

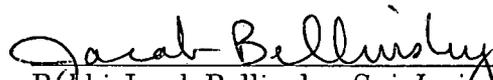
PROOF OF SERVICE FOR MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Rabbi Jacob Bellinsky, do hereby certify that on February 12, 2026, as required by Supreme Court Rules 29 and 39, I served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and AFFIDAVIT on the Respondent by depositing an envelope containing the above documents in the United States mail with first-class postage prepaid, addressed as follows:

Address Confidentiality Program
Agent for Respondent:
RACHEL ZINNA GALÁN
#2024212
PO BOX 7327
Tallahassee, FL 32314-7297

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2026.


Rabbi Jacob Bellinsky, *Sui Juris*
c/o 7661 McLaughlin Road, #283
Falcon, CO 80831-4727
jbellinsky@gmail.com
Phone: (303) 883-7706

APPENDIX F
TO
PETITION FOR WRIT OF CERTIORARI

Notice of Removal to Federal Court + Attached Objections

Galan v. Bellinsky, No. 1:23-cv-01799 (D. Colo. July 17, 2023)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Federal Case No. _____
State Case No. 2015DR7 (current matter only)

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO
2023 JUL 17 AM 8:14
JEFFREY P. COLWELL
CLERK

RACHEL ZINNA GALÁN,)
)
Plaintiff (Petitioner in state case),)
)
vs.)
)
Jacob Bellinsky,)
)
Defendant (former 'Respondent').)
_____)

BY _____ DEP. CLK

NOTICE OF REMOVAL OF STATE COURT ACTION
TO UNITED STATES DISTRICT COURT

TO: Clerk of the United States District Court for the District of Colorado

PLEASE TAKE NOTICE that defendant Jacob Bellinsky (hereinafter "Father") hereby exclusively* removes the current* state court action described herein to the United States District Court for the District of Colorado, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1446 and 1447. Copies are attached of plaintiff's "Amended: Motion to Relocate Children," "Amended: Parenting Plan," and "Amended: Motion and Affidavit to Change Decision-Making" (together hereinafter "Motion to Relocate" packet); and Father's "Notice of Objection by Special Limited Filing to Amended: Motion to Relocate Children, to Amended: Parenting Plan, & to Amended: Motion and Affidavit to Change Decision-Making" and its corresponding "Exhibit A" (together hereinafter "Notice of Objection"). At the time of filing, Father is unaware of any state court decisions having been entered on plaintiff's "Motion to Relocate" packet.

* This removal action presents federal questions, arising under the laws of the United States of America, *only* to plaintiff's *most-recent unlawful and illegal and therefore void* proceeding in void Colorado First Judicial District case #2015DR7—in which all proceedings and decisions were rendered void by operation of default law for failures by both the plaintiff and

APPENDIX F

the officers of said court to refute Father's claims of numerous frauds upon and by the court, numerous deprivations and violations of rights, and numerous state and federal crimes, *any one* of which caused loss of jurisdiction of said court and authority of its officers—and federal questions to address plaintiff's ongoing federal crimes against Father.

PLEASE TAKE ADDITIONAL NOTICE that Father is also providing the Clerk—under separate cover titled “Courtesy Supplement to Chief Judge and Assigned Judge,” which is not for filing but for reference by the assigned district court judge and Colorado's federal Chief Judge—with Father's five criminal complaints to date against plaintiff, *et al.*; however, Father's criminal complaints are already filed in the state court action and are in the possession of the plaintiff and her “accomplices” (adverse parties) named herein and therefore will not accompany this Notice of Removal when served upon plaintiff, *et al.*, and filed in Colorado First Judicial District case #2015DR7.

INTRODUCTION

1. Plaintiff RACHEL ZINNA GALÁN (hereinafter “GALÁN”) and Father were 'legally' married on March 27, 1992, have eight children together, and were divorced by agreed stipulation and Dissolution of Marriage in said case #2015DR7 on February 9, 2016.
2. Father excelled as primary parent and caregiver for six years—essentially raising the five-six minor children (at the time) by himself—while GALÁN resided with her partner, STEVEN JAMES LAZAR (hereinafter “LAZAR”), as both increasingly attacked Father's relationships with each of his children (as evidenced in #2015DR7 & all five criminal complaints).
3. In July 2019, GALÁN's attorney, ANDREW NEWTON HART (hereinafter “HART”), filed the first of several grossly-fraudulent 'color of law' post-decree actions in #2015DR7 to restrict Father's parenting time with the intent to essentially kidnap the then five minor children from Father's care as one way to extort increased undue maintenance and child

support payments from Father.

4. From that point forward to this day, HART has masterminded all crimes, and GALÁN and LAZAR mainly—together, hereinafter the “trio”—and a growing number of other accomplices, have carried out HART's “crime sprees” against Father, including the current one with their grossly-perjured Motion to Relocate which was evidently written by HART (GALÁN attorney in the underlying void #2015DR7 case) as GALÁN does not possess sufficient knowledge or ability to write the three legal documents making up their Motion to Relocate packet.
5. In 2022—when it became clear that HART and all other officers of the court, including the judge and magistrate, were knowingly and willfully aiding in the trio's nonstop state and federal crimes and committing their own crimes to carry out the trio's kidnapping, racketeering, and deprivations of rights—Father lawfully withdrew his consent to be their 'respondent.'
6. Since then, Father has written and submitted five very-detailed criminal complaints to state and federal authorities against the trio and the wayward officials; and in an effort to cover up their crimes and falsely criminalize Father, the trio and their accomplices have relentlessly retaliated against Father by obtaining further known-void orders in case #2015DR7 and leveling false accusations in other jurisdictions*.

*Notice of Related Cases: Pursuant to D.C.COLO.LCivR 3.2(b), Father hereby notifies the district court of the following related (void) cases and pending criminal matter initiated by plaintiff, with common parties, facts, and claims occurring under color of law in Colorado's 18th Judicial District: a) 22C59 (closed), b) 22M152 (dismissed/sealed), and c) 22M143 (ongoing).

7. Now, as evidently instructed by HART, GALÁN and LAZAR seek a further void state court order in #2015DR7 with their grossly-fraudulent Motion to Relocate packet in an attempt to abscond to Florida with the children and to evade the charges they deserve.

JURISDICTION

8. This district has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1446 and 1447.
9. Specifically, as expanded herein:
 - A. 28 U.S.C. § 1331 provides jurisdiction for all federal questions;
 - B. 28 U.S.C. § 1367 provides supplemental jurisdiction for non-federal claims;
 - C. 28 U.S.C. §§ 1441 & 1446 provide jurisdiction generally for this civil matter; and
 - D. 28 U.S.C. § 1447 provides jurisdiction to enjoin GALÁN's accomplices.

GROUND(S) FOR REMOVAL

I. Plaintiff's "Motion to Relocate" Was Evidently Written By Her Attorney in #2015DR7 And Evidences Another Conspiracy Between The "Trio" To Commit Further State And Federal Crimes Against Father Necessitating The Immediate Exercise Of Jurisdiction By The Federal Court(s) To Enjoin The Co-Conspirators In The State Court Action As Co-Plaintiffs In This Removal Action Pursuant To 28 U.S.C. § 1447(a).

28 U.S.C. § 1447 - Procedure after removal generally

(a) In any case removed from a State court, the district court may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the State court or otherwise.

10. Father has known GALÁN for over 30 years and can authoritatively attest that GALÁN did not write any of the three legal documents making up her *verified* and therefore *perjured* "Motion to Relocate," which were evidently written by her attorney in the #2015DR7 post-decree case: HART, who suspiciously attempted to 'withdraw' as attorney of record immediately prior to GALÁN's filing of the trio's current Motion to Relocate action.
11. HART—who masterminded all previous "crime sprees" against Father since July 2019 (see *ALL* five criminal complaints in Father's courtesy supplement) to carry out the trio's kidnapping and racketeering under 'color' of law in case #2015DR7 and now in other jurisdictions, as evidenced in the court record and in Father's criminal complaints — evidently masterminded the current crime spree to abscond to Florida, conspired with

GALÁN and LAZAR to relocate and evade the consequences of their crimes, and wrote all three legal documents making up the trio's Motion to Relocate.

12. HART's Motion to Relocate clearly evidences probable cause of numerous further crimes by the trio against Father and his children, including but not limited to: conspiracy against rights (18 USC § 241), deprivation of rights under color of law (18 USC § 242), attempt to kidnap (18 USC §§ 1951 & 1961, *et seq.*), and other federal crimes.
13. WHEREFORE, grounds for removal of the instant state court action to this federal court and for federal authority to enjoin the trio as co-plaintiffs in this removal action are established under 28 U.S.C. § 1447(a).

II. Co-Plaintiffs' Current State Court Action Raises Numerous Federal Questions Which Must Be Addressed Pursuant to 28 U.S.C. § 1331.

14. The trio's Motion to Relocate contains and forecasts further violations of Father's and his eight children's federally-protected rights and raises numerous federal questions, including but not limited to:
 - A. In spite of the mounting consequences of their previous “crime sprees” against Father since 2019, the trio have repeatedly used void orders to increasingly limit Father's contact with his children under 'color' of law, essentially terminating Father's most-important parental rights and the minor children's reciprocal rights to Father's parental care, and now seek with another void proceeding and void order in case #2015DR7 to relocate suspected child/spousal abusers GALÁN and LAZAR in Florida and totally eliminate Father from the raising of his minor children, in direct violation of Father's 1st Amendment rights to familial association and religious freedom and of Father's and his children's 14th Amendment protections of their liberty interests in each other, which raises numerous federal questions including but not limited to:

1. Would Father's well-established and well-protected parental rights to the "care, custody, and management" of his children, as well as other 'liberty interests'* of both Father and children, under the 14th Amendment, be diminished?

* "The fundamental liberty interest of natural parents in the care, custody, and management of their child is protected by the Fourteenth Amendment." *Santosky v. Kramer*, 455 U.S. 745 (1982)

The trio has done everything imaginable, under 'color' of law, to not only diminish but also incrementally eliminate Father's role in the care, custody and management of all eight children since 2019, causing enormous irreparable damages to the whole family including GALÁN. HART's Motion to Relocate seeks to *completely* eliminate Father from the raising of the remaining four minor children.

2. Would Father's and his minor children's 1st Amendment rights to religious freedoms—to give and receive religious education and tutelage—be diminished?

"The traditional interest of parents with respect to the religious upbringing of their children [*is one of our*] fundamental rights ... specifically protected by the Free Exercise Clause of the First Amendment." *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

Here too, Father and all eight of his children, especially the minors, have egregiously suffered due to the nonstop deprivations since 2019 of Father's right to pass along, educate, instruct and otherwise raise his children in the Jewish faith and each of the children's reciprocal rights to receive such religious education and tutelage from their Father who is an ordained Rabbi. Evidently as instructed by HART and encouraged by LAZAR, GALÁN has fraudulently pretended to care about her family's Jewish heritage and faith and the children's upbringing thereunder, as evidenced in HART's numerous court documents in case #2015DR7, but has instead disparaged the orthodox Jewish faith and has encouraged antisemitism to taint the void orders in #2015DR7; and HART's words *for* GALÁN in *his* Motion to Relocate prove further

material frauds upon the court in another attempt to obtain another known-void order to further sabotage Father's relationships with his children.

3. Would Father's and his minor children's 1st Amendment rights to (familial) association be diminished?

FindLaw: "The Supreme Court has long held that the First Amendment's protection of free speech, assembly, and petition logically extends to include a "freedom of association."" (<https://constitution.findlaw.com/amendment1/first-amendment-freedom-of-association.html>) Thousands of years of familial association served as the bedrock for this fundamental freedom. Ninth Circuit finds "fundamental right of familial association" in *US v. Wolf Child*, No. 11-30241 (9th Cir. Oct. 23, 2012).

The trio has sought since the start in 2019 to incrementally diminish and ultimately terminate all contact and association between Father and his minor children, as evidenced by HART's numerous fraudulent court documents and the resulting known-void and inoperable orders:

By way of example, in an excerpt from one of the void orders, drafted by HART, following his "Abduction Risk Crime Spree" (see CC#2, pp.19-22), he states:

*"Parenting time to be supervised as follows: Father may only have supervised parenting time. **He may have no other contact with the children whatsoever.** The parenting time supervisor shall be specifically advised of Father's efforts to unlawfully remove and abscond with the children. The parenting time supervisor shall take all necessary actions to ensure Father does not remove or abscond with the children." (EMPHASIS added)*

- B. Federal questions will be raised by further deprivations, including but not limited to:
 1. Will the relocation cause ongoing deprivations of Father's rights and children's rights?
 2. Will the relocation cause multijurisdictional expenses for both family and government to summon and convene trials by juries, to prosecute, and to otherwise redress the family's grievances and damages in both states?
- C. Federal questions will also be raised by the further crimes, including but not limited to:
 1. Will the relocation enable ongoing state and federal crimes against the family?

2. Will the relocation cause multijurisdictional expenses for both family and government to summon and convene grand juries, to prosecute, to punish the convicted, and to otherwise address the crimes in both states?
15. And every further action taken on the trio's Motion to Relocate will raise further federal questions.
16. WHEREFORE, grounds for removal are established under 28 U.S.C. § 1331.

III. General Grounds And Requirements Are Met For Establishment Of Jurisdiction For This Removal Action Pursuant to 28 U.S.C. §§ 1441 and 1446.

17. 28 U.S.C. § 1441(a) provides jurisdiction generally for the federal questions raised by the trio's current relocation matter; and since state court case #2015DR7 has been rendered wholly void by operation of law, *ab initio*, the trio's *only* option for their Motion to Relocate was this federal district but apparently filed their action in the known-void state case to avoid discovery and consequences of their many federal crimes against Father's family.
18. 28 U.S.C. § 1446(a) also provides jurisdiction generally for the federal questions and other concerns raised by the trio's current relocation matter and Father satisfies the procedural requirements of § 1446(b) as follows:
 - A. As documented in Father's "Notice of Objection" (see footnote 1 on page 2), Father received the trio's Motion to Relocate on June 18, 2023; the deadline, therefore, for filing this Notice of Removal is July 19, 2023; this Notice of Removal is to be filed in this federal district on July 17, 2023.
 - B. Father is the only defendant.
 - C. Father serves notice to the adverse parties—GALÁN, LAZAR and HART—contemporaneously with the filing of this Notice of Removal pursuant to § 1446(d), as

indicated in Father's Certificate of Service below.

19. WHEREFORE, grounds for removal are established under 28 U.S.C. §§ 1441 and 1446.

TRIAL BY JURY DEMAND

20. Father makes demand for Seventh Amendment trial(s) by jury on present and prospective issues so triable pursuant to Federal Rules of Civil Procedure 38 and 81(c).

PRESERVATION OF RIGHTS

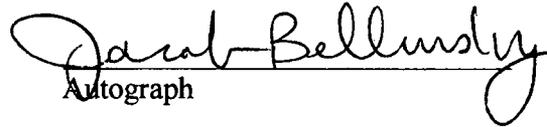
21. Father reserves all rights including but not limited to: dismissal; objections; defenses, counterclaims, and all other rights to fully redress the matter and aftermath.

VERIFICATION UNDER 28 USC § 1746

22. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 17th day of July, 2023.

Jacob Bellinsky
Printed name


Autograph

CERTIFICATE OF SERVICE

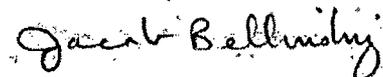
I, Jacob Bellinsky, certify that true and accurate copies of the foregoing Notice of Removal was personally delivered by me to the Elbert County Sheriff's Office on, July 17, 2023 for their civil service process to plaintiff:

RACHEL ZINNA GALÁN
35661 Whispering Pine Place
Elizabeth, CO 80107

I, Jacob Bellinsky, also certify that on July 17, 2023, true and accurate copies of the foregoing Notice of Removal were served via email to the Gilpin County Clerk (via: gilpinclerksoffice@judicial.state.co.us) for filing in case #2015DR7 and via U.S. Mail, postage prepaid, to the following adverse parties:

STEVEN JAMES LAZAR
35661 Whispering Pine Place
Elizabeth, CO 80107

ANDREW NEWTON HART
c/o Radeff & Hart, P.C.
350 Indiana Street, Suite 200
Golden, CO 80401



ATTACHMENT:
"NOTICE OF OBJECTION"

DISTRICT COURT, GILPIN COUNTY, COLORADO Court Address: 2960 Dory Hill Road, Black Hawk, CO 80422	COURT USE ONLY Void Case Number: 2015DR7
By Special Limited* Filing Rabbi Jacob Bellinsky	
Victim/Witness/Whistleblower Rabbi Jacob Bellinsky c/o 380 Athena Road Black Hawk, Colorado USA Phone Number: 303-883-7706 E-mail: jbellinsky@gmail.com	

**NOTICE OF OBJECTION BY SPECIAL LIMITED* FILING
 TO AMENDED: MOTION TO RELOCATE CHILDREN, TO AMENDED: PARENTING
 PLAN, & TO AMENDED: MOTION AND AFFIDAVIT TO CHANGE DECISION-MAKING**

**Note: Special Limited Filing is limited to the right of access to the public record in void case 2015DR7 and does not constitute any endorsement of this corporate court's invalid/unlawful exercise of ultra vires jurisdiction.*

I, Rabbi Jacob Bellinsky (herein "Father"), as a crime victim, witness, and whistleblower of many state and federal crimes committed against my eight children and me in connection with void case 2015DR7, in no way as the 'respondent' in said proven void underlying case, and in no way submitting to the ultra vires and false jurisdiction of this corporate court or any court in Colorado's First Judicial District or to the authorities of the officers of said courts, come now by special limited* filing to notify the First Judicial District courts and specifically Chief justice BRIAN DALE BOATRRIGHT (herein BOATRRIGHT) of Father's preliminary objections to "Amended: Motion to Relocate Children," to "Amended: Parenting Plan" and to "AMENDED: Motion and Affidavit to Change Decision-Making," (hereinafter "Motion to Relocate" packet) and state as follows:

1. The entirety of Father's submission today and his preliminary objections are directed exclusively to Chief Justice BOATRRIGHT because the First Judicial District courts and its officers forfeited jurisdiction and authority due to *any one* of the *undisputed* frauds upon/by the court(s), deprivations of due process, and violations of Father's and his children's rights, or *any one* of the other crimes committed as alleged and proven in Father's Criminal Complaints previously served/filed into the case record on June 12, 2023 together with Father's objection to crime suspect ANDREW NEWTON HART's (herein HART) attempted "Withdrawal as Attorney of Record".

2. **OBJECTION 1:** It is well-known and established fact that this underlying case has been proven void*, *ab initio*, numerous times on the public record and the First Judicial District courts have no valid jurisdiction, ALL its judges and court officers have no authority, ALL prior orders and decisions are void, and void decisions/orders are unappealable (*see ON VOID ORDERS - Exhibit A).
3. **OBJECTION 2:** The "Motion to Relocate" is grossly fraudulent throughout, as described below in more detail; however, the entire document packet evidences further massive frauds upon the First Judicial District courts in yet another unlawful attempt to initiate further void proceedings and to obtain further void and grossly fraudulent orders.
4. **OBJECTION 3:** Any one of the following specific frauds upon the court and GALÁN's fraudulent statements should also be sufficient to deny this action:
 - a. In GALÁN's filing she references several known-void orders, including void "ORDER: PETITIONER'S POSITION REGARDING SUPERVISED PARENTING TIME, entered on June 11, 2021" that was subject to a withdrawn and void appeal. GALÁN also references known-void orders relating to fraudulent parenting-time restrictions, fraudulent abduction prevention measures, and fraudulent remand - ALL orders known by her to be fraudulent and void and therefore represents further fraud upon the courts.
 - b. Despite GALÁN's assertion in her filing where she states: "I have notified the other party in writing of my request to relocate the children," and "I have provided a revised parenting time plan to address the issues presented with the relocation," she has never prior notified Father of her request, nor prior provided a revised Parenting Plan to address the issues presented with the attempted unlawful 'relocation' she now seeks under color of law¹.
 - c. Although GALÁN states that, "It is in the best interest for the children for Mother and children to remain in the loving nuclear family that has been in place for the last seven years," the truth is the

¹ For the record, Father only received crime suspect RACHEL ZINNA GALÁN's filing packet (dated June 1, 2023) on Sunday, June 18, 2023 upon return from a short absence away from home and upon retrieving his mail. Said packet was time stamped June 2, 2023 by a USPS postage meter originating from an unknown court mailing in the 80301 zip code (Boulder, Colorado). Father was not properly served, and therefore any procedural time constraints in regards to the filing of any formal objections have not yet started.

children's established loving nuclear home has been with their Father for the majority of their lives, including the six consecutive years under his primary care until their unlawful and fraudulent removal only approximately two years ago. Father's and the children's lives have been established here in Colorado following the family's move from Israel in 2014, and it is not in their best interests to relocate, nor to remain in the custody and under the psychological control and abuse of GALÁN and fiancé STEVEN JAMES LAZAR (herein LAZAR) - see details of GALÁN's and LAZAR's child abuses and domestic violence in CC#1, pp.40-43.

- d. GALÁN states that "Any impacts of a move to Florida would be positive for the children."; however, the truth is the relocation would be extremely detrimental to all eight children – minors and adults – and GALÁN is attempting to flee the state to avoid criminal prosecution and the consequences for her and LAZAR's crimes against Father and the children, as well as in a malicious attempt to completely sever Father's relationship and parenting time with the children.
- e. GALÁN states that "Mother is the only birth parent involved in the children's lives. Mother and children need to make this move to remain in a family unit with Steven, a significant, loving, caring, adult in their lives." The truth is GALÁN and LAZAR have advanced numerous frauds upon the courts and committed numerous serious crimes (see criminal complaints) to prevent all contact between Father and his children since the divorce and later escalating with the initiation of their fraudulent and unlawful "post-decree" custody actions beginning in 2019.
- f. GALÁN states, "In Vero Beach, the children will have Jewish peers and can be actively involved in Jewish community life." The truth is GALÁN's statements and references to Jewish communal life are outright lies and deceit made only for appearances. GALÁN and LAZAR are not actively observant of the families' long established orthodox Jewish upbringing and traditions and they have ridiculed and disparaged such established observances and have actively attempted to cut off this part of the children's lives from their identity - even depriving the youngest son a Bar Mitzvah last year.

- g. GALÁN states that, "Steven must move to Florida for his health, it is in the children's best interest to remain with Steven and Mother together."; however, even were LAZAR's health issues to be legitimate, he could certainly relocate himself south to a similar climate in New Mexico or Arizona were he not to be first arrested and incarcerated for his extensive proven crimes. He is capable of commuting and the children should not be forced to move nearly 2,000 miles to Florida away from their established lives and away from their Father who continues to be falsely persecuted and who continues seek all manner of remedy and relief to reunite their real nuclear family.
- h. GALÁN states that, "[she has] discussed this move with [the] three teenage children and they all desire to move to Florida."; however, the children's wishes should not be considered in this matter given GALÁN's and LAZAR's prolonged psychological control and psychological abuse of the children and their lack of authentic independent views that has been an ongoing strategy of alienation and separation from their loving Father. As such, the children are not sufficiently mature or independent enough to express reasoned and authentic preferences as to the parenting time schedule.
- i. GALÁN states: "While the children have young adult siblings (3 in college in Denver) they have no other extended relatives here in Colorado."; however, relocating the children will further destroy this family unit and the children's familial ties to not only their Father but also to their four other adult siblings (NOT only three as claimed (likely by crime suspect HART for GALÁN) in what appears to be a "Motion for Relocation" written by him or those in his office) who all live, work, and have established their lives in the Denver Colorado area.
- j. GALÁN states in multiple locations that "Father has done nothing to repair or strengthen the relationship with his children" and also states "Father appears disinclined to reengage with the children and has refused visitation of his own volition."; knowing full-well, however, that Father has worked nonstop for the past four years to stop the abuses, reunite his family, protect the children from harm, and to seek remedies that would do justice including appeals, supreme court petitions, criminal complaints, and therapeutic solutions, etc.

- k. GALÁN falsely and fraudulently continues to suggest the existence of “Operative Orders”; however, she, LAZAR, HART, and other involved parties all know full-well that ALL orders in this underlying void case are inoperable and void by operation of default law.
- l. GALÁN falsely states that “Mother has a PERMANENT CIVIL PROTECTION ORDER pursuant to 513-14-106 C.R.S., against Father, dated October 7, 2022, from Elbert County. Father has a pending Domestic Violence charge scheduled for Hearing on August 16, 2023, in Elbert County.”; however, again knowing full-well that the P.O. is void and was obtained by fraud and other crimes (see CC#2, CC#2-Supp#1, CC#2-Supp#2, & CC#2-Supp#3).
- m. GALÁN falsely states that “Father has refused to follow the August 3, 2022, SUPPORT ORDER in place, making it challenging for Mother. Refusing to financially support the children, Father is now \$57,893.52 in arrears.”; again knowing full-well that any purported 'support order' is void and invalid, having been obtained by fraud and other serious and well-documented crimes.
- n. GALÁN fraudulently states multiple times throughout her documents that Father has a “high-conflict history”; however, the truth is well established and known that it is GALÁN who is the high conflict, pathological, and deficient parent, and her attorney ANDREW NEWTON HART—the mastermind of all “crime sprees” since 2019—has made it a theme to project GALÁN's actions onto Father, when the exact opposite is the truth.
- o. This is not a complete list of the frauds, perjuries, and misdirection made in GALÁN's “Motion to Relocate” packet and filing; however, it should be noted that uprooting the children at this time will certainly add further irreparable harm, injury, and detriment to their lives and health.
5. **OBJECTION 4:** It is not in the best interests of the children to relocate, let alone remain under the abuse of GALÁN and her fiancé LAZAR - who have been involved in a prolonged criminal conspiracy and pattern of abuse together with their attorney HART to completely reverse custody of the parties' minor children and who have engaged in their relentless “parental alienation” tactics and child abuses (i.e. child psychological abuse DSM-5 V995.51/IPV spousal abuse using the children as weapons) since the divorce was initiated in 2014 and then largely escalating in 2019 in proximity to GALÁN's formally announced

engagement to LAZAR, as apparently instructed by HART to advance their frauds upon the court in this case. This "trio" has engaged since 2019 in a pattern of coercion, psychological control, manipulation, punishment, intimidation, and revenge directed against Father and children so as to provide HART and the First Judicial District judges 'color' of law grounds to remove Father's six (6) minor children (at the time) from his near-full-time care, to lower Father's parenting time and 'jack up' a previously non-existent child support order, to unlawfully collect years of spousal maintenance, to restrict Father's parenting time and contact with the minor children, and to ultimately sever the loving bonds between Father and each of his minor children (see primarily CC#1 and nearly all of Father's filings in this case – the child abuse and domestic violence could not be more evident).

6. **OBJECTION 5:** The children have also undergone substantial trauma and abuse due to GALÁN and LAZAR's crimes and abuse of court process, and must not be allowed to cut geographical ties to their Father - who had been their primary caretaker from 2014 until the fraudulent color of law actions used to remove them and hold them hostage for the past two years at LAZAR's residence in Elizabeth.
7. **OBJECTION 6:** As all involved know full-well, the best interests of the children were nurtured by Father while under his care, but now are being severely neglected under GALÁN's and LAZAR's 'care' as they are too busy attacking Father, attempting to eliminate him from the children's lives, and now further covering up for their crimes. Father has worked nonstop since 2019 to stop the color of law attacks against him and the children, while GALÁN, LAZAR and HART have done everything in their power to erase Father as a meaningful parental figure. The minor children's best interests will again take center-stage when reunited with Father, but in the meantime, the children simply benefit from knowing that their Father is close by diligently working in his attempts to protect them from the insidious abuses and psychological harms inflicted by GALÁN and LAZAR on both the children and Father.
8. **OBJECTION 7:** The family has never had meaningful ties to Florida and there is absolutely no clear or tangible benefit to the minor children to relocate to Florida; instead, it would be extremely detrimental to their well-being and would cause even further irreparable damage to each of them and would only accomplish GALÁN's insidious and evil objective of completely severing Father from the children's lives

and them from his – and from his well-established 30-year history of loving care and involvement in their lives and upbringing.

9. **OBJECTION 8:** GALÁN and LAZAR are crime suspects in Father's five pending criminal complaints recently entered onto the court record (see *CC#1, CC#2, CC#2-Supp#1, CC#2-Supp#2, and CC#2-Supp#3*), and by attempting to relocate they are effectively seeking to avoid prosecution and accountability for their numerous crimes, including child abuse and domestic violence against Father. GALÁN and LAZAR are also instigators of a fraudulent Civil Protection Order case in Elbert County and false accusers in two subsequent criminal cases in an attempt to fraudulently criminalize Father and cover up for their crimes.
10. **OBJECTION 9:** GALÁN's attempted relocation is not at all made in good faith, and she and LAZAR are clearly acting with improper motives, and with the intent to deprive Father of all contact and loving care with and between him and his children.
11. **OBJECTION 10:** GALÁN has a history of domestic violence that the courts and the First JD DAs have ignored and failed to prosecute in the past. For example, on December 11, 2014, GALÁN assaulted Father and was arrested for Domestic Violence (DV) and Assault in the Third Degree. This DV incident was preceded by another incident only a few months earlier on July 16, 2014 – both incidents well documented on the public record in this underlying void case.
12. **OBJECTION 11:** GALÁN also has a history of custodial interference that began shortly following the separation and divorce in 2014-2015 and which escalated beginning in 2019. This action is now the culmination of years of parental interference and court ordered violations of the parenting time plan when Father was the primary parent and care-giver. GALÁN's stated intentions for years have been clearly documented on the public record – namely her intention to obtain a complete reversal of custody by any means necessary – including her unlawful and criminal actions and abuse of court process.
13. **OBJECTION 12:** It is in the best interest to not separate siblings, as this family all lives in the Denver area with eight children born of the marriage.
14. Although the foregoing objections contain sufficient grounds to deny crime suspect GALÁN's attempt to relocate and abscond with the children, to fraudulently change the previously established parenting time

plan, and to amend decision-making on false pretenses, this is not a complete list and Father reserves his right to amend it at any time without further notice.

15. Father's submission today is made under duress and out of an abundance of caution, and nothing in it is to be construed as his forfeiting of any prior or future arguments, including as to the First Judicial District courts' lack of jurisdiction and its officers' lack of authority.
16. Father reserves all his rights and all his children's rights without prejudice, including their 6th and 7th Amendment rights to a TRIAL BY JURY - something previously demanded by Father on the public record in this case in past filings multiple times, rights to judge recusals and change of venue, and other rights as enumerated in the attached letter to Chief justice BOATRRIGHT below.

WHEREFORE, Father objects to "Amended: Motion to Relocate Children," to "Amended: Parenting Plan" and to "AMENDED: Motion and Affidavit to Change Decision-Making," and demands RACHEL ZINNA GALÁN, STEVEN JAMES LAZAR, ANDREW NEWTON HART and other named crime suspects involved in the underlying void case, and related cases unlawfully and fraudulently based thereon, turn themselves in to appropriate law enforcement authorities to answer for their numerous and ongoing crimes and criminal acts (i.e. child abuse, domestic violence, conspiracy, deprivation/violation of rights under color of law, honest services frauds, official misconduct, official oppression, etc.), without further denial or delay of justice, and;

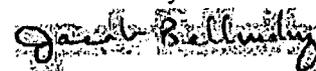
WHEREFORE, having sufficient grounds by *any one*, or *any* subsection, of the foregoing enumerated preliminary objections, now requires the forthwith denial and dismissal of GALÁN's fraudulent relocation action and attempted further fraudulent proceedings, together with the required due relief including the long overdue *setting aside* of all prior void orders in said void case.

Date: June 20, 2023

Victim/Witness/Whistleblower:
Rabbi Jacob Bellinsky; c/o 380 Athena Road, Black Hawk, CO U.S.A.

CERTIFICATE OF SERVICE

I certify that on June 20, 2023 the original was emailed to the court (gilpinclerksoffice@judicial.state.co.us) and to Colorado Supreme Court Chief justice BRIAN DALE BOATRRIGHT, c/o SCAO (steven.vasconcellos@judicial.state.co.us); and a true and accurate copy was served by email on the other party as outlined below:



RACHEL ZINNA GALÁN
c/o ATTORNEY OF RECORD
ANDREW NEWTON HART, Radeff and Hart P.C.
via: home@rhfamlaw.com

June 20, 2023

Chief justice BRIAN DALE BOATRIGHT
c/o Colorado Supreme Court
2 East 14th Avenue
Denver CO 80203
c/o SCAO; via: steven.vasconcellos@judicial.state.co.us

Re: *Renewed* DEMAND FOR DUE RELIEF

To: Chief justice BRIAN DALE BOATRIGHT

Attached is my "Notice of Objections" to my ex-wife's void "Motion to Relocate," which is directed to you because, as you and all others involved know, the First Judicial District courts and officers lack jurisdiction and authority to act on the matter and if they do they will be not only entering further known-void orders in another known-void proceeding but also committing numerous further crimes against my family and against the People of Colorado, not to mention wasting thousands of dollars more of precious public resources to aid the primary suspects in my criminal complaints in their never-ending "crime sprees" against my family.

Another purpose of this letter submitted contemporaneous with my "Notice of Objections to Relocate Children" submission is to renew my DEMANDS FOR DUE RELIEF – which have been repeatedly made to YOU and others in authority in my documents for over a year but repeatedly neglected – most-recently in my 02/10/23 Affidavit of Relevant Notices and Required Actions (my "AFFIDAVIT #001"), as follows:

I demand the immediate initiation of the following long-past-due services by the appropriate local, state and federal officials:

1. Immediately reunite my family at my home in Gilpin County;
2. Immediately issue all Protection Orders necessary to protect me and my children from further harm by mastermind ANDREW NEWTON HART and others who continue to inflict harm on my family;
3. Set aside all orders, decisions, and judgments in First Judicial District case #2015DR7;
4. Set aside all 'legal' actions and decisions based on or resulting from the void decisions in case #2015DR7;
5. Convene one or more grand juries to address my State and Federal Criminal Complaints;
6. Commence cases and prepare for trials by juries for my family, outside JD1 & JD18, to redress monetary damages; and
7. Take all other necessary actions to fully redress all damages to my family and comprehensively address the crimes committed against my family and the People of Colorado.

Please also end the continuing "farce" in 18th Judicial District case #22M143 and vacate the void protection order in case #22C59 and void orders in case #22M152, if not addressed as requested in my 04/03/23 AFFIDAVIT #002 – CHALLENGES TO JURISDICTION AND AUTHORITY and again in my FORTHWITH MOTION TO DISMISS CASE 22M143.

Finally, in the event that extensions of time, changes of judge or venue, or any other civil law process is necessary to accomplish the STATE OF COLORADO's obligations to my family, I ask that you take immediate sua sponte action as required and necessary without further delay or further denial of justice.

Please confirm in writing on official letterhead that these past-due government services have been initiated by no later than Friday, June 23, 2023.

Thank you,



Rabbi Jacob Bellinsky
Victim/Witness/Whistleblower

EXHIBIT A

ALL DECISIONS IN FIRST JUDICIAL CASE #2015DR7 ARE VOID

As I have repeatedly *proven* in underlying case #2015DR7, all decisions since the beginning of the case are void, not because I 'say so,' but because I alleged the frauds upon and by the courts, denials of due process, and other jurisdictional defects and challenges, which were never refuted, and therefore all decisions based thereon were *automatically* rendered void by operation of *all* law including *default* laws.

All judicial and administrative decisions, as well as the authority of the deciders and the jurisdiction of their courts or offices, are subject to challenge. If a challenge is made the decider cannot address the challenge; therefore I challenged judge DAVID COOPER TAYLOR's and magistrate MARIANNE MARSHALL TIMS' decisions, authority and jurisdiction to chief judge JEFFREY R. PILKINGTON, on the grounds of numerous frauds *upon* the court by attorney ANDREW NEWTON HART and numerous frauds *by* TAYLOR's and TIMS' courts (and judge VRIESMAN's, judge ARP's, etc.), and also on the grounds of numerous denials of my rights to due process, *any one* of which, when not refuted by the offenders, automatically rendered the offenders' decisions void.

Because no one refuted my claims of invalidity or addressed my challenges, TAYLOR and TIMS lost authority, their courts lost jurisdiction, and their decisions, and all decisions and 'legal' proceedings and actions based on their decisions, were automatically rendered void by operation of default law.

All I was required to do in the 'legal' system was report the jurisdictional defects – the frauds, deprivations of due process, and so on – to the overseeing authority (PILKINGTON); and all I was required to do in the criminal justice system was report the crimes – the child abuses, the perjuries, the continuance without authority/jurisdiction, and so on – to the overseeing authority (PILKINGTON, chief justice BOATRIGHT, governor POLIS, etc.). I should not have had to appeal, or work nonstop for more than four years, or write criminal complaints, or do anything else to get protection and justice for my family.

The main documents in which I blew-the-whistle on the lack of authority and jurisdiction are my:

- A. January 27, 2022 Emergency Motion For Entry Of Court Order Vacating All Judge David C. Taylor's Court Orders And Judgements As Void In Case 2015DR7 Pursuant To Colorado Rules Of Civil Procedure Rule 60 (C.R.C.P. 60)
- B. February 21, 2022 Forthwith Motion For Order To Strike Petitioners Verified.Motion To Modify Child Support Pursuant To Colorado Rules Of Civil Procedure Rule 12 (C.R.C.P. 12) And Other Authority
- C. February 23, 2020 Reply To Response To Emergency Motion For Entry Of Court Order Vacating All Judge David C. Taylor's Court Orders And Judgements As Void In Case 2015DR7 Pursuant To Colorado Rules Of Civil Procedure Rule 60 (C.R.C.P. 60) & Demand For Due Relief
- D. February 27, 2022 Demand For Due Relief To 1st Judicial District Chief Judge Jeffrey Pilkington On Father's Emergency Motion For Entry Of Court Order Vacating All Judge David C. Taylor's Court Orders And Judgements As Void In Case 2015DR7 Pursuant To Colorado Rules Of Civil Procedure Rule 60 (C.R.C.P. 60)
- E. February 28, 2022 Notice & Withdrawal Of Consent To Further Void Proceedings
- F. March 14, 2022 Final Notice & Withdrawal Of All Consent
- G. March 22, 2022 Notices Of Withdrawal Of Consent To Chief Judge Adjudication; Of Withdrawal Of Consent To Service Of Process; Of Further Nullity; Of Finality In Case #2015DR7; And Of Liability/ Culpability For Further Harm

* The above referenced documents (A. - G.) contain hyperlinks and may also be found in my Master Exhibit Archive (MEA) located at <https://tinyurl.com/MasterExhibitArchive>, where all criminal complaints and follow up communications pertaining to the matter will also continue to be posted and updated with supplementary complaints, evidence, and documentation until resolved.

ON VOID ORDERS & RELEVANT PRECEDENCE

All decisions in Colorado First Judicial District case #2015DR7, associated appeals, and 'legal actions' based on said case and appeals, are void for *any one* of several reasons, including but not limited to:

1. **Fraud upon or by the court:** *Any one* of the perjuries, semantic deceptions or other frauds upon or by the court alleged and proven in my documents, and not refuted, *automatically* nullified *all* judicial and administrative decisions and actions based on said frauds, *ab initio*, by operation of *all* law: natural law, common law, commercial law, and even the 'statutes' and 'legal system' under 'color' of which the defrauders, offenders, and trespassers of law continue to carry out their void proceedings.

"Fraud vitiates the most solemn contracts, documents, and even judgments." *U.S. v. Throckmorton*, 98 U.S. 61 (1878)

In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated, "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function - thus where the impartial functions of the court have been directly corrupted."

Anything short of the full disclosure of all known pertinent facts is a fraud upon the court and renders void any decree thereafter entered. *Coppinger v. Coppinger*, 130 Colo., 175, 274 P.2d 328 (1954); *Weber v. Williams*, 137 Colo. 269, 324 P.2d 365 (1958)

2. **Any deprivation or violation of due process or equal protection:** *Any one* of the many deprivations/violations of my rights - to have my motions heard; to have my motions adjudicated on the merits; to responses to my motions or to the granting of my unanswered motions; to judicial or administrative findings of fact, conclusions of law and just decisions based thereon; to the setting aside of decisions obtained by fraud or otherwise void (under C.R.C.P. Rule 60(b)); to recusals of corrupt judges; and so on - also rendered all decisions void under a wealth of precedence including but not limited to:

A judgment entered in violation of due process is void. *E.B. Jones Constr. Co. v. City & County of Denver*, 717 P.2d 1009, 1013 (Colo.App.1986)

A void judicial order is an order issued without jurisdiction, or in violation of due process, is void *ab initio*, and does not have to be declared void by a judge or reversed by any court to be void. A party may have a court vacate a void order, but, whether vacated or not, the void order is still void, *ab initio*, by operation of law. The United States Supreme Court stated this principle of law in *Valley v. Northern Fire and Marine Ins. Co.*, 254 U.S. 348, 41 S. Ct. 116 (1920): "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities."

The U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." *Litky v. U.S.*, 114 S.Ct. 1147, 1162 (1994). Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996)

3. Lack of personal and/or subject matter jurisdiction: *Any one* of the many frauds upon or by the courts in First Judicial District case #2015DR7 or in the other cases stemming from said case, or *any one* of the many deprivations/violations of my rights, or *any one* of the many crimes committed against my family, caused, by operation of law, automatic loss of jurisdiction of said courts and loss of authority of the officers of said courts and other offenders, and rendered all decisions void under a wealth of precedence including but not limited to:

"Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside." *Orner v. Shalala*, 30 F.3d 1307 (10th Cir. 1994)

Without subject matter jurisdiction, judgment the court renders is void, *In re Marriage of Roth*, 2017 COA 45, ¶ 14, and a void judgment may be attacked at any time, *In re Marriage of Anderson*, 252 P.3d, 490, 495 (Colo. App. 2010), including for the first time on appeal. *People in the Interest of Strotzman*, 293 P.3d, 123, 126 (Colo. App. 2011)

When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction, *Melo v. United States*, 505 F.2d 1026, 1030

Where there is no jurisdiction over the subject matter, there is, as well, no discretion to ignore that lack of jurisdiction, *Joyce v. United States*, 474 F.2d 215, 219 (1973).

Orders and judgments entered without authority and jurisdiction "are not "voidable," but simply "void"; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." *Elliot v. Piersol*, 26 U.S. 328, 340 (1828)

Courts have also held that, since a void order is not a final order, but is in effect no order at all, it cannot even be appealed - a void decision is not in essence a decision at all, and never becomes final. Consistent with this holding, in 1991, the U.S. Supreme Court stated, "Since such jurisdictional defect deprives not only the initial court but also the appellate court of its power over the case or controversy, to permit the appellate court to ignore it...[would be an] unlawful action by the appellate court itself." *Freytag v. Commissioner*, 501 U.S. 868 (1991); *Miller, supra*

4. Any usurpation of authority or jurisdiction: Every assumption of authority or jurisdiction; every presumption that I am the 'respondent' or 'defendant' of my oppressors' frauds or false accusations; every advancement or enforcement of the known-void orders; every other usurpation of authority or jurisdiction; and every other act of "governmental racketeering" to steal private property from my family or public resources or funds, is not only a crime against my family but also an overt act of treason against the People of Colorado and of the United States of America:

"We [judges and all public officials] have no more right to decline the exercise of jurisdiction [or authority or duties] which is given than to usurp that which is not given. The one or the other would be treason to the Constitution." *Cohens v. Virginia*, 19 U.S. 6 Wheat. 264 (1821)

"Every state legislator and executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3 "to support this Constitution." ... No state legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it." *Cooper v. Aaron*, 358 U.S. 1 (1958)

APPENDIX G
TO
PETITION FOR WRIT OF CERTIORARI

Order Remanding Removal Action

Galan v. Bellinsky, No. 1:23-cv-01799 (D. Colo. Nov. 21, 2023)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Philip A. Brimmer

Civil Action No. 23-cv-01799-PAB

RACHEL ZINNA GALAN,

Plaintiff,

v.

JACOB BELLINSKY,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Order and Recommendation of United States Magistrate Judge [Docket No. 15].

I. BACKGROUND

On July 17, 2023, Jacob Bellinsky filed a pro se notice of removal from the Gilpin County District Court. Docket No. 1. On July 25, 2023, Judge Scott T. Varholak ordered Mr. Bellinsky to show cause why the case should not be remanded due to the Court's lack of subject matter jurisdiction. Docket No. 8 at 3. Judge Varholak stated that Mr. Bellinsky "appears to seek the removal of a domestic relations case from Colorado state court to this Court" because Mr. Bellinsky "seeks review of a recently filed 'Motion to Relocate Children' filed in the state-court domestic-relations proceeding." *Id.* at 2. Judge Varholak noted that "[f]ederal courts lack jurisdiction over domestic-relations cases." *Id.* (quoting *Alfaro v. Cnty. of Arapahoe*, 766 F. App'x 657, 659 (10th Cir. 2019) (unpublished) (citing *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992))).

APPENDIX G

On September 5, 2023, Mr. Bellinsky filed a response to the magistrate judge's order to show cause. Docket No. 14.

On September 18, 2023, Judge Varholak issued a recommendation to remand this case to the Gilpin County District Court due to the Court's lack of subject matter jurisdiction. Docket No. 15 at 1, 6. Judge Varholak stated that the notice of removal contends that the Court has jurisdiction pursuant to 28 U.S.C. § 1331. *Id.* at 2. However, Judge Varholak recommends that the Court remand the case because Mr. Bellinsky removed a pending child custody dispute seeking relocation of children. *Id.* at 4. Judge Varholak discussed how the "domestic relations exception divests federal courts of the power to issue divorce, alimony, and child custody decrees." *Id.* at 3 (quoting *Leathers v. Leathers*, 856 F.3d 729, 756 (10th Cir. 2017) (citing *Ankenbrandt*, 504 U.S. at 703)). Judge Varholak noted that Mr. Bellinsky cited no authority permitting a federal court to decide a child custody dispute. *Id.* at 4. Furthermore, Judge Varholak stated that "Colorado law expressly contemplates state courts handling 'cases in which a party with whom the child resides a majority of the time is seeking to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party.'" *Id.* (quoting Colo. Rev. Stat. § 14-10-129(1)(a)(II)).

To the extent that Mr. Bellinsky sought to remove only the relocation motion from state court and not the entire case, the magistrate judge discussed how a "party may not remove a single *motion* from an on-going state court case to federal court." *Id.* at 5 (quoting *Black v. Black*, No. 22-cv-03098-DDD-NRN, 2023 WL 1989793, at *11 (D. Colo. Feb. 14, 2023), *report and recommendation adopted*, 2023 WL 3976422 (D. Colo.

Apr. 5, 2023)). Finally, Judge Varholak rejected Mr. Bellinsky's argument that the Court has jurisdiction to adjudicate Mr. Bellinsky's "federal grievances." *Id.* (quoting Docket No. 14 at 5). The magistrate judge stated that "[i]t appears that Defendant believes that he has grounds to raise constitutional or other federal claims or defenses relating to or arising out of the state court proceedings." *Id.* The magistrate judge explained that

"[A] case may not be removed to federal court solely because of a defense or counterclaim arising under federal law." *Topeka Hous. Auth. v. Johnson*, 404 F.3d 1245, 1247 (10th Cir. 2005); *see also Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002) ("federal jurisdiction generally exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint" (quotation and emphasis removed)). Defendant, through filing a notice of removal as opposed to a complaint, is not bringing any new claims, but [is] seeking the removal of an on-going state court matter over which this Court lacks jurisdiction. *See Fed. R. Civ. P. 3* ("A civil action is commenced by filing a complaint with the court."). While a federal court may, perhaps, possess jurisdiction over a separately brought suit alleging violations of Defendant's federal rights arising out of the series of events alluded to by Defendant, this Court certainly lacks jurisdiction over the state court proceedings themselves.

Id. at 5-6 (footnotes omitted). Accordingly, the magistrate judge recommends that the case be remanded to the Gilpin County District Court due to the Court's lack of subject matter jurisdiction. *Id.* at 6.

II. LEGAL STANDARD

The Court must "determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). An objection is "proper" if it is both timely and specific. *United States v. One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996). A specific objection "enables the district judge to focus attention on those issues – factual and legal – that are at the heart of the parties' dispute." *Id.*

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *See Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). The Court therefore reviews the non-objected to portions of a recommendation to confirm there is "no clear error on the face of the record." Fed. R. Civ. P. 72(b), Advisory Committee Notes. This standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review. Fed. R. Civ. P. 72(b). Because Mr. Bellinsky is proceeding *pro se*, the Court will construe his objections and pleadings liberally without serving as his advocate. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

III. ANALYSIS

On October 20, 2023, Mr. Bellinsky filed a timely objection to the magistrate judge's recommendation. Docket No. 21.¹ The Court construes Mr. Bellinsky's objection as raising two issues: 1) Mr. Bellinsky did not remove a domestic relations matter; and 2) the Court has jurisdiction over this case because Mr. Bellinsky raised numerous federal questions. Mr. Bellinsky also appears to raise several miscellaneous

¹ The recommendation states that any objections must be filed within fourteen days after service on the parties. Docket No. 15 at 6-7 n.4. On September 21, 2023, Mr. Bellinsky moved for an extension of time to file an objection, Docket No. 18, and the Court granted Mr. Bellinsky's motion and ordered that he could file an objection on or before October 23, 2023. Docket No. 19. Accordingly, Mr. Bellinsky's objection is timely.

objections to the magistrate judge's recommendation. The Court considers each objection.

A. Domestic Relations Exception

Mr. Bellinsky argues that the magistrate judge "disingenuously stated in his previous orders, and now falsely states again in his Recommendation, that [Mr. Bellinsky] '*appeared to seek removal of an ongoing domestic-relations matter . . .*' and therefore the federal courts '*lack jurisdiction*' under the '*domestic relations exception*' and '*must*' remand." Docket No. 21 at 4 (internal citations omitted). Mr. Bellinsky claims that he did not remove an ongoing domestic relations matter, but rather "removed another 'color of law' attack upon his family." *Id.* Mr. Bellinsky states that three individuals are "carrying out another 'color' of law crime spree" in the state case: plaintiff Rachel Zinna Galan (Mr. Bellinsky's ex-spouse); Steven James Lazar (Ms. Galan's fiancé); and Andrew Newton Hart (Ms. Galan's attorney). *Id.* at 2. Mr. Bellinsky argues that Ms. Galan's "relocation matter is the latest color of law crime spree" to kidnap the minor children from Mr. Bellinsky and "abscond to Florida." *Id.* at 5. Mr. Bellinsky maintains that he "does not ask or expect the federal court to adjudicate or render any decision affecting custody, alimony or any other divorce matter, but that his intent in the removal was and is to stop [Ms. Galan, Mr. Lazar, and Mr. Hart's] ongoing federal crimes and then to pursue the federal relief to which he is entitled." *Id.* Mr. Bellinsky asks the Court to "find and declare the relocation matter void." *Id.* Mr. Bellinsky insists that there is "no child custody dispute" because all the decisions in the state court case are void. *Id.* at 7. Mr. Bellinsky states that the only forum for Ms.

Galan's "relocation matter" is federal court because the state case is "void." *Id.* at 10. Accordingly, Mr. Bellinsky contends that the domestic relations exception does not apply. *Id.* at 7.

The Court overrules Mr. Bellinsky's first objection. The magistrate judge correctly found that the Court lacks subject matter jurisdiction over this case because Mr. Bellinsky removed a domestic relations matter. "[F]ederal courts lack jurisdiction over domestic-relations cases." *Alfaro*, 766 F. App'x at 659 (collecting cases). "The domestic relations exception divests federal courts of the power to issue divorce, alimony, and child custody decrees." *Leathers*, 856 F.3d at 756. The domestic relations exception to federal jurisdiction applies in matters based on a court's federal question jurisdiction. *Winters v. Kansas Dep't of Soc. & Rehab. Servs.*, 2011 WL 166708, at *5 (D. Kan. Jan. 19, 2011) (collecting cases), *aff'd*, 441 F. App'x 611 (10th Cir. 2011) (unpublished). In the notice of removal, Mr. Bellinsky states that he "removes the current state court action described herein to the United States District Court for the District of Colorado, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, 1446 and 1447. Copies are attached of plaintiff's 'Amended: Motion to Relocate Children,' 'Amended Parenting Plan,' and 'Amended: Motion and Affidavit to Change Decision-Making.'" Docket No. 1 at 1. Ms. Galan's state court motion requests a "change to the Parenting Plan" and requests to relocate the children to Vero Beach, Florida. Docket No. 1-1 at 2. The Court rejects Mr. Bellinsky's characterization that this case does not involve child custody issues. The state court case involves a child custody issue seeking to modify the parenting plan and to relocate the parties' children, and therefore, the Court lacks

subject matter jurisdiction over this case under the domestic relations exception. See *Alfaro*, 766 F. App'x at 659; *Hunt v. Lamb*, 427 F.3d 725, 727 (10th Cir. 2005).

Furthermore, Mr. Bellinsky's "suggestion that federal jurisdiction exists" because the state court orders are "void" is unavailing. *Alfaro*, 766 F. App'x at 660-61 ("Federal courts do not have jurisdiction over challenges to state-court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court's action was unconstitutional." (internal quotations and citation omitted)).

As a result, Mr. Bellinsky's first objection is overruled.

B. Federal Questions

Mr. Bellinsky argues that the magistrate judge ignored the "numerous, specific, valid federal questions" that he raised in the notice of removal. Docket No. 21 at 2. Mr. Bellinsky argues that Ms. Galan, Mr. Lazar, and Mr. Hart have committed numerous federal crimes, raising the following federal questions:

- a. Who is responsible for convening one or more federal grand juries to investigate?
- b. When will one or more federal grand juries be convened?
- c. Who is responsible for providing Father and his children federal crime victim services?
- d. When will Father and his children be provided federal crime victim services?
- e. Do the ongoing federal crimes justify protection orders for Father and his children?
- f. Do the federal magistrate, chief judge, US Attorney, and other federal officials in Colorado now in possession of Father's criminal complaints[] have duties of care for Father and his children which must be timely fulfilled?
- g. Now that Father has fulfilled his duty to report the federal crimes against his family to the appropriate federal officials under the federal misprision laws, how will the federal chief judge fulfill his duties to process said crimes in the federal criminal justice system?

Id. at 2-3. Mr. Bellinsky argues that it is “vitaly important that this federal court immediately address the federal crimes being committed – so [Mr. Bellinsky] and his children can be protected from further harm.” *Id.* at 9. Mr. Bellinsky asserts that “an exception should be allowed for this case if [Mr. Bellinsky’s] action does not fit perfectly into the language of controlling laws for removals.” *Id.* at 10. Additionally, Mr. Bellinsky appears to attach a new complaint to his objection, see Docket No. 21-2, asserting “new claims” regarding Ms. Galan’s “color of law kidnapping.” Docket No. 21 at 12. The document contains this case number, 23-cv-01799-PAB, and names nine defendants, including several Colorado judges and the Chief Justice of the Colorado Supreme Court. Docket No. 21-2.

The Court overrules Mr. Bellinsky’s second objection. The magistrate judge correctly found that Mr. Bellinsky cannot vindicate his federal constitutional rights by removing a domestic relations matter from state court. Docket No. 15 at 5-6. Even if Mr. Bellinsky “sought removal to vindicate his civil and constitutional rights, remand [is] still required. Generally speaking, ‘a case may not be removed to federal court solely because of a defense or counterclaim arising under federal law.’”² *Hunt*, 427 F.3d at 727 (quoting *Topeka Hous. Auth.*, 404 F.3d at 1247); see also *Hansen v. Harper Excavating, Inc.*, 641 F.3d 1216, 1220 (10th Cir. 2011) (“in order to invoke federal question jurisdiction under 28 U.S.C. § 1331 and thus to be removable on that basis, a federal question must appear on the face of the plaintiff’s complaint”). Furthermore,

² “An exception to this rule is 28 U.S.C. § 1443, which allows removal to address the violation of a right to racial equality that is unenforceable in state court.” *Hunt*, 427 F.3d at 727 (citing *Georgia v. Rachel*, 384 U.S. 780, 792 (1966)). However, Mr. Bellinsky’s notice of removal does not suggest that § 1443 applies in this case. See *id.*

attempts to “disguise the true nature of a domestic relations action in order to secure a federal forum” are insufficient to preclude application of the domestic relations exception. *Landrith v. Gariglietti*, 505 F. App’x 701, 703 (10th Cir. 2012) (unpublished) (internal quotations and citation omitted); *see also Ezedinma v. Douglas Cnty. Dist. Ct. - Div. 7*, No. 23-cv-01727-PAB-STV, 2023 WL 6963919, at *3 (D. Colo. Oct. 2, 2023), *report and recommendation adopted*, 2023 WL 6963068 (D. Colo. Oct. 19, 2023). Mr. Bellinsky provides no authority for his argument that the Court should recognize an exception in his case to the domestic relations exception. The Court declines to do so. Mr. Bellinsky has the “burden of establishing subject matter jurisdiction” because he is “the party asserting jurisdiction.” *Port City Props. v. Union Pac. R.R. Co.*, 518 F.3d 1186, 1189 (10th Cir. 2008). Mr. Bellinsky has failed to carry his burden of establishing that the Court has subject matter jurisdiction over this case.

Furthermore, Mr. Bellinsky cannot commence a new civil rights action against additional defendants by attaching a complaint as an exhibit to his objection. *See generally* Fed. R. Civ. P. 3 (“A civil action is commenced by filing a complaint with the court.”); D.C.COLO.LCivR 3.1 (Local Rules governing the commencement of an action). Accordingly, the Clerk of the Court is ordered to strike Docket No. 21-2.³ The Court overrules Mr. Bellinsky’s second objection.

C. Miscellaneous Objections

³ Mr. Bellinsky’s Ex Parte Request for Forthwith Service of Process of 10-20-2023 Verified Complaint [Docket No. 24], requesting that the Court require the U.S. Marshals to effectuate service on the nine named defendants in Docket No. 21-2, is therefore denied.

Mr. Bellinsky raises several miscellaneous objections to the recommendation. First, Mr. Bellinsky argues that the magistrate judge “made no valid findings of fact, therefore invalidating his *Recommendation*.” Docket No. 21 at 13. Mr. Bellinsky argues that, in order for the Court to make “legitimate” findings of fact, it must summon Ms. Galan, Mr. Lazar, and Mr. Hart to “refute [Mr. Bellinsky’s] facts and rebut his evidence.” *Id.* Mr. Bellinsky provides no legal support for this argument. The Court found no legal authority holding that a recommendation to remand a case for lack of subject matter jurisdiction must contain specific findings of fact. There is also no authority requiring a Court to summon the plaintiff and non-party individuals before remanding a case. As previously discussed, Mr. Bellinsky has the “burden of establishing subject matter jurisdiction” because he is “the party asserting jurisdiction.” *Port City Props.*, 518 F.3d at 1189. “Federal district courts must strictly construe their removal jurisdiction.” *Env’t. Remediation Holding Corp. v. Talisman Capital Opportunity Fund, L.P.*, 106 F. Supp. 2d 1088, 1092 (D. Colo. 2000). If, at any time, “a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue.” *Cunningham v. BHP Petroleum Great Britain PLC*, 427 F.3d 1238, 1245 (10th Cir. 2005) (citation omitted). Accordingly, the Court overrules this objection.

Second, Mr. Bellinsky argues that “[t]he dual citizenship of the parties and their eight children require special federal consideration.” Docket No. 21 at 12. Mr. Bellinsky provides no legal support for this argument, and the Court has found no legal authority holding that the domestic relations exception does not apply to parties who have dual citizenship. The Court therefore overrules this objection.

Third, Mr. Bellinsky argues that the “federal courts must address the federal crimes alleged in [Mr. Bellinsky’s] criminal complaints.” *Id.* Mr. Belinsky argues that if “responsible federal officials fail to address the federal crimes they are, at minimum, committing misprision of felony (18 USC § 4) and treason (18 USC § 2382).” *Id.* Mr. Bellinsky suggests that this Court has a duty to “commence one or more criminal cases to address the [] federal crimes.” *Id.* at 4. Mr. Bellinsky does not have a legal right to initiate criminal proceedings against Ms. Galan, Mr. Lazar, or Mr. Hart. “[I]t is well-settled that a private citizen does not have a constitutional right to bring a criminal complaint against another individual.” *Maehr v. United States*, No. 18-cv-02273-PAB-NRN, 2019 WL 3940931, at *1 (D. Colo. Aug. 21, 2019) (quoting *Price v. Hasly*, 2004 WL 1305744, at *2 (W.D.N.Y. June 8, 2004) (citing *Leeke v. Timmerman*, 454 U.S. 83 (1981)); *Keyter v. 535 Members of 110th Cong.*, 277 F. App’x 825, 827 (10th Cir. 2008) (unpublished) (“a private citizen[] has no standing to initiate federal criminal prosecutions”)). Mr. Bellinsky also cites no authority that permits the Court to initiate criminal cases. As a result, this objection is overruled.

D. Non-Objected to Portions of the Recommendation

The Court has reviewed the rest of the recommendation to satisfy itself that there are “no clear error[s] on the face of the record.” See Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the recommendation is a correct application of the facts and the law.

IV. CONCLUSION

Accordingly, it is

ORDERED that the Order and Recommendation of United States Magistrate Judge [Docket No. 15] is **ACCEPTED**. It is further

ORDERED that Defendant's Objection to Magistrate's Remand Recommendation [Docket No. 21] is **OVERRULED**. It is further

ORDERED that the Clerk of the Court shall **STRIKE** Docket No. 21-2. It is further

ORDERED that plaintiff's Ex Parte Request for Forthwith Service of Process of 10-20-2023 Verified Complaint [Docket No. 24] is **DENIED**. It is further

ORDERED that this case is remanded to the Gilpin County District Court as case number 2015DR7. It is further

ORDERED that this case is closed.

DATED November 21, 2023.

BY THE COURT:



PHILIP A. BRIMMER
Chief United States District Judge

PROOF OF SERVICE

I, Rabbi Jacob Bellinsky, do hereby certify that on February 12, 2026, as required by Supreme Court Rule 29, served the enclosed PETITION FOR A WRIT OF CERTIORARI with APPENDIX on the Respondent, by depositing an envelope containing the above documents via USPS mail with first-class postage prepaid, as follows:

Address Confidentiality Program
Agent for Respondent:
RACHEL ZINNA GALÁN
#2024212
PO BOX 7327
Tallahassee, FL 32314-7297

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2026.


Rabbi Jacob Bellinsky, *Sui Juris*
c/o 7661 McLaughlin Road, #283
Falcon, CO 80831-4727
jbellinsky@gmail.com
Phone: (303) 883-7706