25-6857 ORIGINAL

No. _____

IN THE

Supreme Court of the United States

Jacob Bellinsky,

Petitioner,

v.

Rachel Zinna Galán,

Respondent.

On Petition for a Writ of Certiorari to the Colorado Supreme Court

PETITION FOR WRIT OF CERTIORARI WITH APPENDIX

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February 12, 2026

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1446(d), which provides that removal "shall effect" federal jurisdiction and that state courts "shall proceed no further," divests state courts of authority to enter custody or relocation orders after a notice of removal is filed and served, rendering post-removal orders void unless and until a federal court remands, as reaffirmed in *Acevedo Feliciano*.

2. Whether the Due Process Clause permits a judicial officer to adjudicate parental-rights proceedings while simultaneously defending personal-capacity federal civil-rights claims arising from the same underlying dispute, creating an unwaivable structural conflict under *Tumey*, *Caperton*, and *Williams*.

3. Whether the Fourteenth Amendment permits state courts to apply procedural or doctrinal frameworks in parental-rights proceedings that allow preserved jurisdictional and structural due-process objections to go unadjudicated, thereby subjecting the fundamental parental liberty recognized in *Troxel v. Granville* to diminished constitutional protection in contrast to the protections afforded other fundamental rights, and rendering that liberty insufficiently enforceable as a matter of federal constitutional law.

This case warrants review under Supreme Court Rule 10 because lower courts have adopted conflicting approaches to the jurisdictional effect of removal under 28 U.S.C. § 1446(d), and because the questions presented concern the enforceability of fundamental parental rights and the structural constitutional safeguards required for their adjudication.

PARTIES TO THE PROCEEDINGS BELOW

Rabbi Jacob Bellinsky was the Respondent in the underlying domestic-relations proceedings in the District Court for Gilpin County, Colorado, Case No. 2015DR7; the Appellant in the Colorado Court of Appeals, extraordinary appellate Case No. 24CA355; and the Petitioner in the Colorado Supreme Court, Case No. 25SC549. Respondent, Rachel Bellinsky, now known as Rachel Zinna Galán, was the Petitioner in the underlying state-court proceedings, the Appellee in the Colorado Court of Appeals, and the Respondent in the Colorado Supreme Court. Respondent appeared *pro se* in the appellate proceedings below and did not file responses to Petitioner's extraordinary appeal in the Colorado Court of Appeals or his Petition for Writ of Certiorari in the Colorado Supreme Court. Respondent is the only opposing party to the proceedings below.

Judicial Officers: The following judicial officers participated in the proceedings below and issued the orders reviewed in the opinions appended to this petition:

- **Magistrate Bryce David Allen**, District Court for Gilpin County, who presided over the February 9, 2024 hearing and entered the relocation and decision-making orders challenged on appeal.
- **Judge Lindsay L. VanGilder**, District Court for Gilpin County, who adopted the magistrate's orders on March 27, 2024.
- **Judge Tow, Judge Yun, and Judge Sullivan**, Colorado Court of Appeals, who issued the Court of Appeals' July 17, 2025 opinion in Case No. 24CA355 and the August 14, 2025 order denying Petitioner's Petition for Rehearing.

- **Justices of the Colorado Supreme Court**, who denied certiorari in Case No. 25SC549 on November 17, 2025, with Justice Boatright and Justice Hart not participating.

These judicial officers are not parties to this proceeding but are identified because their actions and rulings form the basis of the federal constitutional questions presented.

LIST OF RELATED CASES

SUPREME COURT OF THE UNITED STATES		
Case No.	**Case Name/Case Description**	**Status/Date**
No. _____	*Jacob Bellinsky, Petitioner v. Rachel Zinna Galán* Petition for a Writ of Certiorari Lower Ct: Supreme Court of Colorado Case Number: 2025SC549 (cert denied) **Opinion Under Review:** Colorado Court of Appeals, No. 24CA355 Decision: 07-17-25; Rehearing Denied: 08-14-25	Docketed: TBD **TO BE FILED / NOT YET DOCKETED**
No. 25-6231	*Jacob Bellinsky, Petitioner v. Rachel Galán, et. al* Petition for a Writ of Certiorari Lower Ct: United States Court of Appeals for the Tenth Circuit (Nos. 24-1351 & 24-1352)	Docketed: 11-07-25 **Denied:** 01-26-26
No. 24-7195	*Jacob Bellinsky, Petitioner v. State of Colorado* Petition for a Writ of Certiorari Lower Ct: District Court of Colorado, Elbert Co. Case Number: 2024CV2 Decision Date: 09-25-24 Discretionary Court Decision Date: 01-13-25	Docketed: 05-13-25 **Denied:** 10-06-25
No. 24-7196	*Jacob Bellinsky, Petitioner v. Rachel Zinna Galán* Petition for a Writ of Certiorari Lower Ct: Supreme Court of Colorado Case Number: 2024SA214 Decision Date: 02-21-25	Docketed: 05-13-25 **Denied:** 10-06-25

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT		
Case No.	**Case Name/Case Description**	**Status/Date**
No. 26-1031	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Second Appeal of 1:23-cv-03461 Civil Rights Complaint –18JD False Criminalization Crime Sprees) (10th Circuit, 2025)	Filed: 02-02-26 **PENDING/ACTIVE**
No. 26-1032	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Second Appeal of 1:23-cv-03163 Civil Rights Complaint – Relocation of Minor Children Crime Spree) (10th Circuit, 2025)	Filed: 02-02-26 **PENDING/ACTIVE**
No. 24-1352	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Appeal of 1:23-cv-03461 Civil Rights Complaint –18JD False Criminalization Crime Sprees) (10th Circuit, 2025) **REVERSED/REMANDED 1:23-cv-03461**	Filed: 09-10-24 **Order/Judgment:** 07-22-25 **Rehearing Denied:** 08-11-25
No. 24-1351	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Appeal of 1:23-cv-03163 Civil Rights Complaint – Relocation of Minor Children Crime Spree) (10th Circuit, 2025) **REVERSED/REMANDED 1:23-cv-03163**	Filed: 09-10-24 **Order/Judgment:** 07-22-25 **Rehearing Denied:** 08-11-25
No. 23-1409	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Appeal of 1:23-cv-01799 State Court Removal Action of 2015DR7) (10th Circuit, 2024)	Filed: 12-27-23 **Dismissed:** 01-26-24

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO		
Case No.	**Case Name/Case Description**	**Status/Date**
1:25-cv-02062	*Jacob Bellinsky v. Philip Jacob Weiser, et al.* (Civil Rights Complaint – Injunctive and Declaratory Relief regarding Void State Orders) (D. Colo., Pending)	Filed: 07-03-25 **PENDING/ACTIVE**
1:23-cv-03461	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Civil Rights Complaint –18th Judicial District False Criminalization Crime Sprees) (D. Colo., 2024) **1st DISMISSAL REVERSED & REMANDED**	Filed: 12-30-23 **Dismissed:** 08-23-24 Mandate: 08-19-25 **REOPENED** **Dismissed:** 01-28-26

1:23-cv-03163	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* (Civil Rights Complaint – Relocation of Minor Children Crime Spree) (D. Colo., 2024) **1st DISMISSAL REVERSED & REMANDED**	Filed: 11-29-23 Dismissed: 08-23-24 Mandate: 08-19-25 **REOPENED** **Dismissed:** 01-28-26
1:23-cv-01799	*Rachel Zinna Galán v. Jacob Bellinsky, Plaintiff* (Removal of 'State Court Action' [Crime Spree] in 2015DR7) (D. Colo., 2023)	Filed: 07-17-23 **Dismissed:** 11-21-23

SUPREME COURT OF COLORADO		
Case No.	**Case Name/Case Description**	**Status/Date**
2025SC549	*Jacob Bellinsky v. Rachel Zinna Galán* Petition for Writ of Certiorari to Colorado Court of Appeals (Relief from Colorado Court of Appeals July 17, 2025 affirmance in 2024CA355 of void relocation orders in 2015DR7) [Pursuant to Rule 60(b) Relief] (Colo. S. Ct., 2025)	Filed: 09-08-25 **Denied:** 11-17-25
2025SA97	*Jacob Bellinsky v. Elbert County Court, Chief Judge Ryan Stuart, Senior Judge Dinsmore Tuttle, and People of the State of Colorado* Petition Pursuant to C.A.R. 21 (Relief Sought for Senior Judge Recusal in 22M143 and Void Orders in Underlying Cases) (Colo. S. Ct., 2025)	Filed: 04-07-25 **Denied:** 05-08-25
2024SA214	*Jacob Bellinsky v. Rachel Zinna Galán* Extraordinary Appeal of Denial of Habeas Corpus Relief from Elbert County District Case 2024CV5 (Colo. S. Ct., 2025)	Filed: 07-19-24 **Denied:** 02-21-25
2024SC691	*Jacob Bellinsky v. People of the State of Colorado* Petition for Writ of Certiorari to Elbert County District Court Case 2024CV2 (Colo. S. Ct., 2025)	Filed: 10-31-24 **Denied:** 01-13-25
2024SA228	*Jacob Bellinsky v. People of the State of Colorado* Criminal Conviction Appeal of Case 2024CV2 [Pursuant to Rule 60(b) Relief] (Colo. S. Ct., 2024)	Filed: 08-09-24 **Denied:** 09-13-24

2023SA223	*Jacob Bellinsky v. Jared Polis, Brian Boatright, Stephen Fenberg, & Julie McCluskie* Emergency Sworn Petition for Extraordinary Relief Pursuant to Colorado's Constitution [Rule 60(b) Relief in 2015DR7, 2022C59, 2022M143, 2022M152, et al.] (Colo. S. Ct., 2023)	Filed: 09-01-23 **Denied:** 09-15-23
2022SA274	*Jacob Bellinsky v. Rachel Zinna Galán, Jared Polis, Brian Boatright, Jeffrey Pilkington, Stephen Fenberg, & Alec Garnett* Emergency Petition & Demand for Full Redress & Other Extraordinary Relief Due [Pursuant to USA & Colorado Constitutions & Rule 60(b) Relief in 2015DR7, et al.] (Colo. S. Ct., 2022)	Filed: 08-22-22 **Denied:** 08-23-22
2022SA274	*Jacob Bellinsky v. Rachel Zinna Galán, Jared Polis, Brian Boatright, Jeffrey Pilkington, Stephen Fenberg, & Alec Garnett* Petition for Responses & Adjudication on the Merits of Subject Matter of Original Petition & Demand for Full Redress and Other Extraordinary Relief Due [Rule 60(b) Relief in 2015DR7] (Colo. S. Ct., 2022)	Filed: 08-31-22 **Denied:** 09-01-22
2021SA245	*Jacob Bellinsky v. Rachel Zinna Galán* Petition Pursuant to C.A.R. 21 (Extraordinary Relief Sought for Underlying Void Orders in 2015DR7) (Colo. S. Ct., 2021)	Filed: 08-09-21 **Denied:** 08-12-21

COLORADO COURT OF APPEALS		
Case No.	**Case Name/Case Description**	**Status/Date**
2025CA2427	*Rabbi Jacob Bellinsky v. Steven Vasconcellos, State Court Administrator* Appeal of Petition for Order to Show Cause Under P.A.I.R.R. 2 §5 (Colo. Ct. App., PENDING)	Filed: 12-17-25 **PENDING**
2024CA355	*Jacob Bellinsky v. Rachel Zinna Galán* Extraordinary Appeal of Void Orders on Relocation of Minor Children in 2015DR7 (Colo. Ct. App., 2025)	Filed: 03-01-24 **Affirmed:** 07-17-25 **Rehearing Denied:** 08-14-25 (Absent Jurisdiction)

2024CA328	*Jacob Bellinsky v. Rachel Zinna Galán* Extraordinary Pre-Appeal of Conviction for Alleged Violation of 2022C59 PO in 2022M143 (Colo. Ct. App., 2024)	Filed: 02-21-24 **Denied: 02-28-24**
2021CA634	*Jacob Bellinsky v. Rachel Zinna Galán* Appeal of Post-Decree Orders in 2015DR7 (Colo. Ct. App., 2022)	Filed: 05-04-21 **Opinion:** 08-04-22 (Withdrew Consent - Absent Jurisdiction)
2021CA1062	*Jacob Bellinsky v. Rachel Zinna Galán* Appeal of Post-Decree Orders in 2015DR7 (Colo. Ct. App., 2022)	Filed: 07-19-21 **Opinion:** 08-04-22 (Withdrew Consent - Absent Jurisdiction)

STATE OF COLORADO: COUNTY & DISTRICT COURT PROCEEDINGS		
Case No.	**Case Name/Case Description**	**Status/Date**
2025CV335	*Rabbi Jacob Bellinsky v. Steven Vasconcellos, State Court Administrator* Petition for Order to Show Cause Under P.A.I.R.R. 2 §5 (Colo. Denver District Court, 2025)	Filed: 04-28-25 Hearing: 10-28-25 **Denied: 10-28-25**
2024CV5	*Jacob Bellinsky v. Rachel Zinna Galán, et al.* Forthwith Verified Petition for Writ of Habeas Corpus [Pursuant to State and Federal Constitutions and Our Laws and Precedence Made in Pursuance Thereof] (Colo. Elbert Co. District Court, 2025)	Filed: 06-07-24 **Denied: 07-10-24**
2024CV2	*Bellinsky v. People of the State of Colorado* (Appeal of Conviction in 22M143) (Colo. Elbert Co. District Court, 2025)	Filed: 04-15-24 **Denied: 09-25-24** (Opinion-Affirmed)
2023CV20019	*Richard F. Spiegle v. Jacob Bellinsky* (Court-appointed services in connection with void-2015DR7 – absent jurisdiction) (Colo. Gilpin County Court, 2024)	Filed: 07-11-23 **Void Judgment Entered: 05-16-24**
2022M143	*People of the State of Colorado v. Jacob Bellinsky* (Alleged Violation of Protection Order Case) (Colo. Elbert County Court, 2024)	Filed: 11-28-22 **Closed: 04-08-24**

2022M152	*People of the State of Colorado v. Jacob Bellinsky* (Alleged Violation of Protection Order Case) (Colo. Elbert County Court, 2023)	Filed: 11-29-22 **Closed: 04-26-23**
2022C59	*Rachel Zinna Galán v. Jacob Bellinsky* (Civil Protection Order Case in Connection with 2015DR7 – Obtained by Fraud and Perjury) (Colo. Elbert County Court, 2022)	Filed: 09-26-22 **Closed: 10-07-22**
2022C36810	*Andrew Newton Hart v. Jacob Bellinsky* (Civil Protection Order Case in Connection with 2015DR7 – Obtained by Fraud and Perjury) (Colo. Jefferson Co. District Court, 2022)	Filed: 08-31-22 **Closed: 09-08-22**
2017C000028	*Jacob Bellinsky v. Steven James Lazar* Temporary Protection Order (Colo. Gilpin Co. Court, 2017)	Filed: 12-26-17
2015DR7	*Rachel Bellinsky (n/k/a Rachel Zinna Galán) v. Jacob Bellinsky* Dissolution of Marriage - Domestic Relations (Colo. Gilpin Co. District Court)	Filed: 04-13-15 **Status: Void** (Absent Jurisdiction)
2014M00613	*People of Colorado v. Rachel Tonya Bellinsky (n/k/a Rachel Zinna Galán),* Criminal Arrest – DV – Assault in the 3rd Degree (Victim: Jacob Bellinsky) (Colo. Gilpin Co. Court)	Criminal DV Arrest: 12-11-14 Mandatory PO: 12-12-14 / 12-15-14

STATE OF FLORIDA: IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL DISTRICT IN AND FOR INDIAN RIVER COUNTY, FLORIDA		
Case No.	**Case Name/Case Description**	**Status/Date**
312025MM001965A	*State of Florida v. Rabbi Jacob Bellinsky* (Criminal Violation of Domestic Violence Injunction (M1) - Obtained by Perjury/Fraud)	Filed: 11-12-25 **PENDING**

RABBINICAL COURT		
Case No.	**Case Name/Case Description**	**Status/Date**
75072301	*Bellinsky, Jacob (Ya'akov Ben Chaim) v. Rachel Rische (k/n/a Rachel Zinna Galán)* (Neve Tzedek Rabbinical Court, Zera Avraham, Denver, Colorado, 2015)	**Jewish Divorce** Judgment Executed: 04-12-15

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES

United States Supreme Court Cases

United States Courts of Appeals Cases

CONSTITUTIONAL PROVISIONS

United States Constitution

STATUTES

RULES

Supreme Court Rules:

PETITION FOR A WRIT OF CERTIORARI

Petitioner Rabbi Jacob Bellinsky respectfully petitions for a writ of certiorari to review the judgment of the Colorado Court of Appeals in Case No. 24CA355, following the Colorado Supreme Court's denial of discretionary review in Case No. 25SC549.

Congress enacted §1446(d) as a mandatory jurisdiction-transferring command implementing the Supremacy Clause. The statute does not merely regulate procedure; it withdraws adjudicatory authority from state courts and reallocates it to federal tribunals until remand.

This case presents recurring federal questions concerning removal divestiture under 28 U.S.C. § 1446(d), the structural neutrality required by due process when parental rights are adjudicated, and whether fundamental parental liberty remains enforceable when state courts treat jurisdictional and structural constitutional defects as immaterial because a proceeding is labeled "family law." It arises from state-court proceedings that continued after Petitioner invoked removal and federal law commanded that the state court "shall proceed no further"; from adjudication by a judicial officer subject to unresolved structural conflicts; and from appellate review that affirmed without adjudicating preserved federal objections and on a materially distorted procedural narrative.

The resulting orders—affirmed by the Colorado Court of Appeals and left undisturbed by the Colorado Supreme Court—now stand as final judgments materially burdening one of the most fundamental liberty interests protected by the Constitution: the right of a parent to the care, custody, and control of his children.

At every stage, Petitioner raised federal constitutional objections. He argued that once removal was filed and served, federal law stripped the state courts of authority to proceed; that custody and relocation orders entered thereafter were void under the Supremacy Clause; and that due process does not permit adjudication of parental rights by a judicial officer simultaneously named as a personal-capacity defendant in related federal civil-rights litigation arising from the same case. Those objections were preserved and squarely presented. They were not resolved on the merits. Instead, the courts below treated the dispute as routine domestic-relations discretion and affirmed orders whose validity Petitioner challenged on jurisdictional, structural, and constitutional grounds.

These questions are not case-specific. They implicate whether federal removal divestiture is enforceable in domestic-relations proceedings, whether structural neutrality is constitutionally waivable in parental-rights adjudication, and whether *Troxel*'s guarantees retain practical force when jurisdictional and structural objections are disregarded. When such failures occur in the one domain where liberty interests are at their zenith, the result is not merely procedural error. It is the erosion of constitutional governance itself.

This petition does not seek review of custody or relocation fact-finding. It presents only federal questions concerning adjudicatory authority and structural constitutional guarantees.

This petition presents a clean and urgent opportunity for this Court to reaffirm that fundamental rights may not be effectively extinguished through

proceedings conducted without lawful authority, before tribunals lacking the structural guarantees of neutrality, and affirmed without adjudication of preserved federal defects. The federal questions are purely legal and dispositive of the validity of the orders below.

OPINIONS BELOW

The opinion of the Colorado Court of Appeals in *Bellinsky v. Galán*, No. 24CA355, issued on July 17, 2025, affirming the district court's relocation and parental decision-making orders, is reproduced in the Appendix at App. A. The Colorado Court of Appeals denied Petitioner's timely Petition for Rehearing in Case No. 24CA355 by order dated August 14, 2025, reproduced in the Appendix at App. B. The Colorado Supreme Court denied Petitioner's Petition for a Writ of Certiorari in *In re Marriage of Bellinsky*, Case No. 25SC549, on November 17, 2025. That order is reproduced in the Appendix at App. C.

JURISDICTION

The Colorado Supreme Court denied discretionary review in this case on November 17, 2025, in *In re Marriage of Bellinsky*, Case No. 25SC549. The judgment of the Colorado Court of Appeals therefore became final on that date. This petition is timely under 28 U.S.C. § 2101(c) and Supreme Court Rule 13.

This Court has jurisdiction under 28 U.S.C. § 1257(a) to review final judgments of a state court of last resort in which a decision could be had. The decision under review is the judgment of the Colorado Court of Appeals in Case No. 24CA355, which the Colorado Supreme Court declined to review.

The federal questions presented—arising under the Supremacy Clause and the Due Process and Equal Protection Clauses of the Fourteenth Amendment—were timely raised and preserved in the state courts. The state courts did not clearly indicate reliance on independent state-law grounds, and therefore federal review is appropriate under *Michigan v. Long*, 463 U.S. 1032 (1983).

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

U.S. Const. art. VI, cl. 2 (Supremacy Clause)

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

U.S. Const. amend. XIV, § 1 (Due Process Clause)

> "No State shall ... deprive any person of life, liberty, or property, without due process of law...."

U.S. Const. amend. XIV, § 1 (Equal Protection Clause)

> "No State shall ... deny to any person within its jurisdiction the equal protection of the laws."

28 U.S.C. § 1446(d)

> "Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded."

28 U.S.C. § 1257(a)

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari...."

STATEMENT OF THE CASE

A. The Constitutional Stakes of This Case

This case asks whether fundamental parental rights may be effectively extinguished through proceedings that are not merely erroneous, but structurally illegitimate—proceedings alleged to be void for want of authority after removal, adjudicated by a decisionmaker subject to unresolved structural conflict, and conducted on a materially distorted procedural record.

The parent-child relationship occupies a unique position in constitutional jurisprudence. This Court has repeatedly recognized that parental authority over the care, custody, and upbringing of children constitutes a fundamental liberty interest protected by the Fourteenth Amendment. *Troxel v. Granville*, 530 U.S. 57, 65–66 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

This Court has likewise emphasized that the Constitution protects not only the substantive parental interest, but also the integrity of the adjudicative process by which the State burdens that interest. *Santosky*, 455 U.S. at 753–54; *Stanley*, 405 U.S. at 656–58; *Troxel*, 530 U.S. at 65–70.

Because parental rights lie at the core of ordered liberty, their adjudication requires strict adherence to three constitutional preconditions: (1) lawful authority to proceed at all; (2) structural neutrality of the decisionmaker; and (3) adjudication on a truthful procedural record rather than one corrupted by material

misrepresentation. Petitioner contends those preconditions failed here—and that the failure was preserved and repeatedly presented, yet left unadjudicated.

The question presented is not whether parental rights are fundamental — that question was resolved in *Troxel*. The question is whether those rights remain constitutionally enforceable when lower courts employ procedural doctrines that prevent adjudication of preserved federal objections.

Troxel does not merely recognize parental liberty as fundamental; it presupposes adjudicative structures capable of protecting that liberty. Where proceedings occur without lawful jurisdiction, before structurally conflicted tribunals, or without adjudication of preserved federal objections, *Troxel*'s guarantees become nominal rather than enforceable. The constitutional question presented is therefore not whether *Troxel* applies, but whether it can retain practical force if such structural defects are permitted to stand.

B. Background and Procedural History

The procedural history demonstrates three preserved federal issues: state proceedings conducted after removal invoked federal jurisdiction; adjudication by a magistrate simultaneously defending personal-capacity civil-rights claims; and reliance on materially false assertions that no response or objections were filed.

Removal to Federal Court and State Court's Express Rejection:

On July 17, 2023, Petitioner filed a Notice of Removal transferring jurisdiction over the post-decree proceedings in *In re Marriage of Bellinsky*, Case No. 2015DR7, to the United States District Court for the District of Colorado. See App.

F. The notice expressly invoked federal jurisdiction and the Supremacy Clause consequences of removal under 28 U.S.C. § 1446(d).

Two days later, on July 19, 2023, the state court entered a Post-Decree Case Management Order that did not acknowledge divestiture or stay proceedings. Instead, the magistrate explicitly rejected the legal effect of removal in categorical terms:

> "The Court **recognizes no authority** referenced in Respondent's Notice of Removal of State Court Action to United States District Court that removes this Court's jurisdiction and, thus, this Court maintained initial and continuing jurisdiction and enters the following ORDERS:" *(Post-Decree Case Management Order, July 19, 2023)* **(emphasis added)**

This statement was not an ambiguity, oversight, or silence. It was an express declaration that the state court would proceed notwithstanding removal and notwithstanding federal law commanding that the state court "shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d).

The July 19, 2023 order then set the matter for further proceedings and imposed Colorado Rules of Civil Procedure Rule 16.2 obligations as though jurisdiction remained intact. The state court thus had actual notice that removal had been filed and expressly chose to disregard the federal command—eliminating any argument that continued proceedings were the product of inadvertence or lack of notice.

This is precisely the scenario § 1446(d) was enacted to prevent: a state court that has been notified of a removal proceeding as though federal law does not apply.

Continuation of State Proceedings During Federal Jurisdiction:

Despite the pending removal, the state court continued to exercise adjudicatory power over parental decision-making and relocation. No remand had yet issued when the case was procedurally advanced, and no stay was entered.

Ultimately, the case proceeded to a relocation and decision-making hearing on February 9, 2024, before Magistrate Bryce David Allen.

The February 9, 2024 "Default" Hearing on a False Record:

On February 9, 2024, Magistrate Bryce David Allen conducted a relocation hearing in Case No. 2015DR7. See App. E. Petitioner did not appear. At the outset of the hearing, the following exchange occurred:

> "I did not see any response — by Mr. Bellinsky. Let me take a look at that as to the motions. Ms. — Galan did you ever receive any type of response from Mr. Bellinsky?" *(Feb. 9, 2024 Tr. at 10).*

Respondent Galán responded unequivocally:

> "**No I did not.**" *(Id.).* **(emphasis added)**

These statements were materially false and supplied the procedural predicate for default and formed the basis on which the tribunal proceeded to adjudicate custody and relocation without opposition. Petitioner had filed written jurisdictional objections and removal-related filings, including objections attached to the Notice of Removal and filed in the state-court record. See App. F. The assertion that "no response" or "no objections" existed formed the procedural predicate for treating the matter as uncontested and for proceeding in what the court later described as "default."

Notably, even the district court acknowledged in its own order on review that "Father filed a Response and Objection on June 21, 2023" and that "the hearing was continued multiple times." App. D at 1. The objections were documented in the court file, attached to the Notice of Removal, and confirmed by sworn affidavit. See App. F; App. I at 25.

The representation that no response existed was not a good-faith oversight; it was a material misstatement of a matter of record that formed the procedural predicate for adjudicating fundamental parental rights as uncontested.

Moments later, the magistrate stated on the record that he was proceeding "in default." The hearing resulted in oral findings granting Mother's relocation motions and modifying decision-making authority. A written order followed. See App. E. The factual and procedural predicates for the relocation order were thus directly traceable to the false assertions made on the record at the outset of the hearing.

Structural Conflict at Time of Adjudication:

At the time of the February 9, 2024 hearing and the issuance of the relocation and decision-making orders:

- **Magistrate Bryce David Allen** had been named as a personal-capacity defendant in federal civil-rights litigation (Case No. 1:23-cv-03163, D. Colo., filed November 29, 2023) arising from his own conduct in the proceedings below — more than ten weeks before the hearing at which he entered the challenged orders;
- **Respondent Rachel Zinna Galán** was a co-defendant in the same federal litigation; and

- **Steven James Lazar**, also a co-defendant in that same federal litigation, was present, testified, and participated in the hearing as a witness.

(See App. E; App. D; App. F.)

Despite these circumstances, the magistrate made no disclosure of conflict, no inquiry into recusal, and no findings addressing structural neutrality.

Adoption of Relocation Orders by District Court:

Following the February 9, 2024 hearing, Magistrate Allen entered written relocation and decision-making orders. Those orders were subsequently adopted by District Judge Lindsay VanGilder on March 27, 2024. See App. D–E.

The orders repeatedly relied on findings premised on Petitioner's supposed non-participation, lack of objection, and absence from the proceedings—premises directly traceable to the false assertions made on the record at the outset of the hearing.

Appellate Proceedings on an Uncorrected Record:

Petitioner appealed to the Colorado Court of Appeals, Case No. 24CA355. In his Opening Brief, Petitioner expressly raised:

- the Supremacy Clause consequences of removal under § 1446(d);
- the jurisdictional voidness of post-removal state-court orders;
- the structural conflict created by adjudication before a judicial officer simultaneously defending related federal civil-rights claims; and
- the reliance on materially false procedural narratives stating that no objections were filed.

The Court of Appeals affirmed on July 17, 2025, without adjudicating those threshold federal issues. See App. A.

Petitioner filed a Petition for Rehearing renewing the same objections. The Court of Appeals denied rehearing without addressing them. See App. B.

Petitioner then sought review in the Colorado Supreme Court, again presenting the federal jurisdictional, structural due-process, and fraud-on-the-court issues. The Colorado Supreme Court denied certiorari without opinion. See App. C.

Resulting Posture:

As a result, final state-court orders materially burdening Petitioner's fundamental parental rights now rest on:

- proceedings conducted after federal jurisdiction had been invoked;
- an express statement by the state court that removal did not affect its jurisdiction;
- adjudication by a structurally conflicted tribunal; and
- a record shaped by uncorrected, materially false assertions that Petitioner filed "no objections."

Those defects were preserved, presented, and left unadjudicated.

C. Proceedings in the Trial Court: Jurisdictional Nullity and Fraudulent Continuation

Under 28 U.S.C. § 1446(d), removal "shall effect" federal jurisdiction and the state court "shall proceed no further unless and until the case is remanded." Removal is not a discretionary housekeeping matter; it is a Supremacy Clause

mechanism by which Congress withdraws state adjudicatory power and transfers authority to a federal forum. See *Tennessee v. Davis*, 100 U.S. 257, 263 (1880) (recognizing removal as an instrument of federal supremacy); *Steamship Co. v. Tugman*, 106 U.S. 118, 122 (1882) (once removal is effected, the state court "can proceed no further" until remand).

This Court has reaffirmed that state-court orders entered after removal are void because the state court loses all adjudicatory authority upon removal. *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696, 700–01 (2020) (per curiam). The courts of appeals likewise recognize that removal strips state-court power as a matter of law. *Akin v. Ashland Chem. Co.*, 156 F.3d 1030, 1034 (10th Cir. 1998); see also *Jenkins v. MTGLQ Investors*, 218 F. App'x 719, 723 (10th Cir. 2007).

The Colorado Court of Appeals acknowledged that removal occurred forty-six days after Respondent filed her relocation motion and concluded that removal was therefore untimely and "facially meritless." App. A ¶ 14. Petitioner consistently maintained that removal was timely under 28 U.S.C. § 1446(b) because it was filed within thirty days of service and receipt of the operative relocation filings, and he preserved that position throughout the proceedings below, including in his Petition for Rehearing and in his briefing in the Colorado Court of Appeals and Colorado Supreme Court. Petitioner further contends that, regardless of any dispute concerning removal timeliness, § 1446(d)'s mandatory command that the state court "shall proceed no further" is triggered by the filing and service of the notice of removal, not by a state-court determination regarding the merits or procedural

validity of removal. See *Acevedo*, 140 S. Ct. at 700–01. The proper remedy for an improper removal is a federal remand—not continued state-court proceedings in defiance of federal law.

Here, the federal district court retained jurisdiction from July 17, 2023, until November 21, 2023, when it ordered remand. See App. F–G. During that period, the state court entered a Case Management Order on July 19, 2023—two days after removal and four months before remand—and proceeded to schedule and conduct proceedings affecting parental decision-making and relocation while the case remained in federal court. Petitioner contends those proceedings were conducted without lawful jurisdiction.

Petitioner appealed the federal remand order to the United States Court of Appeals for the Tenth Circuit. See *Galán v. Bellinsky*, No. 23-1409 (10th Cir.). That appeal was not resolved until January 26, 2024, when the Tenth Circuit dismissed for lack of appellate jurisdiction under 28 U.S.C. § 1447(d). The state court conducted the relocation hearing on February 9, 2024—just fourteen days after the final federal disposition—and proceeded in default based on representations that Petitioner had filed no objections.

Petitioner contends that from removal through the Tenth Circuit's order, the federal jurisdictional question remained pending for over six months, during which the state court continued to exercise authority that § 1446(d) commanded it to suspend.

D. Structural Due Process Violations and Fraud on the Court

The Due Process Clause requires adjudication by a neutral and disinterested decisionmaker. *Tumey v. Ohio*, 273 U.S. 510, 523 (1927); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 883–84 (2009). Fraud on the court occurs when materially false representations corrupt the judicial process itself. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944). These structural safeguards ensure that fundamental liberty interests are not burdened through proceedings lacking neutrality, jurisdictional legitimacy, or record integrity. The doctrinal development of these principles is addressed more fully in Reasons II and III below.

Petitioner preserved allegations that false procedural narratives were permitted to stand uncorrected and were relied upon in adjudicating fundamental parental rights. The proceedings therefore combined three structural defects:

1. Adjudication following federal jurisdictional divestiture;
2. Adjudication by a judicial officer with a direct personal stake in related litigation; and
3. Adjudication based upon a materially falsified record.

The confluence of those defects implicates the core due-process guarantee that liberty interests cannot be burdened by a tribunal whose authority is disputed under federal supremacy, whose neutrality is structurally compromised, and whose decisional record rests on materially contested procedural predicates.

E. Appellate Review Based on a Distorted and Incomplete Record

Petitioner sought extraordinary appellate relief in the Colorado Court of Appeals, Case No. 2024CA355. In his Opening Brief and subsequent filings, Petitioner presented federal constitutional objections including:

1. the Supremacy Clause consequences of removal under 28 U.S.C. § 1446(d);
2. the structural conflict of the adjudicator;
3. fraud upon and by the court allegations arising from materially false representations that Petitioner filed no objections or responses; and
4. the constitutional implications of adjudicating parental rights through proceedings alleged to be jurisdictionally void.

On July 17, 2025, the Colorado Court of Appeals affirmed the relocation and decision-making orders. See App. A. Petitioner contends the Court of Appeals treated the dispute as a routine domestic-relations matter and did not substantively adjudicate the federal jurisdictional and structural due-process objections raised by Petitioner — objections that went to whether the tribunal had lawful power to act at all and whether the process met constitutional minimums of neutrality and record integrity. The Court of Appeals' opinion does not cite, discuss, or distinguish 28 U.S.C. § 1446(d), *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696 (2020), *Tumey v. Ohio*, 273 U.S. 510 (1927), *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), or any other authority bearing on removal divestiture or structural neutrality. The preserved federal questions were not decided adversely; they were not decided at all.

Petitioner sought rehearing, which was denied. See App. B. He then sought review in the Colorado Supreme Court, which denied certiorari without opinion. See App. C. Petitioner contends that the state appellate process affirmed orders entered after alleged jurisdictional divestiture and did not address properly preserved federal constitutional objections bearing on jurisdiction, neutrality, and record integrity.

F. National Significance and Systemic Constitutional Implications

The issues presented extend beyond the facts of this case. Across jurisdictions, family-court litigants increasingly encounter:

- adjudication after federal law has divested state-court jurisdiction, in defiance of § 1446(d)'s mandatory command;
- adjudication by structurally conflicted tribunals whose neutrality is compromised by personal stakes in related litigation, compounded by reliance on materially false procedural narratives; and
- appellate review that treats these defects as immaterial so long as the underlying proceeding is labeled "domestic relations"—declining to adjudicate preserved federal constitutional objections and effectively placing parental rights beyond the reach of federal law.

This Court has repeatedly warned that constitutional protections do not diminish in family-law contexts. *Stanley v. Illinois*, 405 U.S. 645, 656–57 (1972); *Troxel v. Granville*, 530 U.S. 57, 65 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). The Court has likewise recognized that constitutional guarantees must remain fully enforceable where state procedural mechanisms risk suppressing the exercise of fundamental rights. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449,

460–63 (1958). The Constitution does not tolerate adjudicative frameworks that indirectly chill or nullify protected liberties through structural or procedural devices.

If state courts may continue adjudicating after federal divestiture, permit structurally conflicted tribunals to preside over core liberty interests, or decline to adjudicate preserved federal objections because proceedings are labeled "domestic relations," then the parental rights recognized in *Troxel* risk becoming doctrinal abstractions rather than enforceable constitutional guarantees. Such a regime would create a functional exception to federal supremacy and structural due process precisely where liberty interests are at their apex.

When courts permit adjudication after jurisdiction has been withdrawn by federal law, allow conflicted tribunals to proceed, or affirm orders resting on materially distorted procedural narratives, the resulting disparity raises serious Equal Protection concerns. In practical effect, litigants asserting parental rights are subjected to procedural regimes that would not be tolerated in other civil or constitutional contexts.

The Constitution does not permit the State to impose diminished safeguards on fundamental liberty interests solely because they arise in domestic-relations proceedings. *See Stanley*, 405 U.S. at 656–58.

These failures are not isolated irregularities. Custody and relocation determinations occur daily in state courts nationwide, and their timing often renders post hoc federal correction impracticable. Without this Court's intervention, jurisdictional and structural defects may repeatedly produce irreversible consequences while remaining effectively insulated from meaningful federal review.

This case therefore presents a clean and urgent opportunity for the Court to clarify that constitutional protections do not diminish at the courthouse door of domestic-relations proceedings, and that structural illegitimacy cannot serve as a lawful foundation for adjudicating the parent-child relationship. The questions presented—concerning removal divestiture, structural neutrality, and the enforceability of *Troxel*'s guarantees—each independently warrant certiorari and together present an unusually compelling basis for review.

Removal disputes arise nationwide and frequently intersect with time-sensitive custody and relocation proceedings, where jurisdictional errors produce irreversible consequences before federal review can occur. Without this Court's clarification, lower courts will continue to apply §1446(d) inconsistently, allowing state adjudication after removal in some jurisdictions while treating such orders as void in others. That divergence undermines the uniform enforcement of federal jurisdictional mandates and warrants this Court's intervention under Rule 10.

REASONS FOR GRANTING THE PETITION

This petition does not ask the Court to review the merits of custody or relocation. It asks only whether state adjudicatory power existed after removal and whether the Constitution permits parental-rights adjudication by a structurally conflicted decisionmaker. These are recurring federal questions concerning jurisdiction and constitutional structure, and their resolution does not require review of custody fact-finding or domestic-relations merits.

This petition satisfies the Court's certiorari criteria. See Sup. Ct. R. 10. It presents (i) an important and recurring question whether 28 U.S.C. § 1446(d) divests state courts of authority to enter or enforce custody and relocation orders once removal is effected, and whether post-removal state adjudication is void under the Supremacy Clause and the Fourteenth Amendment's Due Process Clause; (ii) a clean and dispositive constitutional question whether due process permits a judicial officer to adjudicate custody and parental-rights proceedings while simultaneously serving as a personal-capacity defendant in related federal civil-rights litigation arising from the same case; and (iii) an important and recurring question whether *Troxel*'s parental-liberty protections and the Equal Protection Clause require that jurisdictional and structural due-process objections in custody proceedings receive the same adjudication afforded in other civil matters.

This case satisfies this Court's certiorari criteria because it presents recurring conflicts among lower courts concerning the jurisdictional effect of removal under 28 U.S.C. § 1446(d), reflects a marked departure from settled constitutional requirements of judicial neutrality and lawful adjudicatory authority, and raises exceptionally important questions regarding the uniform enforcement of federal supremacy and the protection of fundamental parental liberty interests. The decision below illustrates a broader and growing instability in which state courts, particularly in domestic-relations proceedings, have treated federal removal divestiture and structural due-process safeguards as discretionary rather than mandatory—producing divergent outcomes across jurisdictions and undermining the uniform operation of federal law.

Additionally, this petition satisfies all three criteria under Supreme Court Rule 10:

First, it presents a conflict among courts of appeals and state courts regarding whether § 1446(d) categorically divests state jurisdiction or permits practical validation of post-removal proceedings—a recurring split affecting removal uniformity nationwide (Rule 10(a)).

Second, it raises exceptionally important questions concerning enforcement of federal supremacy, structural neutrality requirements, and the protection of fundamental parental liberty where state courts decline to adjudicate preserved constitutional objections (Rule 10(c)).

Third, the decision below departs from the accepted course of judicial proceedings by affirming orders entered after jurisdictional divestiture, adjudicated by a tribunal alleged to be structurally conflicted, and sustained without addressing threshold federal issues.

This division among lower courts satisfies Rule 10(a) and (c) because it produces inconsistent enforcement of a federal jurisdiction-transferring statute governing adjudicatory authority nationwide.

I. This Case Presents an Important and Recurring Question Concerning the Supremacy Clause and Jurisdictional Voidness After Removal

This case concerns the enforceability of Congress's jurisdiction-transferring command in 28 U.S.C. §1446(d), enacted pursuant to the Supremacy Clause to withdraw state adjudicatory authority upon removal.

This Court has repeatedly held that adjudication in the absence of jurisdiction is void, not merely erroneous or voidable. See *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271 (2010) (judgments entered without jurisdiction or in violation of due process remain subject to collateral attack); *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94–95 (1998) (jurisdiction is a threshold limitation on judicial power); *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1869) (jurisdiction defines a court's power to proceed).

For more than a century, this Court has made clear that judgments entered without jurisdiction "are regarded as nullities" and are, in legal effect, no orders at all. *Vallely v. N. Fire & Marine Ins. Co.*, 254 U.S. 348, 353 (1920). And the Court's earliest cases recognize that when a tribunal acts without lawful authority, its judgments are void and incapable of legal enforcement. *Elliott v. Piersol*, 26 U.S. (1 Pet.) 328, 340 (1828).

This Court has further held that when Congress withdraws jurisdiction from state tribunals, state-court proceedings conducted thereafter are not merely erroneous but absolutely void. In *Kalb v. Feuerstein*, 308 U.S. 433, 438–40 (1940), the Court explained that where federal law vests exclusive adjudicatory authority in federal courts, state-court orders entered in defiance of that withdrawal are "beyond the power of the state court to make" and therefore subject to collateral attack. Kalb establishes that voidness in this context is structural and jurisdictional; a judgment entered without authority "is not a judgment at all." Id. at 438.

Those principles apply with special force in the removal context because removal is a Supremacy Clause mechanism by which Congress shifts adjudicatory authority to a federal forum. See *Tennessee v. Davis*, 100 U.S. 257, 263 (1880). Congress's command is categorical: upon filing the notice of removal and providing notice to the state court, removal "shall effect" federal jurisdiction and "the State court shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d). This Court has long recognized that once removal is effected, state-court proceedings are suspended absent remand. *Steamship Co. v. Tugman*, 106 U.S. 118, 122 (1882).

Most importantly for this case, the Court recently reaffirmed that state-court orders entered after removal are void because the state court loses all adjudicatory authority upon removal. *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696, 700–01 (2020). The courts of appeals, including the Tenth Circuit, likewise recognize that removal strips state-court power as a matter of law. *Akin v. Ashland Chem. Co.*, 156 F.3d 1030, 1034 (10th Cir. 1998). Federal courts likewise recognize that judgments entered without jurisdiction or in violation of due process are void and subject to vacatur when properly challenged. See *Orner v. Shalala*, 30 F.3d 1307, 1310 (10th Cir. 1994). That principle reflects longstanding Supreme Court precedent recognizing that jurisdictional defects render judicial acts legal nullities.

The decision below cannot be reconciled with these settled principles. Petitioner preserved and presented the federal question whether state-court custody

and relocation orders entered after removal "effect[ed]" federal jurisdiction—and while § 1446(d) commanded the state court to "proceed no further"—are void and unenforceable as a matter of federal supremacy and due process. Yet the Colorado Court of Appeals affirmed the resulting orders without adjudicating that threshold federal limitation on state-court power. That outcome threatens uniformity in the enforcement of § 1446(d) and *Acevedo*: if post-removal state orders can be affirmed in practice, then federal divestiture becomes optional and the Supremacy Clause becomes aspirational—particularly in the very setting where liberty interests are at their zenith.

The domestic-relations exception recognized in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992), limits federal courts' power to issue divorce, alimony, and custody decrees. It does not authorize state courts to disregard § 1446(d)'s mandatory command while removal is pending. Ankenbrandt governs what a federal court may adjudicate on the merits; it says nothing about a state court's obligation to stop proceedings upon removal. The proper remedy for a removal that falls within the domestic-relations exception is a federal remand order—not state-court proceedings in defiance of federal law during the pendency of removal.

Courts have reached inconsistent outcomes on whether post-removal state orders are categorically void or merely irregular. Compare *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696, 700–01 (2020); *Akin v. Ashland Chem. Co.*, 156 F.3d 1030, 1034 (10th Cir. 1998) (state jurisdiction extinguished upon removal), with decisions permitting practical validation or

harmless-error treatment of post-removal proceedings in domestic-relations contexts.

The lower courts have adopted materially conflicting approaches to § 1446(d)'s command that state courts "shall proceed no further" once removal is effected. Some courts treat post-removal state adjudication as jurisdictionally void ab initio. See *Acevedo*, 140 S. Ct. at 700–01; *Akin*, 156 F.3d at 1034. Other courts have permitted state proceedings to retain practical or legal effect where removal is later deemed improper or the case is remanded, effectively treating § 1446(d) as procedural rather than jurisdictional. See, e.g., *Benson v. SI Handling Sys., Inc.*, 188 F.3d 780, 782 (7th Cir. 1999); cf. *Albonetti v. Gafford*, 520 F.2d 1115, 1117 (5th Cir. 1975). These divergent approaches create substantial uncertainty regarding whether federal removal divestiture is categorical or contingent—an issue of recurring national importance directly implicating the Supremacy Clause and uniform federal jurisdiction.

The conflict is especially consequential in domestic-relations proceedings, where the timing of relocation and custody determinations often renders post-hoc federal correction impracticable, allowing jurisdictionally defective orders to produce irreversible family-law consequences. These divergent approaches warrant this Court's review to ensure uniform enforcement of federal jurisdictional mandates.

II. The Petition Presents Structural Due Process and the Non-Waivable Right to a Neutral Decisionmaker in Parental-Rights Adjudication

This Court has long recognized that due process requires adjudication by a neutral and disinterested decisionmaker. *Tumey v. Ohio*, 273 U.S. 510, 523 (1927);

In re Murchison, 349 U.S. 133, 136 (1955). Structural bias violates due process even absent proof of actual prejudice; the Constitution is concerned with the probability and appearance of bias where the circumstances create a serious risk of unfairness. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 883–84 (2009). The Court has repeatedly reaffirmed that structural conflicts cannot be treated as harmless because they undermine the legitimacy of the tribunal itself. *Ward v. Vill. of Monroeville*, 409 U.S. 57, 61–62 (1972).

This Court's structural-neutrality jurisprudence further confirms that adjudicators with personal or institutional stakes in litigation cannot constitutionally preside over matters in which those interests are implicated. See *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813, 821–25 (1986) (due process violated where decisionmaker possessed personal interest in litigation outcome); *Williams v. Pennsylvania*, 579 U.S. 1, 8–10 (2016) (structural bias requires recusal where adjudicator previously participated in prosecutorial decision); *Rippo v. Baker*, 580 U.S. 285, 287–88 (2017) (due process violated where objective risk of bias exists regardless of proof of actual prejudice).

The principle applies with heightened force when the State materially burdens the parent-child relationship, because parental rights occupy a unique constitutional status. See *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). Yet in practice, structural neutrality concerns are often minimized in family-court settings under the mistaken assumption that

domestic-relations adjudication is exempt from strict constitutional requirements. This Court's precedents recognize no such exception.

Here, the structural conflict was not theoretical. Magistrate Allen adjudicated custody and relocation — materially burdening the parent-child relationship — while simultaneously serving as a personal-capacity defendant in federal civil-rights litigation arising from his own conduct in the very proceedings below. At the same hearing, co-defendant Galán made materially false representations to the tribunal that Petitioner had filed "no objections," and the tribunal relied on those representations to proceed in default. The structural conflict was thus operative, not incidental: the adjudicator's co-defendant supplied the false procedural predicate on which the adjudicator relied. That nexus between structural bias and record corruption distinguishes this case from disputes in which a conflict exists but can be argued to have had no effect on the proceeding.

This case presents a dispositive question: whether due process permits a judicial officer to adjudicate custody and relocation while simultaneously serving as a personal-capacity defendant in related federal civil-rights litigation arising from the same course of events, and whether structural neutrality is a non-waivable constitutional prerequisite to valid adjudication of fundamental parental rights under *Tumey*, *Caperton*, and *Williams*. The issue was preserved, is purely legal, and goes to the validity of the adjudication itself.

Lower courts diverge in applying Tumey-Caperton neutrality principles to domestic-relations proceedings. Some courts apply full structural-bias analysis when

parental rights are implicated, while others dilute neutrality requirements through deference doctrines or harmless-error rationales. This case presents an ideal vehicle for clarifying that structural neutrality is a non-waivable constitutional prerequisite even in family-court adjudication.

III. The Decision Below Threatens the Practical Force of Troxel and This Court's Parental-Rights Jurisprudence, and Raises Serious Equal Protection Concerns

In *Troxel v. Granville*, 530 U.S. 57, 65 (2000), this Court reaffirmed that the interest of parents in the care, custody, and control of their children "is perhaps the oldest of the fundamental liberty interests recognized by this Court." That principle rests on a century of precedent recognizing parental authority and family integrity as core liberty interests. See *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925); *Stanley*, 405 U.S. at 651; *Santosky*, 455 U.S. at 753–54. This Court has further held that the procedures by which a State terminates or materially reallocates parental rights must satisfy heightened standards of reliability and fairness. *Santosky*, 455 U.S. at 753–54; *M.L.B. v. S.L.J.*, 519 U.S. 102, 116–17 (1996) (recognizing the unique significance of parental-rights adjudication and its claim to constitutional procedural protections).

Troxel is unenforceable unless courts maintain the structural safeguards that make adjudication of parental rights constitutionally legitimate. The constitutional concern presented here is not whether Troxel recognized parental rights as fundamental, but whether those rights retain practical force when proceedings occur without lawful jurisdiction, before structurally conflicted tribunals, or when properly

preserved federal constitutional challenges to the legitimacy of the adjudicative process go unresolved.

Those rights become illusory if the State may materially burden the parent-child relationship through proceedings that are jurisdictionally void under federal removal law, adjudicated by a structurally conflicted tribunal, and affirmed without addressing challenges bearing on jurisdiction, neutrality, and record integrity. The decision below illustrates a growing danger: that parental rights recognized in *Troxel* will exist in doctrine but not in enforcement because domestic-relations labeling is used to treat jurisdictional defects and structural due-process violations as immaterial.

The appellate non-adjudication in this case compounds the problem. The Court of Appeals did not decide the federal questions adversely on the merits; it did not address them at all. When a state appellate court affirms orders that materially burden fundamental parental rights while declining to engage preserved federal constitutional objections bearing on jurisdiction and the legitimacy of the adjudicative process, the result is a form of insulation by silence. Fraud on the court—an offense against the integrity of the judicial process itself, *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944); *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985) (en banc) (recognizing fraud on the court as conduct that undermines the integrity of the adjudicative process)—cannot be rendered unreviewable through appellate non-adjudication.

Whatever the ultimate merits of Petitioner's fraud allegations, appellate affirmance cannot treat record-integrity challenges as immaterial when they bear on jurisdiction, neutrality, and the legitimacy of adjudication. When a court affirms while declining to adjudicate preserved federal objections that the process was jurisdictionally void, structurally conflicted, and procedurally distorted, it risks transforming contested falsehoods into binding finality. That is incompatible with due process where fundamental liberty interests are being materially burdened. See *Ward*, 409 U.S. at 62.

This Court has repeatedly rejected the premise that domestic-relations adjudication is constitutionally exempt. *Stanley*, 405 U.S. at 656–57; *Santosky*, 455 U.S. at 753. The question here is not whether States may decide custody disputes; it is whether States may do so outside lawful jurisdiction, without structural neutrality, and while declining to adjudicate preserved federal objections. That approach conflicts with Troxel's insistence that parental liberty is fundamental and enforceable. It also raises serious Equal Protection concerns: when family-court litigants are subjected to procedural regimes that would not be tolerated in other civil or constitutional contexts—when jurisdictional defects and structural conflicts are excused solely because the proceeding is labeled "domestic relations" — the State has functionally relegated parents to a diminished tier of constitutional protection. See *Stanley*, 405 U.S. at 656–58 (invalidating family-law procedures that treated parents as constitutionally inferior).

Courts increasingly diverge in whether Troxel's protections include procedural safeguards requiring jurisdictional legitimacy and structural neutrality. Some courts treat Troxel as imposing enforceable constitutional limits; others treat it as compatible with discretionary adjudication despite jurisdictional and structural defects. This case provides an opportunity to restore uniform understanding of Troxel's practical force and to clarify that family-law proceedings do not form a constitutional safe harbor from review of fraud-based legitimacy challenges.

This case also presents an important opportunity to clarify that constitutional protections governing structural neutrality and parental liberty apply with equal force in domestic-relations adjudication. Lower courts increasingly diverge in whether family-law labeling permits relaxation of jurisdictional and structural due-process safeguards. That divergence threatens the uniform enforcement of this Court's parental-rights jurisprudence and risks rendering Troxel's guarantees doctrinal rather than practical. The issue is recurring, nationally significant, and unlikely to receive consistent resolution without this Court's review.

IV. This Case Is an Appropriate and Necessary Vehicle for Review

This case is ideal for plenary review. The Colorado Supreme Court denied discretionary review without opinion, leaving the Colorado Court of Appeals' judgment as the final decision. Petitioner timely raised, fully preserved, and repeatedly presented the federal questions at every stage. The issues are threshold and dispositive: whether § 1446(d) divestiture renders post-removal state custody adjudication void; whether structural neutrality is constitutionally required where

parental rights are materially burdened; and whether preserved jurisdictional and structural objections may be treated as immaterial in custody proceedings because the matter is labeled "family law."

The questions presented are purely legal and require no further factual development. They turn on the legal effect of § 1446(d) and the Supremacy Clause; the constitutional requirement of a neutral decisionmaker under this Court's structural-bias precedents; and whether Troxel's protections, reinforced by equal protection principles, retain practical force when state courts decline to adjudicate preserved federal objections. No adequate and independent state ground clearly supports the judgment in a manner that defeats review under *Michigan v. Long*, 463 U.S. 1032 (1983).

The questions presented are purely legal. They require no additional factfinding:

Question One turns on the legal effect of § 1446(d) and whether the state court's express refusal to honor removal renders its subsequent orders void — a question of federal statutory construction and Supremacy Clause enforcement.

Question Two turns on whether a judicial officer with a personal stake in related litigation satisfies the structural-neutrality requirements of *Tumey*, *Caperton*, and *Williams* — a question of constitutional law applied to undisputed facts.

Question Three turns on whether Troxel's guarantees include enforceable procedural safeguards or may be effectively nullified by appellate non-adjudication and domestic-relations labeling — a question of constitutional doctrine.

The Colorado Court of Appeals' opinion does not contain a reasoned decision on any of the federal questions presented. It does not cite or discuss § 1446(d), *Acevedo*, *Tumey*, *Caperton*, *Williams*, *Hazel-Atlas*, or any other authority bearing on removal divestiture, structural neutrality, or fraud on the court. Under *Michigan v. Long*, 463 U.S. at 1040–41, when it is not clear from the opinion and order whether the state court's decision rests on an adequate and independent state ground, this Court will accept jurisdiction and presume the decision rests on federal grounds.

Absent this Court's intervention, the combination of jurisdictional disregard after removal, structurally conflicted adjudication, and appellate non-adjudication of preserved federal challenges risks immunizing fundamental parental liberty from federal constitutional review.

The three questions presented form a unified challenge to whether fundamental parental rights may be effectively extinguished through proceedings that lack lawful authority, structural neutrality, and record integrity—and whether such defects may be insulated from federal review by declining adjudication. This alignment strengthens the case's suitability for plenary review and its capacity to provide broadly applicable guidance on removal enforcement, structural due process, and Troxel's practical force.

This case presents a clean vehicle for resolving these questions. The judgment below is final. The federal issues were preserved at every stage. Resolution of the Questions Presented does not require review of custody fact-finding or domestic-relations merits. If the Court concludes that § 1446(d) divested state authority or

that structural judicial bias invalidated the adjudication, the appropriate remedy is vacatur of jurisdictionally void orders and remand for proceedings before a neutral tribunal with lawful authority.

The facts relevant to the Questions Presented are undisputed. Petitioner filed and served a notice of removal on July 17, 2023. The state court proceeded to enter case-management and adjudicatory orders thereafter. The federal district court later remanded the case, and subsequent appellate proceedings followed. The Questions Presented turn solely on the legal consequences of those undisputed procedural events and require no review of custody fact-finding.

CONCLUSION

This case presents three interlocking constitutional violations that threaten to place fundamental parental liberty beyond the reach of federal law. State courts continued adjudicating custody after federal removal divested their authority. A structurally conflicted magistrate entered orders while defending personal-capacity civil-rights claims arising from the same litigation. Appellate courts affirmed without adjudicating any preserved federal objection to jurisdiction, neutrality, or record integrity—treating constitutional defects as immaterial solely because the proceeding involved family law.

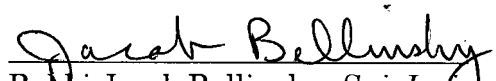
This Court has repeatedly emphasized that fundamental parental rights do not exist at the sufferance of the State. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Yet if the decision below is allowed to stand, those rights may be effectively extinguished through proceedings that are void at inception (Supremacy Clause

divestiture), compromised in execution (structural conflict and alleged fraud on the court), and immune from meaningful review (appellate silence on preserved federal objections). That result would place an entire category of fundamental liberty interests beyond the practical protection of federal law—transforming Troxel from enforceable constitutional doctrine into a hollow abstraction.

The questions presented are not case-specific anomalies. They recur nationwide wherever state courts treat removal divestiture as optional, structural neutrality as waivable, and appellate review of constitutional objections as unnecessary—but only in domestic-relations proceedings. The resulting two-tier system of constitutional protection contradicts this Court's repeated holdings that fundamental parental rights do not diminish at the family-court door. *Stanley v. Illinois*, 405 U.S. 645, 656–58 (1972). Without this Court's intervention, jurisdictional voidness, structural conflicts, and appellate non-adjudication will continue to converge in family courts nationwide, rendering federal constitutional protections unenforceable precisely where liberty interests are at their zenith.

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

Respectfully submitted this 12th day of February, 2026,



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