NO. ____

IN THE
SUPREME COURT OF THE UNITED STATES

MARISSA GIRARD,

Petitioner,

v.

JANE GIRARD, KENTON GIRARD, VANESSA L. HAMMER, ESQ., KAREN V. PAIGE, ESQ., CANDACE L. MEYERS, ESQ., and DETECTIVE RYAN MCENERNEY,

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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Petitioner, In Pro Se

QUESTION PRESENTED

In the Civil Rights Act of 1964, Congress codified an exception under 28 U.S.C. §1447(d) allowing appellate review for cases "removed pursuant to" 28 U.S.C. §1443, which codification guarantees the availability of a federal forum for certain civil rights claims. See §901, 78 Stat. 266.

Some courts of appeals have interpreted Section 1443(1) to require exercise of the civil right at issue to avail of protection under a federal statute with an anti-prosecution provision; other courts of appeals have required that the federal statute merely proscribe coercion or intimidation of any person in the exercise of the civil right. Others yet have required that the state law at issue be facially unconstitutional. Even this Court has conveyed mixed messages about the sufficiency of the state law violating constitutionality as applied.

The question presented is the following:

> **Whether a defendant may remove a state court proceeding to federal court under 28 U.S.C. § 1443(1) when the state action itself violates constitutional rights or federal law.**

PARTIES TO THE PROCEEDING

The parties to the proceeding in the court of appeals are:

1. Petitioner (Defendant-Appellant below): Marissa Girard.

2. Respondents: Jane Girard (Plaintiff-Appellee below), Kenton Girard (Defendant-Appellee below), Vanessa L. Hammer Esq. (TP Defendant-Appellee below), Karen V. Paige Esq. (TP Defendant-Appellee below), Candace L. Meyers Esq (TP Defendant-Appellee below) and Detective Ryan McEnerney (TP Defendant-Appellee below).

RELATED PROCEEDINGS

This case arises out of the following proceedings:

IRMO Girard,
Case No. 2015-D-009633, Cook County Illinois
Jane Girard v. Marissa Girard et al.,
Civil Action No. 1:25-cv-04586, N. Dist. Illinois
Jane Girard v. Marissa Girard et al.,
No. 25-1854, U.S. Court of Appeals for the Seventh Circuit
(judgment entered July 21 2025 and panel rehearing denied on August 7 2025)

The related proceedings within the meaning of this Court's Rule 14.1(b)(iii) are listed below:

IRMO Girard,
Case Nos. 1-23-1361, 1-23-1372; 2023 IL App (1st)
(judgment entered December 26, 2023)
Marissa Girard v. Rossana P. Fernandez et al.,
Civil Action No. 1:25-cv-00136, N. Dist. Illinois
Minor Child Gw et al. v. Jane Girard,
Case No. 2024-L-012053, Cook County Illinois
Kenton Girard v. Village of Glencoe et al.,
Civil Action No. 1:24-cv-06882, N. Dist. Illinois
(judgment entered August 12 2025)
Minor Child Gw et al. v. Regina Scannicchio et al.,
Civil Action No. 1:25-cv-04551, N. Dist. Illinois

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INTRODUCTION

Marissa Girard, in pro se, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case.

OPINIONS BELOW

The opinion of the court of appeals (App., *infra*, 1a-2a, 5a) is not yet reported. The opinion of the district court (App., *infra*, 3a-4a) is not yet reported.

Incidentally, the court of appeals barely a week ago issued a Rule 38 sanction (App., *infra*, 7a-12a) against Petitioner wherein Petitioner's appeal of the district court remand decision was deemed frivolous.

JURISDICTION

The judgment of the court of appeals was entered on July 21 2025, wherein panel rehearing was denied on August 7 2025. On August 28 2025, J. Barrett approved Petitioner's application for an extension of time within which to file her petition for certiorari to December 5 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATUTORY PROVISIONS INVOLVED

Section 1447(d) of Title 28 of the United States Code provides:

> An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise.

Section 1443 of Title 28 of the United States Code sets forth circumstances under which removal to federal court is permitted:

> Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:
>
> **(1)** Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

STATEMENT

A. Background

The history under this matter devolves from violations of federal laws and civil rights by state officials in Cook County, Illinois, against the Petitioner (who is Hispanic/Latinx and suffers from two qualifying disabilities recognized under the Americans with Disabilities Act[1]) via the medium of her forced participation under custody proceedings under *IRMO Girard*, Cook County Case No. 2015-D-009633. The violations were so severe that Petitioner filed a 42 U.S.C. §1983 civil rights lawsuit (*Girard v. Fernandez et al.*, Civil Action No. 1:25-cv-00136, N. Dist. Illinois) against various Cook County judges, Cook County personnel and private attorneys for the abuses[2] perpetrated against her.

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[1] The Americans with Disabilities Act (ADA) is codified under 42 U.S.C. §12101 *et seq.* Petitioner suffers from PTSD and interstitial cystitis, both of which articulate incapacitating symptoms including without limitation aphasia, decreased locomotive capabilities and acute short-term memory loss.

[2] To provide some perspective about the incorrigible nature of the abuses, after Petitioner filed her Section 1983 lawsuit the defending state actors ramped up their attacks on Petitioner. For example, disability coordinators conducted multiple purported reviews of her needs for accommodation, and multiple times would conclude telling Petitioner – who is physically disabled – that she had to physically appear in court dates because of the "importance" of the proceedings. As another example, Cook County Judge Robert W. Johnson disqualified her legal counsel and gave her only three (3) days to secure new representation. In a final illustrative example, Cook County Judge William Yu struck her third party claims against Respondents, relating to violations of electronic tracking and eavesdropping laws by Jane Girard, even though those claims were timely filed.

Petitioner's suit seeks redress from *inter alia* violations of her civil rights wherein she has suffered discrimination on the basis of her race and her disabilities, corrupt state actors have serially caused numerous violations of her First Amendment and Sixth Amendment rights, she has been forced to participate in the custody proceedings under *IRMO Girard* wherein the latest trial order posits she will be criminally tried on January 6-8 2026 – in a family court no less – for charges which have not yet been reduced to writing, and those same state actors have sustained her involvement in a seemingly never-ending, ADA offending, Equal Protection disregarding and statute-violating[3] custody proceeding incepted by Petitioner's husband's ex-wife Jane F. Girard and puppeteered by Jane's attorneys at Beermann LLP.

In particular, Petitioner's allegations of judicial corruption are not speculative. In related federal litigation District Judge Pallmeyer found that the plaintiffs "have raised a credible concern

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[3] Under Illinois Supreme Court Rule 922, custody proceedings are limited to 18 months in duration, unless there is a finding of good cause for an extension – which has been neither requested nor implemented. The custody proceedings in question are now entering month 45 and the children attain majority age in February 2026. Multiple motions filed by Petitioner under *IRMO Girard* (a) to terminate the proceedings under Rule 922, and (b) to stay the proceedings to locate missing judicial transfer orders from January 2025 – without which the judicial authority of Judge William Yu is uncertain – have been flatly ignored by Judge William Yu, whose refusal to disqualify himself borders on the absurd: he is the starring defendant in Petitioner's civil rights lawsuit and also defending a separate federal lawsuit filed by the minor children at issue under *IRMO Girard*.

that the state court proceedings [under *IRMO Girard*] have been corrupted by bribery." *Kenton Girard v. Village of Glencoe et al.*, Civil Action No. 1:24-cv-06882 (N.D. Illinois; judgment entered August 12, 2025). Despite this finding by a federal court, the state court defendants - including judges accused of accepting bribes - continue to preside over proceedings against Petitioner. The Seventh Circuit's decision effectively forecloses any meaningful federal review of these proceedings, leaving Petitioner trapped in a system that a federal judge has already found credibly corrupt.

Under the present proceedings under *IRMO Girard*, notably, Petitioner's joinder has been implemented solely for the purposes of harassment: Petitioner possesses neither a biological connection to nor parental relationship with the minor children at issue under that matter.

B. Relevant Factual and Procedural History

Against this backdrop, Petitioner was served with a pleading under *IRMO Girard* in April 2025 which raised federal questions, and she removed the case to the Northern District of Illinois. Among the bases for removal was 28 USC §1443(1).

Respondent Jane Girard filed a motion for remand instanter in the district court, raising the domestic relations exception to federal jurisdiction. Petitioner opposed that motion stating that federal civil rights questions had been raised which trumped the domestic relations exception. The district judge remanded on May 6 2025 opining there were "no

federal questions" even though federal questions facially appeared in the pleading. On parallel requests to vacate the remand order and to impose sanctions against Petitioner, the district judge declined both requests on May 15 2025.

On appeal of the remand order, finding that Petitioner did not raise a state law prohibiting her from enforcing her civil rights, the Seventh Circuit declined to undertake a review of the remand order (denial ruling on remand on July 21 2025 and denial ruling on request for panel rehearing on August 7 2025) and sanctioned her under Rule 38 to boot (sanction ruling on November 25 2025; see App., *infra*, 7a-12a).

REASONS FOR GRANTING THE PETITION

I. *Rachel* and *Peacock* are in direct conflict regarding §1443(1).

A. The unconstitutionality standard is disparately applied.

This case presents the need to revisit the contours of this Court's reasoning under *Georgia v. Rachel*, 384 U.S. 780 (1966) and *City of Greenwood v. Peacock*, 384 U.S. 808 (1966), for which both opinions were authored in the same term by J. Stewart. Specifically, the guidance memorialized on how to satisfy the civil rights removal statute codified under 28 USC §1443(1) is directly conflicting between the two decisions.

Prior to *Rachel* and *Peacock*, a line of cases starting with *Strauder v. West Virginia*, 100 U.S. 303

(1880) adduced the so-called *Rives-Powers* doctrine (as it is labelled in *Peacock*) which interpreted removability of a civil rights case under the Civil Rights Act of 1866 – the progenitor of 28 USC §1443(1) – as requiring a facially unconstitutional statute. The *Rives-Powers* doctrine duly informed J. Stewart's reasoning in *Rachel*, wherein he determined that the facial unconstitutionality requirement was too restrictive: instead, unconstitutionality of a statute as applied to the party seeking relief was more appropriate.

Paradoxically, however, when J. Stewart turned to *Peacock*, the absence of a facially unconstitutional statute militated against removal. Further perplexing, J. Stewart ruled under *Rachel* that the defendant is entitled to an evidentiary hearing to be held as to whether there has been a denial of his equal civil rights. By contrast, J. Stewart does not speak to such an entitlement under *Peacock*.

B. The Court's balancing assessment of federally protected civil right versus state action is inconsistent.

The difference of approach is confounding wherein the global fact patterns of *Rachel* and *Peacock* are congruent. To wit, *Rachel* addresses defendants remaining in a public place of business after management told them to leave, which conveys two concurrent plot lines: (a) the action is a demonstration of a civil right, (b) the action constitutes one or more petty criminal offenses e.g. trespass. Similarly, *Peacock* addresses defendants

openly assisting others to register to vote, which also conveys two parallel plot lines: (i) the action is a demonstration of a civil right, (ii) the action constitutes one or more petty criminal offenses e.g. disorderly conduct.

The gravamen of both cases is enforcement of a state law, which is deemed unconstitutional *as applied* to the concerned defendant(s). Strangely, J. Stewart identifies and extols the federal statute protecting the civil right under *Rachel*, but conveys a pretense that he is unaware of any authority protecting voting under *Peacock*. At a minimum the Equal Protection Clause does not permit targeting persons assisting voter registrations for prosecution because of the color of their skin. Additionally, the Civil Rights Act of 1957 at §1971(b), makes it unlawful to "intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote." Certainly interfering with the voter registration process constitutes interference with the right to vote. Such a treatment is not only unreasonable but dangerous, as here, wherein a grand conflict for the ages results from his inconsistent analysis under the two cases. The existence of a constitutional or federal authority to protect the activity which gave rise to the state action – whether or not it includes an immunity clause – should be enough to infer that a trial, put on by the same state which has already been demonstrated to abrogate federal law, is likely to be unfair.

II. The courts of appeals are divided.

The second, fifth and seventh circuits have different worldviews about the scope of removability governed by §1443(1). To wit, the Second Circuit under *Emigrant Savings Bank v. Elan Management Corp.*, 668 F.2d 671 (1982) requires a federal statute with explicit anti-prosecution language to pass muster. On the other hand, the Fifth Circuit only requires "intimidate, threaten, or coerce" type of language in the federal statute at issue. *Whatley v. City of Vidalia*, 399 F.2d 521 (1968).

The Seventh Circuit – which sanctioned Petitioner for seeking review of remand, citing to *Fenton v. Dudley*, 761 F.3d 770 (7th Cir. 2014) – seems to require a facially unconstitutional state law harkening back to the now repudiated and Supremacy Clause offending *Rives-Powers* doctrine.

The present case falls into this split - Petitioner is pursuing claims under *Girard v. Fernandez et al.*, Civil Action No. 1:25-cv-00139, N. Dist. Illinois for disregarding ADA accommodations, for violating her First Amendment Rights, for violating her Sixth Amendment rights, for violating her right to an impartial judge, and the list goes on, but the Seventh Circuit says that's not enough.

III. Adherence to *stare decisis* is not appropriate here.

A. A constitutional blunder demands corrective action.

Given the aforedescribed material inconsistencies, it remains to evaluate whether adherence to *stare decisis* is appropriate here. As J. Thomas recently opined at an event at the Catholic University of America Columbus School of Law in Washington, D.C., on September 25 2025, "Precedent should be respectful of our legal tradition and our country and our laws, and be based on something, not just something somebody wrapped up and others went along with." J. Thomas further explained that blind adherence to *stare decisis* carries significant risks of ossifying bad law: e.g. *Plessy v. Ferguson* upheld segregation laws until it was properly overturned by *Brown v. Board of Education of Topeka.*

Indeed, these sentiments have been enshrined in a number of this Court's recent opinions. For example, under *Beck v. United States*, 607 U.S. ____ (2025), J. Thomas wrote in his dissent at p.5, n.1:

> Therefore, although I agree with JUSTICE SOTOMAYOR that *Feres* "is a difficult decision to justify," I respectfully disagree that "respect for the Court's rules of stare decisis" is a reason to deny the petition.

As another example, J. Thomas's concurrence under *Gamble v. United States*, 587 U.S. 678 (2019) at p. 2 further outlined the proper contours of application of *stare decisis*:

> In my view, the Court's typical formulation of the stare decisis standard does not comport with our judicial duty under Article III because it elevates demonstrably erroneous decisions—meaning decisions outside the realm of permissible interpretation—over the text of the Constitution.

Indeed, as this Court recognized in *Gamble*, '[w]hen a precedent's reasoning has been discredited, the Court has not hesitated to overrule it.' 587 U.S. at 689. *Peacock*'s reasoning contradicts *Rachel* on the same statutory provision, and it was decided in the same term by the same judge, creating an unworkable framework that the lower courts have struggled to apply for nearly 60 years.

Continuing, J. Thomas explores the roots of *stare decisis* in common law England, noting that pursuant to Commentaries on the Laws of England, Blackstone (1765) at p. 70:

> [J]udges should disregard precedent that articulates a rule incorrectly when necessary "to vindicate the old [rule] from misrepresentation" ... This view – that demonstrably erroneous "blunders" of prior courts should be corrected – was accepted by state courts throughout the

19th century.

Additional recent guidance can be found wherein J. Alito describes the contours of *stare decisis* jurisprudence, stating under the opinion of the court at p. 39 under *Dobbs v. Jackson*, 597 U.S. ____ (2022):

> We have long recognized, however, that stare decisis ... "is at its weakest when we interpret the Constitution," *Agostini v. Felton*, 521 U.S. 203, 235 (1997) ... But when it comes to the interpretation of the Constitution ... we place a high value on having the matter "settled right."

Under *Citizens United v. FEC*, 558 U.S. 310 (2010) the Court overruled the holdings relating to regulation of political speech enshrined under *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990) *McConnell v. Federal Election Comm'n*, 540 U.S. 93 (2003). Delivering the Court's opinion, J. Kennedy reminds us of the traditional guideposts for *stare decisis*:

> "Beyond workability, the relevant factors in deciding whether to adhere to the principle of stare decisis include the antiquity of the precedent, the reliance interests[4] at stake, and of course whether

[4] Under the Court's ruling under *Payne v. Tennessee*, 501 U.S. 808, 828 (1991), reliance interests are important considerations in property and contract cases, where parties may have acted

> the decision was well reasoned." *Montejo v. Louisiana*, 556 U.S. 778, 792– 793 (2009) (overruling *Michigan v. Jackson*, 475 U.S. 625 (1986)).

Pursuant to analysis of the traditional guideposts of *stare decisis*, the antiquity factor is muted with both decisions being released in 1966. The reliance interests are non-existent because the underlying litigation here concerns custody – devolving from *IRMO Girard*, Case No. 2015-D-09633, Cook County, Illinois – not property or contract. Most saliently, the *Rachel-Peacock* framework for delimiting the scope of removal under civil rights matters is incoherent and unworkable.

This case provides an opportunity to correct the blunder under *Rachel* and *Peacock* which has wrongfully constrained the scope of removable civil rights matters from before the ink was dry on the Civil Rights Act of 1964.

B. A robust avenue to appealability was intended.

The dissent by J. Douglas under *Peacock* at 849, n. 13 offers evidence of legislative intent wherein the Civil Rights Act of 1964 was amended to allow appealability of a remand order:

> As then-Senator Humphrey, floor manager of the Civil Rights Act of 1964,

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in conformance with existing legal rules in order to conduct transactions.

> put it: "[T]he real problem at present is not a statute which is on its face unconstitutional; it is the unconstitutional application of a statute." 110 Cong. Rec. 6551 (1964).

Similarly, J. Douglas at 850 references Cong. Globe 39th Cong., 1st Sess., 1759 to highlight that Senator Trumbull – who managed the bill on the floor – stated that the person experiencing discrimination "should have authority to go into the Federal courts in all cases where a custom prevails in a State, or where there is a state-law of the State discriminating against him."

Beyond legislative intent, the Supremacy Clause[5] invalidates the requirement of a facially unconstitutional state legislative enactment in order to predict an unfair outcome in the state court to activate the operation of 1443(1). To wit, there are many instances wherein a legal proceeding is brought (criminal or civil) wherein the articulated counts are not Constitution-offending on their face, but are indeed Constitution-offending as applied.

In such instances, the mere inception of such a legal proceeding portends a violation of the Supremacy Clause. Wherein the state has willingly defied the law of the United States by kicking off such a legal proceeding, it follows that an unfair outcome in state court is likely to follow.

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[5] See *Hamm v. City of Rock Hill* for a version of this argument articulated in 1964, and which cites *Kesler v. Department of Safety*, 369 U.S. 153, 172 (1962) in support of the invocation of the Supremacy Clause.

IV. The question is important and this case is amenable to review by the Court.

A. Under the status quo, federal civil rights laws have no teeth.

One need not look further than the sanction imposed by the court of appeals hereunder, which cited to *Fenton v. Dudley*, 761 F.3d 770 (7th Cir. 2014) for the proposition that a state law must facially prevent enforcement of a civil right in order to pass muster. Immediately before the conclusion of the Court's opinion under *Fenton*, J. Flaum specifically laments "Absent clarification from the Supreme Court, we will need to do our best to read between the lines in *Rachel* and *Peacock* if the anti-retaliation/anti-prosecution issue is squarely presented in a future appeal."

The practical effect of the Seventh Circuit's interpretation is to immunize state retaliation against federal civil rights plaintiffs. Petitioner filed a federal civil rights lawsuit under 42 U.S.C. §1983 against state judges and judicial personnel. In response, those same judges and personnel escalated deprivations of her right in the state proceeding against her, denied her disability accommodations, scheduled a trial while she was medically incapacitated, and struck her timely third party claims. The Seventh Circuit sanction effectively punishes Petitioner for seeking redress in the federal courts. This creates a Catch-22: Petitioner cannot vindicate her federal rights in state court (because the state actors are retaliating), and she cannot remove to federal court (because the Seventh Circuit

requires a facially unconstitutional statute).

The question presented goes to the heart of whether federal civil rights laws provide a meaningful remedy or merely an illusory one. If state actors can retaliate against federal civil rights plaintiffs with impunity by manipulating state court proceedings, and if those plaintiffs have no avenue to federal court because their state lacks a facially unconstitutional statute, then the federal civil rights laws Congress enacted are effectively nullified.

B. Whether the state action itself violates constitutional rights or federal law is the correct hurdle.

The retaliatory state action against Petitioner in Cook County for filing her Section 1983 lawsuit is itself actionable under Section 1983 according to the Second Circuit. *Vega v. Hempstead Union Free School District*, 801 F.3d 72 (2nd Cir. 2015) From Petitioner's perspective, the standard should simply be wherein the state action itself violates constitutional rights or federal law. Whether that is expressed by an immunity clause, an anti-prosecution clause or actionability is missing the forest for the trees and inconsistent with legislative intent.

C. The machinery of the federal removal statute affects many.

From a more global perspective, this question is important as the federal removal statute is invoked in a large number of cases litigated in the

federal court system. In recent years, more than 30,000 civil cases are removed from state to federal court per year, and many of those cases involve more than one defendant. Comparing such a figure with the aggregate number of filings in the federal courts as published under the published findings under the Federal Judicial Caseload Statistics for 2024 reveals the number of cases affected by removal constitutes a significant percentage of filings.

The fact that the Federal Courts Jurisdiction and Venue Clarification Act of 2011 amended 28 U.S.C. § 1446(b) and codified the "last served defendant rule" is indicative of the heavy load of cases which are affected under the removal statute. Furthermore, the Court has granted review to other matters directed at the mechanics of the federal removal statute. See for example *Enbridge Energy LP et al. v. Attorney General of Michigan*, No. 24-783 which has been docketed for review here. Similarly, (a) the opinion by J. Thomas under *Home Depot USA Inc. v. Jackson*, 587 U.S. 435 (2019), and (b) the opinion by J. Gorsuch under *BP P.L.C. v. Mayor and City Council of Baltimore*, 593 U.S. ____ (2021) reveal that the contours of federal removal jurisprudence are still being shaped.

D. Petitioner faces irreparable harm if the Court does not take action.

Petitioner faces trial on January 6-8 2026 -- scheduled weeks before the minor children attain majority age and custody becomes moot – without a charging instrument, without Sixth Amendment protections, and while Petitioner is medically unable to participate due to ADA-qualifying disabilities.

The trial is to be presided over by Cook County Judge William Yu who is a defendant[6] (in his individual capacity) in Petitioner's federal civil rights lawsuit and a related lawsuit *Minor Child Gw et al. v. Scannicchio et al.*, Civil Action No. 1:25-cv-04551, N. Dist. Illinois, challenging these very proceedings. Absent this Court's intervention, Petitioner will be subjected to a constitutionally deficient criminal proceeding while the legal question of whether she could properly remove such proceedings to federal court remains unresolved.

E. The domestic relations exception is not at play here.

The domestic relations exception does not bar review here. Petitioner does not seek custody determinations or domestic relations style relief, nor is her participation in *IRMO Girard* related to any such determinations. Instead, Petitioner challenges retaliation for filing a federal civil rights lawsuit, denial of ADA accommodations, and violation of her

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[6] Multiple previous attempts to remove Cook County Judge William Yu for cause have failed, although the judicial officer who cleared him of wrongdoing on September 18 2025 – Judge Robert W. Johnson – was at the time judicially sidelined under 735 ILCS 5/2-1001(a)(3). As a result, Judge Yu has improperly returned to the bench and every action he now takes is wholly without jurisdiction. A more recent attempt to disqualify Judge Yu for violation of Illinois Judicial Canon 2.11, wherein he has an impermissible personal interest in the outcome of the state case against Petitioner, also failed wherein Judge Yu – newly returned to the bench – cynically pronounced in open court that he can be fair and impartial, announcing a sanction under Illinois Supreme Court Rule 137 against Petitioner for filing a paper attempting to remove him.

constitutional rights. These are quintessentially federal questions. Moreover, Petitioner is not a parent and has no custody rights at issue - she was improperly joined to the custody proceeding solely to harass her for marrying the father. The underlying federal questions of civil rights violations and ADA violations are separate from any custody dispute.

F. This case presents an ideal vehicle.

This case presents an ideal vehicle to resolve the question presented. The issue is cleanly presented, fully briefed, and dispositive. The factual record is complete. Unlike many §1443 cases, this case involves documented federal court findings of corruption, clear evidence of retaliation for federal civil rights litigation, and a defendant judge presiding over proceedings that form the basis of federal claims against him - presenting the Court with a stark example of why the current framework fails to protect federal civil rights.

Notably, the question recurs frequently - affecting tens of thousands of removal cases annually - making resolution important to the proper functioning of the federal courts.

CONCLUSION

The Court should grant the petition.

Dated: December 3, 2025

Respectfully submitted,

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