2025, and a Motion for Recusal filed May 6, 2025. The South Jordan Justice Court refused to file the Motion for Recusal. Utah Rule of Criminal Procedure 29(c)(1) prohibits judges from taking "any further action in the case until the motion is decided." Judge Boehm violated this rule by taking action while both motions remained undecided.

Judge Boehm knew Petitioner had been forced out of state due to housing discrimination and retaliation, yet refused remote access for a 15-minute pretrial conference. For months while Petitioner had legal representation, Judge Boehm permitted all hearings to be conducted remotely and her attorneys always attended remotely. However, once Petitioner was forced into pro se representation after courts denied her request for a public defender, Judge Boehm changed the rules. He deliberately scheduled an in-person appearance knowing Petitioner had been forced into homelessness due to housing discrimination and retaliation, knowing she had requested an accommodation, and knowing she could not attend without address stability or remote access. He then issued the warrant when she could not appear. This was not a legitimate consequence of non-appearance. This was a deliberate trap designed to ensure Petitioner's arrest and detention: allow remote access when represented and housed, deny it when unrepresented and homeless, then issue warrant for non-appearance. This pattern demonstrates intentional deprivation designed to punish Petitioner for exercising her federal civil rights.

Petitioner has lived under this illegal warrant since May 15, 2025, unable to work, obtain employment, secure housing, drive, or transport her child to school. Her child has now missed substantial portions of his elementary education. The charges have been pending since January 9, 2024 (nearly two years) with no trial, no resolution, and no movement, violating her Sixth Amendment right to a speedy trial.

Petitioner has been forced into pro se representation after two attorneys either sabotaged her defense or did nothing despite payment, multiple criminal defense attorneys refused to help, and courts denied her request for a public defender and never filed her request. She was also terminated from employment while on FMLA, extending the retaliation into her workplace. The captured legal system has denied her any meaningful defense while she fights complex federal litigation without legal training.

III. INDEFINITE INCAPACITATION WITHOUT TRIAL

Every defendant has fundamental constitutional rights under the Fifth, Sixth, and Fourteenth Amendments, including the right to a speedy trial. Under *Barker v. Wingo*, 407 U.S. 514 (1972), speedy trial claims require balancing four factors: length of delay, reason for delay, defendant's assertion of the right, and prejudice. At nearly two years without trial for Class B misdemeanor charges, with no trial date set and deliberate court inaction, all four factors weigh heavily in Petitioner's favor.

When a warrant sits indefinitely without trial, the accused is functionally imprisoned without conviction: unable to obtain employment, housing, or pass background checks; unable to transport children; living in constant fear of arrest; and pressured into plea bargains under duress.

Petitioner pleaded not guilty on April 2, 2024, yet has received no trial. By maintaining an active warrant without trial, prosecutors accomplish what conviction could not: permanent economic exile, forced isolation, and coerced pleas. This violates the most basic principle of American justice: no person shall be deprived of liberty without due process of law.

IV. FEDERAL COURTS DISMISSING WITHOUT PROCESS

On June 11, 2025, Petitioner filed a federal habeas corpus petition in the United States District Court for the District of Utah, challenging the void warrant before Judge Ted Stewart, Case No. 2:25-cv-00465-TS. That case file contains all documentary evidence proving every allegation in this petition, with related evidence and comprehensive coordination documentation in the related RICO case No. 2:25-cv-00689-RJS-DBP, including: Police Interview Transcripts with Preston's "no specific threats" and coordination admissions; Utah State Board Decision #SC-2223-08; Expulsion Hearing Transcript documenting Principal Bird's secret recording, false audio evidence, and due process denial (filed in Case No. 2:25-cv-00465-TS, Docket #10); and the timeline documentation proving 40-day gap between last contact and charges. All of this evidence is already in the federal court record. Courts are not lacking evidence, they are ignoring it.

On June 26, 2025, Judge Stewart dismissed the petition with a one-sentence order: "IT IS ORDERED AND ADJUDGED that the Judgment shall be, and hereby is, that this matter is dismissed" (App. D). The order contained zero reasoning, zero findings of fact, zero conclusions of law, zero analysis of the Eighth Amendment violation, and no engagement with the mathematical impossibility that $10,000 is over 14 times the $680 statutory standard. When the Tenth Circuit remanded for Stewart to consider issuing a COA, he denied it on July 29, 2025 "for substantially the same reasons set out in the Court's dismissal order" - but his dismissal order contained no reasons. The Tenth Circuit sua sponte lifted the abatement and allowed the appeal to proceed, recognizing merit despite Stewart's empty reasoning - yet subsequent panels denied relief through an improperly constituted two-judge panel and fabricated findings.

The Tenth Circuit's response to Judge Stewart's empty dismissal is itself evidence of merit: rather than simply denying the appeal, the Tenth Circuit remanded the case back to the district court "on a limited basis for the district court to consider whether to issue a COA." Courts do not remand meritless cases for additional consideration. Someone at the Tenth Circuit recognized that Judge Stewart's one-sentence dismissal without reasoning was inadequate and gave him a second opportunity to actually engage with the constitutional claims. When Judge Stewart again refused to provide reasoning—denying the COA "for substantially the same reasons" that did not exist—the Tenth Circuit sua sponte allowed the appeal to proceed anyway.

Judge Stewart's Unprecedented Deviation From His Own 20-Year Practice: Petitioner conducted a comprehensive review of Judge Stewart's pro se case dismissals over a 20-year period. Every single dismissal

included findings of fact and conclusions of law, except Petitioner's case. This is the only exception in two decades of judicial practice. While 28 U.S.C. § 2243 permits summary dismissal if it "appears from the application" that relief is not warranted, Judge Stewart's one-sentence order provides no explanation of WHAT appeared from Petitioner's application to justify dismissal. His order does not mention Younger abstention, does not address the Eighth Amendment claim, does not acknowledge the mathematical impossibility that $10,000 is over 14 times the $680 statutory standard, and provides no reasoning whatsoever. This absence of any reasoning then forced the Tenth Circuit to fabricate findings that do not exist in the actual order, attributing to Judge Stewart a Younger abstention analysis he never conducted. A federal judge does not abandon 20 years of consistent practice without reason. The only distinguishing factor in Petitioner's case is that the evidence proves systematic constitutional violations that courts refuse to examine. This unprecedented deviation from established judicial practice strongly suggests predetermined or improper process designed to avoid engaging with evidence that would require relief.

On October 15, 2025, Petitioner filed an Emergency Motion for Status and Expedited Review of Warrant Vacation and Objections to Magistrate Judge Pead's Report and Recommendation (requesting mandatory de novo review) with District Judge Robert J. Shelby in the related federal case, No. 2:25-cv-00689-RJS-DBP. Petitioner is still awaiting a response after request for de novo review. The illegal warrant remains active. Courts leave this hanging over Petitioner indefinitely, knowing she cannot pass background checks, find employment, or function in society while blocked from housing with an active warrant for charges that are proven false by documentary evidence. This requires immediate relief.

V. THE TENTH CIRCUIT PROCEDURAL VIOLATIONS

The Tenth Circuit issued three separate orders in Case No. 25-4081:

Date	Order	Judges	Result
August 28, 2025	Injunctive relief	2 (Carson, Rossman)	Denied - left under illegal warrant
September 22, 2025	En banc petition	2 (Carson, Rossman)	Denied - same judges decide own review
September 24, 2025	COA	3 (Federico, Baldock, Murphy)	Denied - completely different panel

The Two-Judge Panel Violated 28 U.S.C. § 46(b): The statute mandates panels "consist of three judges" with narrow exceptions only when judges "cannot sit because recused or disqualified" or when "the chief judge certifies an emergency." No such certification exists. In *Nguyen v. United States*, 539 U.S. 69 (2003), this Court vacated the judgments of an improperly constituted appellate panel.

The En Banc Procedure Violated Federal Rule of Appellate Procedure 40: Under Tenth Circuit Rule 40.2(D), "A majority of the active judges who are not disqualified may order rehearing en banc." Instead, Petitioner's September 2, 2025 petition was returned to the same two judges, who decided their own review. The Tenth Circuit cited Rule 40.2(F) to justify this procedure, but no local rule can authorize an improperly constituted panel to perpetuate its own § 46(b) violation by reviewing itself.

The COA Denial Fabricated District Court Findings: The September 24, 2025 order states: "The district court found that Younger abstention applied." This is false. Judge Stewart's June 26, 2025 dismissal order (App. D) contained exactly one sentence with no findings, no analysis, and no mention of Younger. The Tenth Circuit characterized Judge Stewart's order as containing findings that do not exist in the actual order. This fabrication violates the Fifth Amendment.

The Sua Sponte Order Contradicts the COA Denial: On July 29, 2025, the same day Judge Stewart denied the COA for "substantially the same reasons" that did not exist in his one-sentence dismissal, the Tenth Circuit sua sponte lifted the abatement (App. I) stating: "Upon consideration of the district court's July 29, 2025 order, we have determined that the abatement of this appeal should be lifted. This § 2241 appeal will proceed in the ordinary course." The Tenth Circuit then directed Petitioner to file a combined merits brief and COA application within 40 days, provided a pro se form to assist her, and instructed appellees not to file a response brief. Under *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), a COA should issue when issues are "adequate to deserve encouragement to proceed further." The July 29, 2025 sua sponte order provided exactly that encouragement—the Tenth Circuit acted on its own motion, without Petitioner asking, to allow the appeal to proceed after Judge Stewart refused to engage with the merits. The September 24, 2025 COA denial then contradicted this encouragement by finding no reasonable jurist would debate the issues. The Tenth Circuit cannot remand for COA consideration, then sua sponte encourage Petitioner to proceed further after that consideration fails, while simultaneously concluding her issues do not deserve encouragement to proceed further.

The Inconsistency Proves Improper Procedure: If three judges (Federico, Baldock, Murphy) were available on September 24 for the COA denial, three judges were available on August 28 when only two judges (Carson, Rossman) decided Petitioner's Eighth Amendment claims. The Tenth Circuit offers no explanation for why Petitioner received only two judges for orders denying her constitutional relief but a proper three-judge panel for the final COA denial. This inconsistent treatment—two judges to deny substantive relief, three judges to close the door permanently—suggests the two-judge orders were improper from the outset.

VI. THE BLUEPRINT FOR DESTROYING ANYONE WHO CHALLENGES THE SYSTEM

This case establishes a replicable playbook: (1) fabricate evidence under oath; (2) coordinate prosecution through institutional allies; (3) capture legal defense networks; (4) weaponize protective systems; (5) maintain indefinite threat through pending charges; (6) courts ignore contradictions.

The Expulsion Hearing Transcript contains sworn testimony with mathematical contradictions (alphabetical vs. numerical order), contradictory audio/video evidence, and teachers admitting they deliberately provoked a child. Yet no court examined these contradictions. No investigation ensued. The fabrication of evidence becomes a replicable, unaccountable institutional tool.

The Broader Threat - A Blueprint for Weaponizing Evidence Against Anyone: This machinery is not limited to parents advocating for disability rights. It is deployable against anyone in vulnerable institutional categories. With the wrong actors in place, captured courts, coordinated prosecutors, sabotaged defense counsel, and agencies that refuse to investigate, any parent becomes a target. By permitting Principal Bird's contradictions between audio and video testimony to proceed without investigation, courts have established that evidence fabrication is acceptable, contradictions need not be investigated, and fabrication by institutional actors will be ignored. This blueprint will be deployed in family court, employment disputes, and civil litigation. DCFS can investigate based on false school allegations while the same school admits in writing the parent "loves [the child] and is trying to get him a good education." If courts can destroy a mother who simply wants her child educated, they can destroy anyone. Without federal intervention, evidence fabrication becomes the standard institutional tool.

The HB464 Trap: During the same 2024 legislative session when Petitioner begged legislators for help, stating "I am facing 2.5 years in jail for advocating for my son's right to an education," Cullimore Jr. and Teuscher co-sponsored HB464 expanding criminal penalties for communications that reference another person's "personal identifying information," which under Utah Code § 76-6-1101 includes names. While the statute technically requires additional intent elements, those requirements are meaningless when courts systematically ignore evidence of actual intent. In Petitioner's case, the school itself admitted she was "trying to get him a good education," which is direct evidence of benign intent, yet courts ignored it. When the decision-makers are bad actors, when defense attorneys sabotage cases, and when courts refuse to examine exculpatory evidence, statutory intent requirements provide no protection. The same legislators who collaborated to reduce child rape penalties to protect a politically connected family simultaneously expanded penalties that could be weaponized against parents like Petitioner. When you cannot find an attorney willing to help and courts ignore your evidence, you simply lose. This statute was not created to sit unused; it was designed to expand the persecution machinery.

VII. THE COMPREHENSIVE DOCUMENTATION

Petitioner's federal filings include comprehensive documentation of each defendant's institutional role, specific acts with exact dates, resulting harm to Petitioner, and documentary evidence proving each act.

The Documentation Demonstrates Coordination Not Coincidence: This coordinated attack operated across civil (Cullimore Sr.), criminal (Preston/Montgomery), legislative (Cullimore Jr./Teuscher), and legal sabotage (Tangaro/Faas) networks. This is a documented pattern of institutional actors at each level of government taking coordinated action to suppress federal education law enforcement and retaliate against a parent exercising federal rights.

The documentation proves systematic coordination demonstrating how institutional networks identify targets, activate multiple actors simultaneously, deploy persecution across civil/criminal/legislative fronts, capture oversight mechanisms, and normalize institutional violence against federally-protected advocates.

If this Court does not intervene, this machinery becomes the blueprint for destroying any citizen anywhere in America who dares to exercise federal rights.

A. School-Prosecutor Coordination

The Police Interview Transcript from October 2023 documents the coordination (App. G). Sergeant Anderson stated:

"I can't remember if I told you or not. I did consult with our prosecutor here in South Jordan, Ed Montgomery. And based on the information, the preliminary information that you guys have provided, he is interested in pursuing harassment, communication harassment charges against Toni."

Anderson then admitted: "I've still got to put the case together on our end before I can submit it to him for review." The prosecutor agreed to pursue charges based on "preliminary information" from the school BEFORE the police investigation was complete. School Attorney Preston responded to news of the prosecutor's interest by saying: "That's good."

Sergeant Anderson's Admission: The "Harassment" Is Simply Not Following School Rules

Most critically, in the same Police Interview Transcript (Page 11), Sergeant Anderson admitted the actual basis for the prosecution:

"I think mainly for harassment, it's really just she's not abiding by the parameters that the school has put forward asking Toni to only communicate with you, and she's not doing that. And then the sheer number of emails that we've got associated with this is a no-brainer."

This admission is fatal to the prosecution because:

1. **Not following a school's communication preferences is NOT harassment.** Utah Code § 76-9-201 requires intent to "intimidate, abuse, threaten, harass, frighten, or disrupt" and specific conduct like threatening harm or making contact likely to provoke violent response. A school cannot unilaterally criminalize a parent's choice of email recipients. Parents have statutory rights under Utah Code § 53G-6-803 to communicate with school officials about their child's education.
2. **Volume of emails is NOT harassment.** The statute requires threatening, harassing, or abusive CONTENT - not merely numerous emails. Preston already admitted "We don't have specific threats."
3. **Anderson's admission proves the prosecution lacks any factual basis.** The officer building the case admitted the entire "harassment" claim consists of: (a) not following the school's administrative rules about communication routing, and (b) sending many emails. Neither constitutes a crime under § 76-9-201.

The Double Standard: Civil When Petitioner Reports, Criminal When School Reports

In the same Police Interview Transcript (Page 12-13), Sergeant Anderson admitted that Petitioner contacted police FIRST:

"Toni called and reported the same thing to us... The officer that took that call informed her, 'We don't get involved in this stuff. It's a civil matter between you and the school.' And she said, 'Oh, okay,' and walked away from that."

The police characterized the dispute as CIVIL when Petitioner reported, yet filed CRIMINAL charges for the school's complaint. This double standard proves the prosecution was never legitimate.

This admission is critical for two reasons. First, the police characterized the dispute as CIVIL when Petitioner reported, yet in the same recorded conversation, Anderson was actively coordinating CRIMINAL charges against her for the school's complaint. This double standard—civil when the parent reports, criminal when the school reports—is documented in the police's own transcript and proves the prosecution was never legitimate.

Second, under *Provo City Corp. v. Thompson*, 2004 UT 14, the victim of harassment is the person who first requests to be left alone. Anderson's admission proves Petitioner sought help from police BEFORE criminal charges were filed against her—she was trying to resolve the dispute, not perpetuate it. Combined with her September 19, 2023 emails telling Early Light Academy "I won't respond to anymore emails due to their toxicity" and "Please refrain from emailing me for the rest of the week... The only thing I have ever asked is to leave my son and I alone," the documentary evidence establishes that Petitioner is the victim under Thompson, not the perpetrator.

Preston's Subsequent Perjury: Three Days After Charges Filed

On January 9, 2024, criminal charges were filed. On January 12, 2024, at the expulsion hearing, just three days later, Preston testified under oath (Expulsion Hearing Transcript, Page 14, Lines 24-25 through Page 15, Lines 1-3):

"That timing was entirely coincidental. We had nothing to do with it. We had nothing to do with it. That is an action by the prosecutor. It is a criminal action. That is not a civil action. We are not controlling it. We did not direct that it be created."

This sworn testimony directly contradicts the October 2023 transcript where Preston spent an entire recorded conversation coordinating with police—providing emails, providing witness statements, expressing approval when told the prosecutor was interested ("That's good"), and prioritizing the case ("this is priority number one for me"). The three-day gap between filing charges and denying involvement under oath proves consciousness of guilt. Preston's perjury constitutes violation of 18 U.S.C. § 1621.

This coordination establishes conspiracy under both 42 U.S.C. § 1985(3) and 18 U.S.C. § 241.

Preston also admitted: "I think I told the prosecutor, I'm not sure if I've told you I've been my 15 years in education, and a really long time being a lawyer. I've never sought to bring a case against a parent, and this is the straw that broke the camel's back, I guess." After 15 years, Preston prosecuted Petitioner, the first parent in her career, specifically for advocacy on behalf of a child the State Board confirmed was entitled to IDEA protections.

B. Police Reversal: Victim to Prosecution

In September-October 2023, Petitioner had an open correspondence with the South Jordan Police Department explaining the issues she was experiencing. Officer Becker and then Detective Palmer contacted Petitioner and treated her as a victim of false reports by the school. Palmer's communications show he recognized the school's allegations as false and supported Petitioner.

Yet on January 9, 2024, the same South Jordan Police Department, with Sergeant Anderson overruling Palmer, filed criminal charges against Petitioner 40 days after all contact with the school had ceased.

C. Defense Counsel Sabotage

Nicole Faas of Tangaro Law (February-April 2024) provided documented false legal advice: "unconstitutionality is not a trial defense" and "motion to dismiss isn't a thing." Kristin Wilson (July 2024-April 2025) promised to file a motion to dismiss for nine months, never filed a single document, then withdrew on April 9, 2025, right before the critical May 1 hearing.

Multiple criminal defense attorneys refused representation with identical responses: "We just can't help you." After failing to find trustworthy representation, Petitioner requested a public defender on May 6, 2025. Courts never filed the request.

VIII. SYSTEMATIC PERSECUTION DESIGNED TO ESCAPE ACCOUNTABILITY

The coordinated attack operated across multiple institutional levels, including civil court, criminal prosecution, legislation, and legal sabotage networks.

A. The City of South Jordan Cannot Identify Any Contact with Petitioner

The City of South Jordan prosecuted Petitioner despite having zero contact with her before charges were filed. This proves the school coordinated prosecution through municipal authorities, establishing conspiracy under 42 U.S.C. § 1985(3).

B. Legislators Responded to Petitioner's Plea for Help by Creating More Persecution Tools

On January 23, 2024, Petitioner sent a desperate plea to multiple legislators including State Representative Jordan Teuscher: "I am facing 2.5 years in jail for advocating for my son's right to an education."

During the same 2024 legislative session, these same actors provided opposite treatment based on wealth and connections: Senator Kirk Cullimore Jr. and attorney Cara Tangaro collaborated to reduce penalties for House Speaker Stuart Adams' granddaughter (charged with four first-degree felonies of child rape and child sodomy of a 13-year-old), resulting in probation, a $1,500 fine, and community service with no prison time and no sex offender registration. The stark contrast: Adams' granddaughter received a $1,500 fine for child rape while Petitioner faces $10,000 bail for advocacy emails. Tangaro admitted she "collaborated with Sen. Cullimore and others to make a very small statutory adjustment." KSL and Deseret News, August 2025.

The Question That Demands an Answer: For Adams' granddaughter, Cara Tangaro provided sophisticated legal representation and collaborated with Senator Cullimore Jr. to make "a very small statutory adjustment." The system bent to protect her from consequences for child rape. For Petitioner, the same network provided the opposite: Tangaro's employee told Petitioner "motion to dismiss isn't a thing" and "unconstitutionality is not a trial defense." Courts denied Petitioner a public defender. Legislators ignored her plea for help then expanded penalties against parents like her. Why didn't Tangaro, Cullimore, and Teuscher help Petitioner like they helped Adams' granddaughter?

APPELLATE PRESERVATION: This evidence of legislative double-standard was discovered in August 2025 through media investigations (Deseret News and KSL reports), after the June 26, 2025 habeas corpus dismissal. This Equal Protection evidence has been fully briefed in related federal proceedings and is preserved for appellate review.

C. Every Oversight Agency Is Captured

DCFS: The school filed false abuse allegations against Petitioner in fall 2023. Four months later, the school's own findings contradicted the abuse allegations (App. J). Rather than investigating the school's documented abuse, DCFS continued targeting the mother and falsely claimed she was "not cooperative."

UPPAC and Utah State Board of Education: Petitioner filed complaints with documented evidence of educator misconduct, policy violations, and fabricated evidence from sworn testimony. UPPAC determined "not to open an investigation."

OCR: Petitioner filed complaint 08-24-1110 in November 2023. OCR was actively investigating when the Department of Education was disbanded, leaving the case unresolved.

IX. THE SIMPLE RESOLUTION: DOCUMENTARY PROOF OF INNOCENCE

This case would be resolved immediately upon examination of the documentary evidence already in the record.

A. No Threatening or Harassing Content Exists

School Attorney Erin Preston admitted in the Police Interview Transcript (App. G) that the school had no evidence of threats: "We don't have specific threats." As documented in Section VII.A, Sergeant Anderson admitted the entire basis for prosecution was simply not following the school's communication parameters, not any crime under § 76-9-201.

The charges are based on emails sent while advocating for a child the Utah State Board of Education confirmed was entitled to IDEA protections (App. F). No court has identified a single threatening or harassing statement because none exists.

As a busy working parent, Petitioner never initiated contact with the school unprompted. Every communication was either a response to emails the school sent her or addressing issues her child reported upon coming home from school. Petitioner had no time or interest in harassing anyone; she was simply responding to the school's own communications about her child's education.

B. The School Violated Federal Law and Its Own Policies

Early Light Academy conducted its own assessment, determined Petitioner's child had a disability, and Petitioner signed consent for special education services on June 1, 2023. When school resumed in fall 2023, the school placed the child back in general education without providing the agreed-upon services, a federal law violation.

The Expulsion Hearing Transcript documents multiple violations by school officials under oath: Principal Amy Bird secretly recorded the child without another adult present and without permission from his mother, violating both federal law and the school's own written policy. Principal Bird created false audio recordings that directly contradicted what was visible in the video evidence. When confronted with this contradiction in sworn testimony, she was caught fabricating evidence. Teachers admitted photographing the child specifically to irritate and provoke him, then shared these photos amongst each other. This deliberate provocation to manufacture "evidence" of behavioral problems constitutes abuse, not education.

Special Education Staff Incompetence and False Witness Statements: The school's Special Education Director Anne Trout testified under oath at the expulsion hearing about a fundamental requirement of IDEA law: Q: "Is the signature required in the state of Utah in order to implement that IEP?" A: "To my knowledge, yes." This testimony is false. Parent signature is NOT required for IEP implementation under 20 U.S.C. § 1414(d)(2)(A). The school's own Executive Director Stephanie Schmidt confirmed under oath that despite Petitioner signing consent for special education services on June 1, 2023, the school treated her child as a general education student: "She was confused why he had a gen ed -- why he has a plan that is gen ed when she signed developmental delay at the end of last year" (Expulsion Hearing Transcript p. 239, line 24 - p. 240, line 3, filed as part of Exhibit F, Docket #10 in Case No. 2:25-cv-00465-TS). Moreover, Behavioral Specialist Sarah Hyatt filed police reports claiming incidents that could not have occurred because she had no contact with Petitioner's child in the special education context. Hyatt's false witness statements prove the school fabricated evidence to justify both the expulsion and the criminal prosecution.

C. The Warrant Was Deliberately Constructed for Indefinite Detention

Judge Boehm issued this warrant while a Motion to Dismiss and Motion for Recusal were pending, violating Utah Rule of Criminal Procedure 29(c)(1). He set bail at $10,000, over 14 times the $680 statutory standard, violating the Eighth Amendment. This systematic obstruction of justice constitutes official lawlessness that Younger was never intended to protect.

D. Utah Courts Have Already Found This Statute Unconstitutional

Multiple Utah courts have found portions of Utah Code § 76-9-201 unconstitutional: *Provo City v. Whatcott*, 2000 UT App 86, found subsections (a) and (d) unconstitutionally overbroad; *Provo City Corp. v. Thompson*, 2004 UT 14, found subsection (b) unconstitutional; *Lehi City v. Rickabaugh*, 2021 UT App 36, required extensive First Amendment analysis. Yet Petitioner is being prosecuted under a statute Utah courts have repeatedly found constitutionally defective.

REASONS FOR GRANTING THE WRIT

I. THE TENTH CIRCUIT VIOLATED BOTH 28 U.S.C. § 46(B), FEDERAL RULE OF APPELLATE PROCEDURE 40, AND FABRICATED DISTRICT COURT FINDINGS

A. The Two-Judge Panel Violation

28 U.S.C. § 46(b) requires circuit court panels "consist of three judges," with narrow exceptions only when judges "cannot sit because recused or disqualified" or when "the chief judge certifies an emergency." The August 28, 2025 order denying Petitioner's injunctive relief motions was issued by only two judges (Carson and Rossman). No certification or explanation appears in the record.

In *Nguyen v. United States*, 539 U.S. 69 (2003), this Court vacated the judgments of an improperly constituted appellate panel regardless of whether parties objected or the error seemed technical. Nguyen established that statutes governing the composition of federal appellate panels "embod[y] weighty congressional policy concerning the proper organization of the federal courts," and that even party stipulation "would not have cured the plain defect in the composition of the panel." Id. at 79-81.

The Tenth Circuit's inconsistent treatment proves the violation: on August 28, only two judges decided Petitioner's Eighth Amendment claims; on September 24, three completely different judges decided her COA. If three judges were available September 24, three judges were available August 28.

Under Tenth Circuit Rule 40.2(D), "A majority of the active judges" must decide en banc petitions. Instead, Petitioner's petition was returned to the same two judges, who decided their own review. The Tenth Circuit cited Rule 40.2(F) to justify this procedure, but no local rule can authorize an improperly constituted panel to perpetuate its own § 46(b) violation by reviewing itself.

B. The COA Denial Fabricated District Court Findings

The September 24, 2025 COA denial order states: "The district court found that Younger abstention applied."

This statement is false. Judge Stewart's June 26, 2025 order (App. D) contained exactly one sentence: "IT IS ORDERED AND ADJUDGED that the Judgment shall be, and hereby is, that this matter is dismissed."

Judge Stewart's order:

- Made no findings of any kind
- Did not mention Younger abstention
- Did not analyze any legal doctrine
- Provided no reasoning whatsoever

When the Tenth Circuit "affirms" findings that do not exist, it violates the Fifth Amendment. Due process requires that judicial review be based on actual judicial findings, not fabrications. The Tenth Circuit cannot create findings ex post facto to justify dismissal.

C. The Sua Sponte Order Proves the COA Denial Applied the Wrong Standard

On July 29, 2025, the Tenth Circuit sua sponte lifted the abatement and ordered the appeal to "proceed in the ordinary course" (App. I). The court then directed Petitioner to file a combined merits brief and COA application within 40 days, provided a pro se form to assist her, and instructed appellees not to file a response brief. Under *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), a COA should issue when issues are "adequate to deserve encouragement to proceed further." The sua sponte order provided exactly that encouragement—after Judge Stewart refused to engage with the merits twice, the Tenth Circuit acted on its own motion to allow the appeal to proceed. Yet the September 24, 2025 COA denial found no reasonable jurist would find the issues debatable, directly contradicting the encouragement already given. The Tenth Circuit cannot remand for COA consideration, then sua sponte encourage Petitioner to proceed further after that consideration fails, while simultaneously concluding her issues do not deserve encouragement to proceed further.

Relief Required: Under Nguyen, the August 28, 2025 order and September 22, 2025 order must be VACATED as void. The case should be remanded for consideration by a properly constituted panel.

Summary of Tenth Circuit Errors Requiring Reversal:

1. Issued substantive orders through a two-judge panel in violation of 28 U.S.C. § 46(b)
2. Allowed the same two-judge panel to decide its own en banc petition in violation of FRAP 40
3. Fabricated district court findings that do not exist in the actual order (claiming Stewart "found that Younger abstention applied" when his order contained no findings)
4. Applied inconsistent panel composition (two judges for substantive denial, three judges for final COA denial)
5. Contradicted its own sua sponte order that encouraged the appeal to proceed
6. Falsely claimed Petitioner did not address Younger exceptions when the record proves she comprehensively addressed all three exceptions with documentary evidence

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II. THE ARREST WARRANT VIOLATES THE EIGHTH AMENDMENT AND DUE PROCESS: MATHEMATICAL IMPOSSIBILITY REQUIRES HABEAS RELIEF

A. The Eighth Amendment Violation

Utah's legislature has established that $680-$700 is the appropriate bail amount for Class B misdemeanors. The warrant set bail at $10,000, over 14 times the legislative standard. No legal theory can justify bail at 14 times what the legislature determined appropriate.

B. Bail Determinations Must Comply with Legislative Standards

Stack v. Boyle, 342 U.S. 1, 5 (1951), held bail "set at a figure higher than an amount reasonably calculated" to ensure appearance violates the Eighth Amendment and warned that ignoring bail standards "would inject into our own system of government the very principles of totalitarianism."

BMW of North America, Inc. v. Gore, 517 U.S. 559, 574-575 (1996), requires constitutional review when penalties exceed legislative standards.

C. Federal Habeas Relief Is Required

Five courts have refused to acknowledge the mathematical impossibility that $10,000 is over 14 times the $680 statutory standard:

1. South Jordan Justice Court (issued the warrant)
2. Utah Court of Appeals (dismissed without addressing the Eighth Amendment violation)
3. Utah Supreme Court (granted IFP but transferred to Court of Appeals)
4. Federal District Court Judge Ted Stewart (dismissed habeas without any findings, the only such dismissal in his 20-year judicial career)
5. Tenth Circuit two-judge panel (applied Younger abstention without analyzing the Eighth Amendment violation)

No court at any level has explained how $10,000 can equal $680. No court has engaged with the mathematical impossibility. This systematic refusal to perform basic judicial review proves the captured nature of these courts and requires this Court's intervention.

III. CRIMINAL PROSECUTION FOR FEDERALLY-PROTECTED EDUCATION ADVOCACY VIOLATES THE FIRST AMENDMENT, § 1983, § 1985, AND A.J.T. V. OSSEO

A. Parental Advocacy Is Federally Protected Activity

Petitioner's advocacy is protected under IDEA (20 U.S.C. § 1400 et seq.) and the First Amendment. The Utah State Board of Education issued Decision #SC-2223-08 confirming Petitioner's child was entitled to IDEA disciplinary protections and that the school "knew or should have known" this (App. F).

In 25+ years of Utah jurisprudence under § 76-9-201, Petitioner appears to be the ONLY person prosecuted for federally-protected IDEA advocacy.

B. A.J.T. v. Osseo Establishes Binding Precedent

In *A.J.T. v. Osseo Area Schools*, 145 S. Ct. 1647 (2025), this Court held that schools cannot impose heightened proof standards for disability discrimination claims, cannot hide behind "administrative convenience" as justification, and that the statutes foreclose any "improper purpose" requirement. Justice Sotomayor explained that the phrase "by reason of" requires "no more than a causal link between the individual's disability and her exclusion." Id. at 1661-1662 (Sotomayor, J., concurring).

Petitioner's child was excluded from education "by reason of" his disability: Early Light Academy refused to provide services for his documented disability, then criminalized his mother's federally-required advocacy seeking those services. The causal chain is direct and documented.

Justice Sotomayor emphasized that disability discrimination "derives principally from 'apathetic attitudes rather than affirmative animus.'" Id. at 1663 (quoting *Alexander v. Choate*, 469 U.S. 287, 296 (1985)). Early Light Academy's conduct exemplifies this: not animus toward disabled children, but institutional indifference to federal law. The school assessed Petitioner's child, determined disability, obtained consent for services, then simply refused to provide them—classic "apathetic" disregard combined with coordinated retaliation against the parent demanding compliance.

Early Light Academy Used Criminal Prosecution as "Administrative Convenience": In A.J.T., the district court found the school's refusal was based on "administrative convenience." 145 S. Ct. at 1653. Here, Early Light Academy's conduct is even more egregious: rather than simply refusing services, they coordinated criminal prosecution to eliminate the "inconvenient" parent advocating for compliance. IDEA establishes proper channels for disputes, including IEP meetings, mediation, State Board complaints, and due process hearings. Early Light Academy bypassed ALL proper channels and chose criminal prosecution to silence federal oversight. Criminal prosecution to silence advocacy is far worse than denying services for convenience.

Every court below dismissed Petitioner's claims without engaging A.J.T., despite the precedent being binding and directly applicable.

C. Prosecution Coordinated by the School Violates § 1983 and § 1985

The Police Interview Transcript documents that the prosecutor agreed to pursue charges based on "preliminary information" from the school before the investigation was complete. The City of South Jordan cannot identify any contact with Petitioner before charges were filed.

This coordination establishes conspiracy under 42 U.S.C. § 1985(3): (1) conspiracy between school and municipal officials; (2) purpose of depriving Petitioner of equal protection; (3) overt act (filing charges); (4) injury (illegal warrant, nearly two years charges pending, blocked from housing, employment terminated).

In *Dennis v. Sparks*, 449 U.S. 24 (1980), this Court held that private parties who conspire with state officials can be liable under § 1983.

D. The Retaliation Timeline Proves Bad Faith

In *Provo City Corp. v. Thompson*, 2004 UT 14, the Utah Supreme Court held that the victim of harassment is the person who first requests to be left alone. On September 19, 2023, Petitioner told Early Light Academy: "I won't respond to anymore emails due to their toxicity" and "Please refrain from emailing me for the rest of the week... The only thing I have ever asked is to leave my son and I alone." The school continued contacting her. Under Thompson, they committed harassment, not Petitioner.

IV. YOUNGER ABSTENTION DOES NOT APPLY WHEN STATE REMEDIES HAVE SYSTEMATICALLY FAILED

Both the district court and the Tenth Circuit applied *Younger v. Harris*, 401 U.S. 37 (1971), to dismiss Petitioner's habeas claims without analyzing whether Younger's well-established exceptions apply.

The Tenth Circuit's Own Precedent Requires Exception Analysis: In *Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC*, 953 F.3d 660, 669-70 (10th Cir. 2020), the Tenth Circuit held that "abstention from the exercise of federal jurisdiction is the exception, not the rule."

A. Younger's Exceptions

Younger itself recognized that federal courts may intervene despite pending state proceedings when:

1. **Bad faith or harassment:** "the threats to enforce the statutes against appellants are not made with any expectation of securing valid convictions, but rather are part of a plan to employ arrests, seizures, and threats of prosecution... to harass appellants." 401 U.S. at 48 (quoting *Dombrowski v. Pfister*, 380 U.S. 479, 482 (1965)).
2. **Official lawlessness:** There is "bad faith and harassment, official lawlessness, in a statute's enforcement." 401 U.S. at 56 (Stewart, J., concurring).
3. **Patently unconstitutional statute:** The statute is "flagrantly and patently violative of express constitutional prohibitions in every clause, sentence and paragraph." 401 U.S. at 53-54.
4. **Inadequate state remedies:** When "this course would not afford adequate protection" of constitutional rights. 401 U.S. at 45.
5. **Irreparable injury "both great and immediate":** 401 U.S. at 46.

B. Multiple Younger Exceptions Apply Here

Bad Faith and Harassment: Preston admitted "We don't have specific threats." Anderson admitted the "harassment" was simply not following the school's communication parameters. If there are no specific threats and the only "harassment" is not following administrative preferences, there is no crime. The statute requires harassing communications, yet the school's own attorney and the investigating officer both admitted there is no evidence of actual harassment. This proves the prosecution lacks any reasonable expectation of valid conviction, the very definition of bad faith.

Moreover, the police characterized the dispute as CIVIL when Petitioner reported, yet filed CRIMINAL charges for the school's complaint. This double standard—civil when the parent reports, criminal when the school reports—proves the prosecution was never legitimate. The school admitted Petitioner "loves T and is trying to get him a good education" (App. J).

Official Lawlessness: Judge Boehm issued an arrest warrant while a motion for recusal was pending, violating Utah Rule of Criminal Procedure 29(c)(1). He set bail at $10,000, over 14 times the statutory standard.

Inadequate State Remedies: Five courts have refused to address the mathematical impossibility that $10,000 is over 14 times the $680 statutory standard. The state trial court refused to file Petitioner's constitutional motions. The Utah Court of Appeals dismissed without addressing the Eighth Amendment. The Utah Supreme Court transferred the case after receiving legislative betrayal evidence. When every level of state court systematically refuses to perform basic judicial review of a constitutional claim, state remedies are not "adequate"—they are illusory.

The COA Denial Claims Petitioner "Could Have Raised" Claims in State Court: This ignores documented reality. The September 24, 2025 order states Petitioner "could have challenged her bench warrant in those proceedings." But:

- South Jordan Justice Court refused to file her Motion for Recusal (May 6, 2025)
- South Jordan Justice Court refused to file her Motion to Modify Warrant (May 16, 2025)
- Courts denied her a public defender
- Her Motion to Dismiss has been pending for 249+ days with no ruling (filed April 10, 2025)
- Defense attorneys sabotaged her case with false legal advice

A remedy that requires courts to file and rule on motions, but which courts systematically refuse to file or address, is not "adequate." The Tenth Circuit's assertion that Petitioner "could have" raised her claims ignores that she DID raise her claims and state courts refused to address them.

Irreparable Injury Both Great and Immediate: Petitioner holds two master's degrees, a Master of Science in Cybersecurity and a Master's in Cybersecurity and Artificial Intelligence, with 12+ years of professional experience, but the active warrant makes her unemployable. Her child has missed substantial portions of elementary education. The injury is both great (complete destruction of professional life and family stability) and immediate (occurring every day the warrant remains active).

C. The Courts Below Ignored Petitioner's Younger Arguments

Petitioner explicitly addressed Younger abstention in her June 2025 habeas petition to Judge Stewart, arguing that all three primary exceptions applied: bad faith prosecution, flagrantly unconstitutional statute, and inadequate state remedies. She specifically stated: "Most critically, a remedy that requires acknowledging $10,000 > $680 but which four courts refuse to provide is not 'adequate.'"

Judge Stewart dismissed without engaging this argument. The Tenth Circuit's August 28, 2025 order stated: "Ms. Blackwell has not explained in any of her motions why the district court erred in concluding the Younger abstention doctrine applies." This statement is demonstrably false. Petitioner's filings comprehensively addressed all Younger exceptions with documented evidence.

When courts dismiss habeas petitions without addressing arguments actually raised, and appellate courts falsely claim those arguments were never made, the judicial process has failed. Petitioner raised Younger exceptions. She provided documentary evidence supporting each exception. Every court ignored both the arguments and the evidence.

V. SYSTEMATIC STATE FAILURE REQUIRES FEDERAL INTERVENTION TO PROTECT IDEA RIGHTS

A. The Complete Institutional Pattern and Systematic Coordination

The documentary evidence demonstrates institutional coordination at every level: schools file false complaints and fabricate evidence, police initially support the parent but supervisors reverse that support, prosecutors coordinate prosecution before investigation is complete, captured legal networks sabotage defense counsel, judges issue illegal warrants and ignore evidence, and legislators expand penalties for the same advocacy they refuse to protect.

B. Federal Education Laws Were Enacted Because States Failed and States Are Still Failing

Federal education law (IDEA) was enacted because states failed to protect disabled students. This case proves the failure continues. All state accountability mechanisms have collapsed.

Federal intervention is constitutionally required to prevent this normalization of systematic persecution. Without it, IDEA becomes a dead letter and every parent becomes a defenseless target for institutional retaliation.

CONCLUSION

The Court should grant the petition for a writ of certiorari to address:

1. Whether a two-judge appellate panel violates 28 U.S.C. § 46(b) and renders decisions void under *Nguyen v. United States*, whether Federal Rule of Appellate Procedure 40 is violated when the same two-judge panel decides its own en banc petition, and whether appellate courts violate the Fifth Amendment when characterizing a district court order as containing findings that do not exist in the actual order;
2. Whether federal courts must address habeas petitions challenging bail set at over 14 times the legislative standard and cannot dismiss without analysis;
3. Whether criminal prosecution for federally-protected education advocacy, coordinated by schools with municipal prosecutors who had zero contact with the parent, violates the First Amendment, 42 U.S.C. § 1983, and 42 U.S.C. § 1985, and whether A.J.T. v. Osseo's protections apply when schools coordinate criminal prosecution against parents for federally-required advocacy;
4. Whether Younger abstention applies when state courts have systematically refused to address constitutional claims, rendering state remedies functionally unavailable; and
5. Whether systematic state patterns of suppressing federal education law enforcement, including fabrication of evidence against children, require federal intervention.

Petitioner has been living under an illegal warrant since May 15, 2025. The underlying criminal charges have been pending since January 9, 2024 (nearly two years) with no trial and deliberate refusal by courts to address constitutional violations. The Tenth Circuit denied her certificate of appealability on September 24, 2025, blocking further habeas appeal. This Court is now the only avenue for review.

Her child has missed substantial portions of elementary education. She cannot work in her field. She is blocked from housing. Five court levels have refused to follow controlling precedent, statutory requirements, and constitutional law. Judge Boehm exploited forced displacement resulting from violation of 42 U.S.C. § 3617 to issue an arrest warrant with bail at over 14 times the statutory standard.

If Petitioner cannot prevail when school officials, their attorney, and teachers are caught in federal crimes UNDER OATH, trapped by their own testimony documented under penalty of perjury (Expulsion Hearing Transcript, January 12, 2024, filed as part of Exhibit F, Docket #10 in Case No. 2:25-cv-00465-TS), then no parent can:

- Principal Amy Bird caught secretly recording a 6-year-old child without parental consent (18 U.S.C. §2511)

- School Attorney Erin Preston caught admitting "we don't have specific threats" (proving charges have no factual basis)
- Sergeant Eric Anderson caught admitting the "harassment" is simply not following the school's communication parameters (proving no crime under § 76-9-201)
- School Attorney Erin Preston caught claiming coordination was "entirely coincidental" three days after the transcript documents her active participation in coordinating the prosecution
- Teachers caught making contradictory statements under oath (numerical vs. alphabetical order, mathematical impossibility)

Prosecutor Deborah Snow has blocked Petitioner's federal court documents, refused to respond to her communications, and treats a pro se litigant fighting for her constitutional rights like an inconvenience, while simultaneously pursuing criminal charges against her. Courts have systematically refused to file exculpatory evidence proving innocence.

When schools can criminally prosecute parents for federally-required advocacy, the entire framework of IDEA collapses and every parent whose child has an IEP becomes a defenseless target.

This is why the civil rights struggle has lasted generations: to prevent institutions from weaponizing the justice system against citizens exercising federally-protected rights. That fight must not be lost now.

This Court exists precisely for moments when lower courts fail to follow constitutional law, federal statutes, and binding precedent. Petitioner has presented documentary proof of innocence.This Court's intervention is necessary to ensure that constitutional protections remain meaningful and that evidence-based adjudication survives institutional resistance.

Respectfully submitted,

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/s/ Antonia Blackwell

Dated: December 15, 2025

CERTIFICATE OF COMPLIANCE

Pursuant to Supreme Court Rule 33.1(h), I certify that this petition complies with the word limitations of Supreme Court Rule 33.1(g)(i). The word-processing system used to prepare this document was set to include footnotes in the word count. This petition contains 8,994 words, excluding the parts exempted by Supreme Court Rules 33.1(d) and 34 (Questions Presented, Parties list, Corporate Disclosure Statement, Table of Contents, Table of Authorities, and Appendix).

December 15, 2025