

25-7277

No. USCA 5 25-50216

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ORIGINAL

FILED
FEB 02 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

STACEY BERNARD MARTIN — PETITIONER

Vs.

THE CITY OF LAS VEGAS, LINDA MARQUIS, DALIA
MARINA-HUNT, LEGAL AID CENTER OF SOUTHERN NEVADA
CAMERON BROWN, CHRISTOPHER P. FORD,
TONY T. SMITH, KIMBERLY-EVANS HOUSE, KASSANDRA LEVAY,
ROSIE ALVARADO, CHRISTINA VASQUEZ HORTICK, TONJA
MICHELLE OCHONMA, CHARLES OCHONMA,

— RESPONDENTS

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

PETITION FOR WRIT OF CERTIORARI

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Questions Presented For Review

1. Did the Appellate Court, like the US District Court, omit to accept as true petitioner's factual allegations alleged in his civil action that respondents - WITHOUT HAVING ANY JURISDICTION, initiated malicious prosecution against him, rendered judgment depriving him of all his parental rights by terminating them causing him immeasurable injury- fail to redress those allegations, causing a mischaracterization of the complaint resulting in dismissal by the court?
2. Did the US Court of Appeals improperly dismiss petitioner's Appeal reason being that he did not file a Notice of Appeal after he paid the \$605 filing fee after filing his Notice of Appeal ?
3. Is judicial immunity afforded to officials for bad acts they do in their personal capacity regardless how wrong those acts are?
4. Did petitioner, Stacey Martin, present a prima facie case that respondents "Without having any jurisdiction, they initiated a malicious prosecution against him, rendered a judgment that deprived him of multiple constitutional rights (physical custody of child, malicious prosecution, equal protection of the law, judgment without jurisdiction, etc) causing him immeasurable injury?"
5. Did petitioner properly serve all the respondents with his 42 Section 1983 Civil Rights Complaint and Summons? And did all the respondents receive a copy of the complaint?

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RELATED CASES

Cases from **federal courts**:

1. United States Court of Appeals For the Fifth Circuit Judgment in Cause No. 25-50216 was issued on November 26, 2025. The petitioner did not receive this order until December 14, 2025.
2. Petition For Rehearing En Banc was filed on December 19, 2025 and denied.
3. Civil Action: USDC No. SA-24-CV-00647-JKP

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<u><i>Stump v. Sparkman</i></u>	435 U.S. 394 (1978)
<u><i>Bradley v. Fisher</i></u>	13 Wall. 335, 80. U.S. 351. Pp. 435 U.S. 355-357)
<u><i>Dred Scott v. Sanford</i></u>	60 U.S. (how.) 393(1857)
<u><i>Frank v. Mangum</i></u>	237 U.S. 309 (1915)
<u><i>Santosky v. Kramer</i></u>	455 U.S. 745(1982)
<u><i>Troxel v. Granville,</i></u>	530 U.S. 57 (2000)

<u>Mooney v. Holohan</u> ,.....	294, U.S. 103 (1935)
<u>Pennoyer v. Neff</u>	95 U.S. 714 (1878)
<u>Malley v. Briggs</u>	475 U.S. 335, 341 (1986)
<u>Thompson v. Clark</u>	596 U.S. 36 42 (2022)
<u>Marbury v. Madison</u>	(1803)

CIRCUIT AND DISTRICT COURT COURT CASES

<u>Archie v. Lanier</u>	95 F. 3d 438, 441 (6th Cir. 1996).
<u>Spencer v. Krause</u>	Nos. 14-35689; 14-35737; F.C. No. 3:11-cv-05424-BHS (Ninth Cir. Ct. of Appeals May 18, 2017);
<u>Costanich v. Dep't of Soc. & Health Servs.</u>	627 F. 3d at 1111.
<u>Devereaux v. Abbey</u> ,	263 F. 3d 1070, 1074-75 (9th Cir. 2001) (en banc)
<u>Foster v. Thompson</u>	No. 05-CV-305-TCK (N.D. Okla. Mar. 4th, 2008).
<u>Wyatt v. Cole</u>	504 U.S. 158, 163 (1992)Ku Klux Klan Act of 1871.
<u>Whitlock v. Brueffeman, 682</u>	F. 3d 567, 582 - 83 (7th Cir. 2012)
<u>Winfrey v. Rogers</u>	901 F.3d 483, 492-93 (5th Cir. 2018)
<u>Hughes v. Garcia</u> ,	F. 4th No.22-20621, 2024 WL 1952868, at (5th. Circuit. May 3, 2024).

Williams v. The State of Nevada, No. 90071 (Dec. 12, 2025)

Wallace v. PowellNo. 3:09-CV-286, (Aug.16th, 2022; USDC M.D. Pennsylvania)

Gordy v. Burns294 F. 3d 722, 725 (5th Cir. 2002)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ or certiorari issue to review the judgment below.

OPINIONS BELOW

- The opinion of the United States Court of Appeals for the Fifth Circuit appears at Appendix A and B.
- The opinion of the United States District Court appears at Appendix C.

JURISDICTION

The date on which the United States Court of Appeals for the Fifth Circuit decided the **case number USCA 5 No. 25-50216** (or dismissed without review) was November 26, 2025. A petition for rehearing was filed and denied. Had it not been for the untimely response from the 5th Circuit the petitioner's petition for rehearing would have been timely filed. He filed Petition for Rehearing on December 19, 2025 which is the same day he received by mail notice his appeal was dismissed. Petitioner's Motions are pre-prepared for prompt response in anticipation of the Court's rulings where he can respond the same day of receipt, the exception being made to appellate briefs.

Petitioner, Stacey Bernard Martin, *Pro Se*, states that this United States Supreme Court's jurisdiction is invoked to review this Petition under 28 U.S.C. Sections 1254 and the Certiorari Act of 1925 delineating various compelling reasons for this court's review.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The relevant statutory provision is 42 U.S.C. Section 1983, which states:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

STATEMENT OF THE CASE

I. Legal Background

Title 42 of the United States Code Section 1983 has its roots in the Ku Klux Klan Act of 1871 which was signed into law by President Ulysses S. Grant on April 20, 1871. *Ngiraingas v. Sanchez*, 495 U.S. 182 (1990). The purpose of the Ku Klux Klan Act was to enforce the Provisions of the Fourteenth Amendment, promulgated during a lawless and violent time in which African

American people had no protection from racist judicial and government officials who collaborated with local members of the Ku Klux Klan and other hate groups. District of Columbia v. Carter, 409 U.S. 418 (1973). The Petitioner, Stacey Bernard Martin, is an African American father who has been denied equal protection of the law by implicit and explicit racially biased judicial officials violating this very act rightly called the Ku Klux Klan Act.

II. History Of Case

In July 2022, Respondents Tonja Ochonma, Charles Ochonma, and Christopher Ford, Cameron Brown and Tony Smith (Attorneys of The Ford Freidman Law Firm) along with The City Of Las Vegas, Legal Aid Foundation of Southern Nevada, Linda Marquis initiated malicious prosecution against the petitioner in Cause No. G057053 in a Family Court in Las Vegas, Nevada, where the petitioner has never lived or resided.

Officials fabricated a series of lies from the petitioner's child custody case from December 10, 2012 - Ten years prior in Cause No.2011 -PA -02952 in the 166th Judicial District Court of Bexar County Texas, in which the petitioner was granted Sole Custody of his son. Note that Respondent Tonja Ochonma is not the mother of the petitioner's son.

On December 21, 2022 in Cause No. G057053 in a Family Court in Las Vegas, Nevada, Respondent Linda Marquis rendered judgment against the petitioner depriving him of physical custody of his minor son (Appendix E) and other civil rights in the process WITHOUT HAVING JURISDICTION or

PROBABLE CAUSE causing him immeasurable injury for more than 4 years.

On June 16, 2023, the Supreme Court of Nevada reversed and voided the case for lack of jurisdiction in Court Docket No: 85983. The Court further emphasized that NO COURT in NEVADA can have jurisdiction of the case. Respondents still refused to return the minor to the petitioner. The case ended in reversal and nullification after 2 years of petitioner's son being wrongfully retained by Respondents at that time.

On August 29, 2023, a UCCJEA hearing was held between Texas Judge Richard Garcia of The 166th Judicial District Court of Bexar County Texas and the Eighth District Court of Clark County Nevada by Judge Linda Marquis, a respondent.

On September 7, 2023, Judge Richard Garcia issued his Findings and Orders stating: (1) Tonja Ochonma "wrongfully and unjustifiably" secreted, retained and concealed petitioner's minor child BJM in the State of Nevada from petitioner; (2) they refused to return the child back to the petitioner and retained custody of the minor for the purposes of seeking a Nevada Forum for a Child Custody Court Order; (3) Affirming Nevada never had jurisdiction; (4) And every pleading regarding minor child BJM will be filed in the 166th Judicial District Court of Bexar County Texas in Cause No.2011 -PA -02952 which the District Clerk changed to Cause No. 2023CI18641.

Respondent Marina Dalia Hunt made several ex parte phone calls from Nevada to Judge Richard Garcia's office at the 166th Judicial District Court of Bexar County Texas and asked

the staff attorneys there if they could have Judge Garcia to change his court order to allow Nevada to have jurisdiction. The attorney informed Respondent Marina Dalia Hunt that her ex parte communication was a violation of the bar standards, state and federal law and to not call the judge's office again. Petitioner was made aware of the ex parte communication.

On August 30, 2023 - before the Sept. 7, 2023 Findings and Order- Petitioner filed a Writ of Habeas Corpus in **Cause No. 2023CI18641** to have respondent, Tonja Ochonma, return minor son. An Order For Issuance of Writ of Habeas Corpus was issued to return the minor child back to petitioner. They refused to return twice and have never appeared in person before any judge in Texas.

Respondent Tonja and Charles Ochonma hired Attorney, and respondent, Kimberely Evans House to file a restraining order against the petitioner in a "separate" cause of action in a separate court 225 District Court, with another judge, after ex parte communication with Judge Christine Vasquez Hortick, in **2023CI24589**, and not cause number **2023CI18641** (**Cause No.2011 -PA -02952**) as ordered by Judge Richard Garcia, violating again a valid court order. Respondent Christina Vasquez Hortick and Rosie Alvarado both interfered in the original cause filed by Petitioner / Parent by stating that she had nothing to do with the kidnapping of petitioner's son and everything in Nevada as if it never happened.

After a protracted unconstitutional process of kangaroo court hearings, Judge Christine Vasquez Hortick issued a Default Judgement under cause number **2023CI24589** issuing final

orders on **October 1, 2024** effectively terminating petitioner's parental rights as a loophole to violating all petitioner's rights.

Petitioner was threatened by another Judge, Tina Torres, who also interfered in the case threatening to "severely sanction" him if he filed another Habeas Corpus Writ to return his son. He explained to the Judge that she was blatantly violating Federal Law by failing to remedy the wrongful termination of his parental rights without any reason. She replied to the petitioner that "you are not in federal court."

Petitioner filed a Federal Civil Rights Suit alleging with irrefutable evidence that Respondents, while having NO JURISDICTION deprived petitioner of all his parental rights by initiating prosecution and rendering judgment against him causing him irreparable injury in the City of Las Vegas, Nevada in Cause No. G057053.

The US District Court Judge Jason Pulliam, along with the Magistrate Judge dismisses civil action granting immunity to respondents, and omitting to address all the factual allegations the petitioner alleged in his civil complaint. He ignored all the facts alleged, then mischaracterized the civil action to mean something other than what the petitioner meant in order to trivialize the complaint into a simple parental dispute.

Petitioner appealed to the US Court of Appeals for the Fifth Circuit and they dismissed for lack of jurisdiction citing that the petitioner did not file a Notice of Appeal. However, they opined and parroted the same mischaracterization of the claims. Petitioner disputed the claim by filing for Petition For Rehearing En Banc. (Appendix B)

The Petition was denied for being filed untimely which was the Court of Appeals for the Fifth Circuit's fault because to the best of his recollection, he received the notice that his appeal was dismissed the same day he filed for rehearing.

III. Argument To Questions Presented For Review

1. Gravamen Of Civil Suit

The crux and gravamen that formed the basis of this civil suit filed by petitioner, Stacey Martin, is that respondents, "WITHOUT HAVING ANY JURISDICTION" initiated a malicious prosecution against him in a Las Vegas, Nevada Courtroom, rendered judgment depriving him of physical custody of his minor son and other various well pleaded allegations causing him irreparable injury in violation of Title 42 U.S.C. Section 1983, (Stump v. Sparkman, 435 U.S. 394 (1978); Bradley v. Fisher, 13 Wall. 335, 80. U.S. 351. Pp. 435 U.S. 355-357), violating the most fundamental due process rights and clearly established law. Hughes v. Garcia, F. 4th No.22-20621, 2024 WL 1952868, at (5th. Circuit. May 3, 2024). This initial claim and pleading was omitted and circumvented from being redressed by the Respondents, Their Attorneys, The US District Court and the U.S. Court of Appeals for the Fifth Circuit in all their motions, pleadings and orders. This appears very unusual, conflicts with precedent set by this Supreme Court (and the very District Court itself in redressing a plaintiff's factual allegations) and is of importance to the public because it would appear that the way officials are handling this civil action is so gross of a deviation from the normal proceedings typical of an impartial courtroom,

and favoring the respondents who federal law does not allow them any excuse for their actions. *Frank v. Mangum*, 237 U.S. 309 (1915); *Mooney v. Holohan*, 294, U.S. 103 (1935); *Pennoyer v. Neff*, 95 U.S. 714 (1878)

2. Personal Capacity vs. Judicial Capacity

Respondents acted in their “personal and individual capacities” to deprive the petitioner of his constitutional rights. Although respondents hold dear the belief that simply because they are judges, attorneys and officials in a courtroom, that they are protected with judicial immunity from anything that they do. Federal law proves otherwise.

“If any person, attorney, or governmental official shall act to prosecute a civil action against any citizen of this country, **WITHOUT** any jurisdiction, will have violated the most basic fundamental right of **Due Process of Law**, and such judgment shall be rendered null and void. *Frank v. Mangum*, 237 U.S. 309 (1915); *Mooney v. Holohan*, 294, U.S. 103 (1935); *Pennoyer v. Neff*, 95 U.S. 714 (1878). If injury shall result, the wrongdoer must be held liable to the injured party. And his judicial affiliation matters not. *Wallace v. Powell*, No. 3:09-CV-286, (August 16th, 2022; USDC Middle District of Pennsylvania); *Foster v. Thompson*, No. 05-CV-305-TCK (N.D. Okla. Mar. 4th, 2008). *Wyatt v. Cole*, 504 U.S. 158, 163 (1992) Ku Klux Klan Act of 1871. “We hold that stalking and sexually assaulting a person, no matter the circumstances, do not constitute ‘judicial acts.’” Lanier was a judge when he committed these reprehensible acts is not relevant to the question of whether he is entitled to immunity. *Archie v. Lanier*, 95 F.3d 438, 441 (6th Cir. 1996).

3. All Claims Affixed Without Jurisdiction

Every ensuing constitutional claim alleged in this civil action by petitioner is inextricably affixed with the crux claim that officials acted without jurisdiction. Example: malicious

prosecution without jurisdiction; deprivation of parental rights without jurisdiction and so on so there is no demarcation of any claim independently without the affixation of "without jurisdiction" and that taints the entire case arresting and dilapidating times 2 any defense respondents present, especially judicial immunity. Stump v. Sparkman, 435 U.S. 394 (1978).

The US District Court blatantly omitted to redress this one crucial claim in an attempt to mischaracterize the civil action, deflect and diminish the rest of the claims into a denial of access to petitioner's son-which is not the claim- in order to aid respondents in evading liability for their conceded violations. Judge Jason Pulliam's actions are questionable at least as to his motives for not addressing the factual allegations alleged, especially when the petitioner has provided actual court rulings substantiating his claims.

Any official who observes this case will have one question to ask: Why did Judge Jason Pulliam "surgically circumvent and omit to redress or even acknowledge petitioner's one most essential claim that the respondents "initiated prosecution and rendered judgment against him in the complete absence of any jurisdiction?" Granting any official immunity while not addressing this claim is contrary to the very foundation of due process. His circumvention proves his bias in favor of respondents.

4. Determination of Judicial Immunity

The US District Court Judge for the Western District of Texas omitted to "construe the complaint in the light most favorable to the plaintiff, accept all well-plead factual allegations

as true..." as federal law requires in Bell Atlantic Corp. v. Twombly, 550 US 544 (2007) and Ashcroft v. Iqbal, 556 U.S. 662 (2009). There was an obvious omission of the most essential factual allegations which is a deviation from normal proceedings in any courtroom. The normal proceedings are that a plaintiff files a complaint, the judge addresses each one- not omit addressing-, and makes a ruling.

To determine that a judicial official is entitled to judicial immunity, someone has to: (a) make a decision that officials who initiate a prosecution and render a judgment against a citizen WITHOUT jurisdiction is committing a Judicial Act; (b) That act entitles them to judicial immunity; and © be clearly aware that the act provides no legal authority for judicial officials to act because they have no jurisdiction and it's the legal authority that gives jurisdiction for officials to act, and without it, they are acting in their own personal capacity.

While federal law is clear that it is not a judicial act, how would a judge conclude that it is? Saying that Respondents can act without having any legal authority at all (jurisdiction), deprive people of rights, and then claim judicial immunity simply because he or she is a judicial officer is what this Judge is insinuating but without actually saying. Nothing is more undemocratic and contrary to every single case in all of American Jurisprudence. If that was true, then former judge Lanier would have been granted judicial immunity from prosecution and liability as he sexually assaulted 5 women in his chambers. Archie v. Lanier 95 F. 3d 438, 441 (6th Cir. 1996). Or Judge Donald Thompson who was denied judicial immunity for masturbating in court during jury trials more than 15 times would

have been granted immunity, especially if he came before this judge. Foster v. ThompsonNo. 05-CV-305-TCK (N.D. Okla. Mar. 4th, 2008). There are more than 22 cases researched with Judges, Prosecutors, attorneys and judicial officials sued under Section 1983 Civil Rights Act and found liable and even criminally convicted, but the point is why would one Judge make an exception to granting immunity to officials in this case? The answer is simple. It is because the petitioner is an African American man who has bested the respondents, their attorneys and paralegals in the constitutional arguments in the case and their privilege to prevail in this case isn't based on any merit, but simply who they and their attorneys are. And they need this judiciary to aid them against one father simply seeking justice for the wrong done to him and his family. Their implicit and explicit racial bias will not allow them to see the petitioner as a citizen with any rights to equal protection under the law because on an equitable level litigating this case, respondents as a collective would not prevail in any of the claims. Williams v. The State of Nevada, No. 90071 (Dec. 12, 2025); Dred Scott v. Sanford, 60 U.S. (how.) 393(1857)

The fact that there was no jurisdiction, the case is without dispute or any defense. Stump v. Sparkman, 435 U.S. 394 (1978); quoting Bradley v. Fisher, 13 Wall. 335, 80. U.S. 351. Pp. 435 U.S. 355-357). And there is no immunity from liability because the act is not a judicial act. Cause number **G057053** initiated by Tonja Ochonma, Charles Ochonma, Christopher Ford, Tony Smith, Cameron Brown, Linda Marquis, Marina Dalia Hunt, The City of Las Vegas and the Legal Aid Foundation of Southern Nevada, is without jurisdiction and the respondents are liable without excuse and are not entitled to an ounce of

immunity from liability in any of the claims against them. *Bradley v. Fisher*, 13 Wall. 335, 80. U.S. 351. Pp. 435 U.S. 355-357).

And the fact that the Nevada officials actions were deemed unconstitutional, then Texas would not have any probable cause to get involved in this case except to return the petitioner's minor son back to him without infringing upon his parental rights. However, because the petitioner is an African American man, the implicit racial bias played out in all these court proceedings all geared at diminishing his duty as a father, attacking him as the victim, and ultimately depriving him of all his parental rights primarily because he is black. Not a single official in this case would have done a fraction of the things if the person was a white female well connected and well off. The case is based on race.

5. *Factual Allegations Not Redressed By Court*

A District Court must "construe petitioner's complaint in the light most favorable to him, accept all of his well pleaded factual allegations as true, and examine whether the complaint contains sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 US 544 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

The court failed to address them in this civil action. And instead, omits to even redress the factual allegation, that is already proven true now, in cause number Cause No. G057053 from Las Vegas Nevada Family Court in which a Judge named Linda Marquis rendered judgment against petitioner on December 21, 2022, depriving him of all custody rights to his minor son causing injury while having NO JURISDICTION to act.

The US District Court Judge Jason Pulliam would have to know that as an assumed erudite judicial official that if a judge has no jurisdiction and deprives a citizen of a clearly established right, then it is a stated plausible claim to make. Him realizing this, he then mischaracterizes the civil action to dilute petitioner's claims down to something trivial by stating:

"Plaintiff Stacey Bernard Martin... asserts sweeping allegations of illegal conduct by 13 named defendants, claiming they deprived him of access to his son..." US District Court (both the magistrate and district judge Jason Pulliam, Memorandum Opinion and Order on page 2:

A mischaracterization is a constitutional violation regardless if it's a judge or police officer who does it.

6. Mischaracterization of Civil Action Claims By Judge

Mischaracterization of a constitutional claim and witness statements is a constitutional violation Spencer v. Krause, Nos. 14-35689; 14-35737; F.C. No. 3:11-cv-05424-BHS (Ninth Cir. Ct. of Appeals May 18, 2017).

The US District Court's mischaracterization of the claims in the civil action resulted in the dismissal of the case. Without this mischaracterization, the court could not have constitutionally dismissed the case without making it even more obvious that they were biased in favor of respondents who've already conceded they violated petitioner's rights.

Then the US Court of Appeals for The Fifth Circuit adopted the same US District Court's mischaracterization resulting in the appeal being dismissed. Neither one of the courts ever addressed petitioner's most essential factual allegations.

The District and Appellate Court mischaracterized petitioner's claims and stated that Petitioner's claims were (verbatim): *"he alleged the defendants engaged in illegal and unconstitutional conduct by depriving him of access to his son."* (this is inaccurate and misleading)

"Plaintiff Stacey Bernard Martin...asserts sweeping allegations of illegal conduct by 13 named defendants, claiming they deprived him of access to his son..." US District Court (both the magistrate and district judge in Memorandum Opinion and Order on page 2: (again, this is inaccurate and misleading)

The suit delineates in specificity the petitioner's claims.

7. Service of Process

All the respondents were served via certified mail and none of them stated that they didn't receive the civil action. The claim that they did not receive the civil complaint or did not receive it properly is nothing but an evasive, deflecting and distraction to delay accountability and liability.

8. Criminal Conspiracy To Kidnap A Minor- And Succeeded

Respondents from the Nevada area, Tonja and Charles Ochonma, planned to kidnap petitioner's minor son from San Antonio, Texas, by deception by luring the child out to Nevada in October 2021, unbeknownst to the parent, with the intent to never return the child back to the parent. It is now more than 4 years since this couple has had the child with no intent to return. Respondents Tonja and Charles Ochonma refused to hand over the minor to the parent/petitioner on August 18, 2022 after the parent flew to the respondents home accompanied by Las Vegas Police to do standby while he apprehended his son. Respondents had concealed the whereabouts of the child from police and the parent and never produced or delivered the child. *The records* prove the kidnapping. Not to mention, the respondents conceded to the facts.

Official Linda Marquis is aware that she could not terminate parents rights based on any proven abuse or neglect so what she did was "utilize unconstitutional procedures and proceedings" that periodically infringed and encroached upon petitioner's parental rights by issuing "temporary guardianships, restraining orders, no contact with minor son, etc ALL of which de facto and effectively "terminates" a parents rights which achieves the same results as an all out court parental rights termination without even mentioning that "your parental rights are terminated."

9. Malicious Prosecution

The Supreme Court reaffirmed that persons may bring a standalone Fourth Amendment malicious prosecution claim under section 1983. See Thompson v. Clark, 596 U.S. 36 42

(2022); ***Winfrey v. Rogers***, 901 F.3d 483, 492-93 (5th Cir. 2018). No probable cause or jurisdiction existed to initiate prosecution. The Plaintiff has a federal constitutional right to be free from malicious prosecution. ***Gordy v. Burns***, 294 F. 3d 722, 725 (5th Cir. 2002); (malicious prosecution and false arrest are malicious torts: ***City of Mound Bayou v. Johnson***, 562 So. 2d 1212, 1219 (Miss. 1990))

A Fourth and Fourteenth Amendment malicious prosecution claim requires a plaintiff to show that: “(1) the defendants initiated a civil proceeding; (2) the civil proceeding ended in the plaintiff;s favor; (3) the proceeding was initiated without probable cause; (4) the defendants acted malicious or for a purpose other than bringing the plaintiff to justice; and (5) the plaintiff suffered deprivation of liberty via his parental rights terminated.” This case met all the elements of his claim for malicious prosecution.

Petitioner’s Malicious Prosecution claim (***Chiaverini v. City of Napoleon, Ohio***, 602 U.S. ____ 2024) meets all the requirements to establish multiple claims for malicious prosecution and tort against every respondent in this civil action as mentioned and detailed above.

10. *Deprivation Of Parental Rights Via Termination*

It is well settled that, in proceeding to terminate parental rights, you must have jurisdiction and standing, due process requires courts to apply the heightened proof standard of clear and convincing evidence. ***Santosky v. Kramer***, 455 U.S. 745, 747-48 (1982)(holding that clear and convincing evidence is

required to “sever completely and irrevocably the rights of parents in their natural child”) *Stary v. Ethridge*, 695 S.W. 3d 417 (Tex. App. 2022); **TEX. FAM. CODE** Section 161.001(b). The State Court applied no such standard.

Cause number **G057053** in a Family Court in Las Vegas, Nevada was a termination of petitioner’s parental rights. The case was without jurisdiction, probable cause. And ordered unconstitutional by the Supreme Court of Nevada.

Cause No: **2023CI24589** initiated by Tonja Ochonma, Charles Ochonma, Kimberly Evans House and Christina Vasquez Hortick, in Bexar County Texas Courtroom was a de facto termination of petitioner's parental rights without probable cause, without any heightened standard of proof petitioner had done anything wrong, malicious prosecution, criminal conspiracy and deliberate indifference based on race.

Instead, after ex parte communications between Judge Hortick and Attorney Kimberly Evans House allowing Attorney House to file a new cause of action **Cause No: 2023CI24589** and not under petitioner’s original cause of action assigned by the court in **2023CI18641**.

WITHOUT APPLYING the HEIGHTENED STANDARD OF PROOF OF CLEAR AND CONVINCING EVIDENCE OF ABUSE OR/AND NEGLECT Respondent Christina Vasquez Hortick de facto terminated ALL of the petitioner’s parental rights to custody and care of his minor child causing him immeasurable injury violating due process of law in cause numbers **2023CI24589**, **2023CI18641**, **2011 -PA -02952** rendering their actions a blatantly clear violation of constitutional law.

Stary v. Ethridge, 695 S.W. 3d 417 (Tex. App. 2022); Troxel v. Granville, 530 U.S. 57, 65 (2000); U.S. CONST. Amend. XIV, section 1; TEX. CONST. Art. I, section 19. A parent's interest in the care, custody, and control of her children "is perhaps the oldest of the fundamental liberty interests" recognized by the United States Supreme Court. Troxel v. Granville, 530 U.S. 57, 65 (2000); see Stanley v. Illinois, 405 U.S. 645, 651 (1972).

11. Quid Pro Quo

The Ochonmas, paying more than \$20,000 initially, and more than \$100,000 for custody of petitioner's son from another State, to Las Vegas Attorneys Christopher Ford, Tony Smith, Cameron Brown, Dalia Marina Hunt and Linda Marquis, initiating prosecution by filing suit in a Las Vegas Family Court July 2022 in Cause No. G057053 . And being that the petitioner is an African American male (PWB) Parenting While Black , that there would not be any real backlash to kidnapping his child.

It should raise the eyebrows of this court that the respondents have spent well over \$100,000 dollars- maybe even as much as \$300,000- in bribery fees to all officials involved which will explain this bizarre, crazy unconstitutional behavior of the respondents. An unusual amount of money to spend for custody of someone else's child.

12. Immeasurable Injury

Four plus years the petitioner's son has been retained unconstitutionally by Tonja and Charles Ochonma separated from his father, petitioner Stacey Martin.

Petitioner has missed 4 long years of bonding, rearing, custody, control, educating and providing for his son as a result of the respondents criminal actions.

13. Failure To Remedy Deprivation of Rights

"Every right when withheld, must have a remedy".

Justice Marshal

Respondent Linda Marquis and all the other respondents in Nevada failed to remedy criminal acts in Cause No. G057053.

Judge Christina Vasquez Hortick admits in her order that she has no remedy at law in this case which would denote incompetence in cause numbers 2023CI24589, 2023CI18641, 2011 -PA -02952 (Appendix H). And she has admitted to the media her lack of qualifications in various cases she has presided over in the courthouse, but she blames the more qualified judges. Her remedy in this case was to simply order the return of the petitioner's son and be done with the case. However, her implicit racial bias possessed her ability to reason unbiasedly and she just could not conceive of the possibility that petitioner Stacey Martin was actually a father who cared for his minor child all his life and a decent man who was the victim of this terrible crime of his son being kidnapped. Her racist stereotypical frame of mind did not allow herself to see him as human worthy of constitutional parental rights and protection from the state.

So without dispute, respondent Christina Vasquez Hortick conceded that she failed to remedy this egregious wrong due to simply not understanding how to apply the law to an African American Man who is a parent.

14. Notice Of Appeal

Petitioner Notice of Appeal was timely filed in the United States District Court and his \$605.00 fee after the NOA was filed. The fee is paid after filing the Notice of Appeal. How would an appeal even be allowed to be filed without the Notice of Appeal.

15. Defamation / Libel of Character

Respondents fabricated lies that Petitioner is mentally ill, Has been completely absent in son's life for 10 years, Cps removed child from his house, Is abusive, gave his son to the Ochonmas, that he abandoned his son, that petitioner's mom had custody of his son, Threat to son Mother had custody of son, never provided shelter, education, medical care, clothes, etc for his son, Threaten to kill Respondents Tonja and Charles Ochonma etc all rejected as not credible by the Bexar County officials who terminated his parental rights.

Respondent Tonja Ochonma denied she ever said that during a zoom hearing to a Texas Court before Respondent Rosie Alvarado. However, it is believed she

forgot that the petitioner has her original petition she filed stating otherwise.

Petitioner only requests this court an equitable footing to litigate and prove his case based on the "merits" and not the privilege of the respondents.

"No man in this country is so high that he is above the law. No officer of the law may set the law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it..." ***United States v. Lee***, 106 U.S. 196, 220 (1882). There was a time not long ago that these words meant something.

REASONS FOR GRANTING THE PETITION

1. The US District Court omitted to "construe the complaint in the light most favorable to the plaintiff, accept all well-plead factual allegations as true..." as federal law requires in *Bell Atlantic Corp. v. Twombly*, 550 US 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). That allowed for a mischaracterization of the civil action omitting the most essential fact that the respondents deprived the petitioner of his rights without jurisdiction or/and probable cause.
2. The fact that there was no jurisdiction (nor probable cause) for respondents malicious prosecution depriving the petitioner of his parental rights and other rights, forming the basis of this suit is without dispute and plausible on its

face and the District and Appellate Court omits to redress it. *Stump v. Sparkman*, 435 U.S. 394 (1978); quoting *Bradley v. Fisher*, 13 Wall. 335, 80. U.S. 351. Pp. 435 U.S. 355-357). And there is no immunity from liability because the ACT IS NOT A JUDICIAL ACT. Jurisdiction is the lawful authority to act to initiate prosecution and render judgment.

3. Mischaracterization of a constitutional claim and witness statements is a constitutional violation *Spencer v. Krause*, Nos. 14-35689; 14-35737; F.C. No. 3:11-cv- 05424 -BHS (Ninth Cir. Ct. of Appeals May 18, 2017). Both the US District Court and the Appellate Court mischaracterized the claims in this case. The US District Court Judge, Jason Pulliam, deliberately would not engage with the petitioner about respondents actions without jurisdiction after repeated efforts depicting them to him in his pleadings because he knows he would not be able to constitutionally grant immunity and ignore the rest of the claims.

This case is one of the most extraordinary examples of how multiple officials from two different states came together to go off the extreme cliffs to deprive a lawful black male parent of his parental rights, then double down on it and go so far off the rails of what it is to be a normal, decent and genuine protector of our laws and constitution. Petitioner has had a total of 7 case numbers with this one issue; more than 13 judges who have reviewed the issues in this case. Not one has accused the petitioner of doing anything wrong or proved anything that he is supposed to have done. But yet they deprive him of custody of his son, give his son to a non-parent who has had him in another

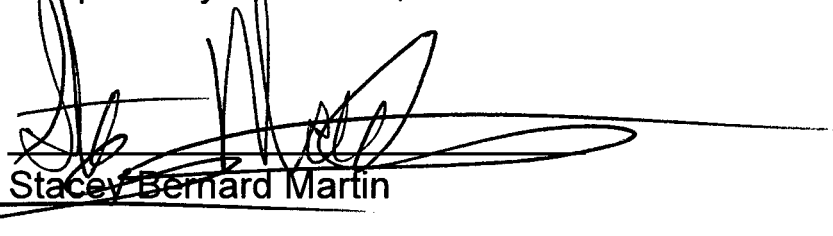
state for over 4 years without any contact or anything. This is criminal, inhumane and archaic and sheer insanity piled upon irrationality. How can so many judicial officials get this wrong? From the thousands of cases in American jurisprudence, we can conclude that if the petitioner was a white American, this would not have happened.

Petitioner requests this court to look at this case for what it is: privileged citizens plotting with officials to sell justice and engage in profiting from favorable rulings from various courtrooms with a mischaracterization of this civil action. This is a gross deviation from the normal standards of proceedings in courtrooms, and petitioner requests this court to exercise its discretionary appellate jurisdiction in this case and grant this Writ.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Stacey Bernard Martin

Date: April 13, 2026.