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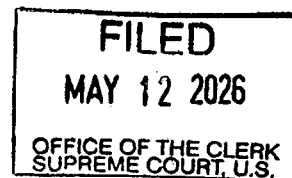
ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

TIRZA DIAZ DE VILLEGAS, Petitioner,

v.

ULYSSES DIAZ DE VILLEGAS, Respondent.



On Petition for a Writ of Certiorari
to the Third District Court of Appeal
of the State of Florida

Case No. 3D2024-1369

Lower Tribunal No. 21-13706-FC-04

PETITION FOR WRIT OF CERTIORARI

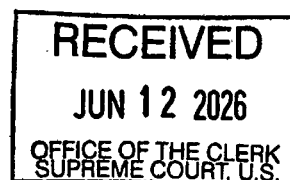
Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Third
District Court of Appeal of Florida.

Tirza Diaz de Villegas /Petitioner Pro se and praying mother.

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Miami, FL 33173

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QUESTIONS PRESENTED

1. Whether the effective deprivation of meaningful parent-child contact without meaningful appellate review violates the Due Process Clause of the Fourteenth Amendment.
2. Whether a state appellate court's per curiam affirmance without written opinion may effectively shield constitutional parental-rights claims from meaningful review.
3. Whether newly discovered post-trial evidence materially contradicting factual representations relied upon in restricting parental contact warrants constitutional review where state courts declined to consider such evidence.

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3. Whether newly discovered out-of-court evidence materially contradicting factual representations relied upon in restricting parental contact warrants constitutional review where state courts declined to consider such evidence

LIST OF PARTIES

Petitioner:

Tirza Diaz de Villegas

Respondent:

Ulysses Diaz de Villegas

RELATED CASES

This case concerns the fundamental constitutional rights of a mother and the minor child U. D. JR (3-3-13) to maintain a meaningful parent-child relationship.

The underlying proceedings (case 2021-013706fc04 eleventh judicial Florida family court) resulted in severe restrictions upon Petitioner's parental access and time-sharing with her minor child. The Third District Court of Appeal (case 3D2024-1369) affirmed without opinion. In dissent, Judge Miller expressly recognized that the case implicated "an issue of constitutional dimension—that is the inherent right of a parent to raise her child," citing *Troxel v. Granville*, 530 U.S. 57 (2000)

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☒ reported at Third District Court of Appeals Feb 25, 2024, or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____
A copy of that decision appears at Appendix **A February 25, 2021** ²⁰²⁰.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution

U.S. Const. amend. XIV, § 1

(Fourteenth Amendment – Due Process and Equal Protection)

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

This provision is implicated where the lower courts allegedly denied procedural and substantive due process protections, restricted meaningful participation in proceedings affecting fundamental parental rights, relied upon disputed or allegedly misleading evidence, and limited the minor child’s ability to be heard.

U.S. Const. amend. I

(First Amendment – Right to Petition and Access to Courts)

“Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances.”

This provision is implicated where the proceedings allegedly impaired meaningful access to the courts, restricted presentation of evidence, limited the ability to fully present objections and constitutional concerns, and interfered with protected advocacy regarding the welfare and best interests of the minor child.

U.S. Const. amend. IV

(Fourth Amendment – Privacy Interests)

“The right of the people to be secure in their persons, houses, papers, and effects...”

This provision is implicated to the extent confidential records, medical information, or sensitive family matters were allegedly disclosed, used, or relied upon without adequate procedural safeguards or transparency.

Federal Statutory Provisions

42 U.S.C. § 1983

Provides a civil remedy for deprivation of constitutional rights under color of state law.

This statute is implicated where state actors, judicial officers, or court-appointed participants allegedly acted in a manner that deprived Petitioner and/or the minor child of constitutional protections guaranteed under the Fourteenth Amendment.

Florida Constitutional Provisions

Art. I, § 9, Fla. Const.

(Due Process)

“No person shall be deprived of life, liberty or property without due process of law...”

This provision is implicated where the proceedings allegedly failed to provide fair notice, meaningful opportunity to be heard, and impartial adjudication concerning fundamental parental and familial rights.

Art. I, § 21, Fla. Const.

(Access to Courts)

“The courts shall be open to every person for redress of any injury...”

This provision is implicated where procedural rulings allegedly restricted meaningful access to judicial review and prevented full presentation of evidence and objections.

Florida Statutory Provisions

Chapter 61, Florida Statutes

Chapter 61 governs dissolution of marriage, parental responsibility, time-sharing, and the best interests of the child. Petitioner contends that proceedings affecting the minor child allegedly departed from statutory requirements intended to safeguard the child's welfare and due process protections.

Section 61.13, Florida Statutes

Section 61.13 requires courts to determine issues involving minor children according to the best interests of the child and sets forth factors regarding parental involvement, stability, and the child's welfare.

This provision is implicated where the minor child's voice, welfare, medical condition, and familial relationships allegedly were not fully or fairly considered.

Florida Rules of Judicial Administration

These rules govern transparency, judicial procedure, fairness, notice, and administration of court proceedings. Petitioner contends that procedural irregularities and limitations during hearings impaired due process and the integrity of the proceedings.

The lower tribunal allegedly proceeded on substantive matters while unresolved motions challenging judicial impartiality and procedural fairness remained pending and adjudicated, thereby undermining confidence in the fairness of the proceedings and impairing meaningful judicial review.

Petitioner further contends that the lower tribunal failed to properly address any of the contested issues during case management hearing called by the judge himself so the mother in fear of fair trial filed the Motion to Disqualify pursuant to Florida Rule of General

Practice and Judicial Administration 2.330, thereby implicating constitutional concerns regarding impartial adjudication and fundamental fairness.

Statement of the Case

NEWLY DISCOVERED EVIDENCE AND PROCEDURAL CONCERNS

After trial, Petitioner obtained newly discovered evidence materially contradicting prior factual representations relied upon in restricting parental contact.

Specifically, a court-ordered therapeutic supervised visitation report established that visitation did not proceed because the father refused to bring the child and "doubled down on not starting the visits," rather than due to unwillingness of the child.

Petitioner further submits that the inability to obtain meaningful review of these issues following an unelaborated per curiam affirmance effectively deprived Petitioner of meaningful appellate review of substantial constitutional claims.

These concerns are compounded by subsequent court-ordered therapeutic visitation records establishing that visitation delays resulted from the father's refusal to initiate visits, contrary to prior representations suggesting the child was unwilling to participate in contact with the mother.

Judge Miller's dissent expressly recognized that this case implicates "an issue of constitutional dimension—that is the inherent right of a parent to raise her child."

The Supreme Court of Florida dismissed review for lack of jurisdiction because the district court decision was unelaborated.

Petitioner respectfully notes one factual clarification relevant to the proceedings below. Petitioner maintains that statements attributed to the minor child concerning a leg injury were inaccurately characterized during the litigation. Petitioner asserts that the minor child indicated that the father—not the mother stated—caused the injury at issue. Petitioner respectfully submits that the accuracy of representations concerning the child's statements materially affected perceptions regarding parental fitness, credibility, and the resulting restrictions on the parent-child relationship whether intentionally or accidentally done.

Petitioner further submits that this concern must be viewed together with the subsequent therapeutic visitation report demonstrating that visitation delays resulted from the father's refusal to initiate visitation rather than unwillingness of the child to participate in contact with the mother.

ADDITIONAL PROCEDURAL AND FINANCIAL DISCLOSURE CONCERNS

Petitioner further submits that post-trial materials obtained after the conclusion of proceedings raise substantial concerns regarding the completeness and transparency of financial disclosures relevant to both parental-rights determinations and ongoing support proceedings.

Specifically, billing records obtained post-trial reference the redaction of mandatory financial disclosure documents responsive to discovery obligations during the same general timeframe in which significant litigation events occurred affecting custody, visitation, and support.

Petitioner respectfully asserts that these disclosure concerns remain highly relevant to ongoing lower tribunal proceedings, including the scheduled arrears determination hearing set for June 17, 2026, where accurate and complete financial information is essential to any fair adjudication.

Petitioner has consistently maintained that financial affidavits and related disclosures filed throughout the proceedings did not accurately reflect the full financial circumstances at issue and that complete transparency has not been achieved despite prior disclosure obligations.

Petitioner respectfully submits that the combination of disputed financial disclosures, newly discovered post-trial evidence, and limitations on meaningful appellate review has contributed to continuing instability and prejudice affecting both the mother and child.

These concerns further support the need for meaningful constitutional review and procedural safeguards in cases involving fundamental parental rights and child support determinations.

REASONS FOR GRANTING THE WRIT

This case presents issues of exceptional constitutional and public importance concerning the integrity of proceedings affecting parent-child relationships.

Petitioner respectfully submits that this case highlights broader concerns regarding the use of operative injunctions and restrictions that may substantially impair parent-child relationships without sufficient procedural safeguards or meaningful appellate review.

The issues raised extend beyond this individual family and affect countless parents and children navigating high-conflict family proceedings throughout the country.

Petitioner further respectfully urges consideration of procedural protections ensuring that minor children of sufficient age and maturity are afforded an opportunity to be meaningfully heard by the court directly, rather than decisions being based primarily upon hearsay statements or disputed third-party representations.

The subsequent therapeutic visitation report in this matter demonstrated that visitation delays were attributable to the father's refusal to initiate visits, contradicting prior representations that the child was unwilling to participate in contact with the mother.

• CONCLUSION

Petitioner respectfully submits that meaningful judicial review is especially critical where fundamental parental rights are restricted and where factual disputes concerning the wishes and wellbeing of a child materially affect the outcome.

As recognized in Judge Miller's dissent, this case implicates "an issue of constitutional dimension—that is the inherent right of a parent to raise her child."

Petitioners pray that review of this matter may help promote greater procedural fairness and protection of constitutional parental rights for families and minor children in future proceedings.

Petitioner respectfully submits that the combination of severe parental restrictions, lack of meaningful appellate review, and newly discovered contradictory evidence raise substantial federal constitutional concerns warranting this Court's review. Please assist this praying pro se mother reunite with her child on this 1479th day of his wrongful removal, forced to stay away by the 'troubling' 'operative injunction' strategized to destabilize mother during a simple dissolution of marriage, and avoid "mandatory financial documents" in question of child support and any alimony to the mother.

Please help me change the Florida Family court system and legislation, so no other Parent nor child must ever go through this cruel and unusual punishment.

Tirza Diaz de Villegas Pro Se and Praying mother

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