Supreme Court, U.S.
FILED
JUN - 2 2026
OFFICE OF THE CLERK

No. 25A1400

---

**IN THE**
**SUPREME COURT OF THE UNITED STATES**

---

KEVIN AJENIFUJA,

Applicant,

v.

ANITA AJENIFUJA,

Respondent.

---

# EMERGENCY APPLICATION FOR STAY OF MANDATE AND JUDGMENT PENDING THE FILING AND DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI

---

**KEVIN AJENIFUJA**
*Pro Se* Applicant
P.O. Box 53265
Washington, D.C. 20009
Tel: (240) 356-8318
Email: kajenifuja@yahoo.com

## PARTIES TO THE PROCEEDING

This application arises from the District of Columbia Court of Appeals.

Applicant is Kevin Adebayo Ajenifuja, a citizen of the United States and a resident of the District of Columbia.

Respondent is Anita Ursel Ajenifuja (now Anita Ursel Koepcke), a citizen of the United States and a resident of Maryland.

## RELATED PROCEEDINGS

District of Columbia Superior Court:

Anita Ajenifuja v. Kevin Ajenifuja, No. 2016-DRB-003509 (Dec. 30, 2024).

District of Columbia Court of Appeals:

Anita Ajenifuja v. Kevin Ajenifuja, No.25-FM-0049 (May 4, 2026).

Anita Ajenifuja v. Kevin Ajenifuja, No.25-FM-0049 (May 21, 2026).

## TABLE OF CONTENTS

PARTIES TO THE PROCEEDING....2

RELATED PROCEEDINGS....2

TABLE OF AUTHORITIES....4

OPINIONS BELOW....6

JURISDICTION....6

STATEMENT OF THE CASE....7

REASONS FOR GRANTING THE STAY....12

I. There is a Reasonable Probability That This Court Will Grant Certiorari....13

II. There Is a Fair Prospect That This Court Will Reverse....19

III. Mr. Ajenifuja and His Minor Children Will Suffer Irreparable Harm Absent a Stay of the Mandate....20

IV. The Court Should Issue an Administrative Say to Allow It to Fully Consider the Application....23

CONCLUSION....24

## TABLE OF AUTHORITIES


Cases Page(s)

*Accord Bamburg v. Morse,*
686 So.2d 327 (Ala. Civ. App. 1996)....................7

*Ex parte Berryhill,*
410 So.2d 416, 418 (Ala. 1982)....................14

*Berryhill in C.E.T. v. K.M.T.,*
880 So.2d 466 (Ala. Civ. App. 2003)....................14

*Cook v. Cook,*
5 N.C.App. 652, 169 S.E.2d 29 (1969)....................7

*Hollingsworth v. Perry,*
558 U.S. 183 (2010)....................12

*Martin v. Hunter's Lessee,*
14 U.S. 304 (1816)....................13

*Maryland v. King,*
567 U.S. 1301 (2012)....................19

*Nken v. Holder,*
556 U.S. 418, 426 (2009)....................6

*Palmore v. Sidoti*
466 U.S. 429 (1984)....................8, 15

*Quilloin v. Walcott,*
434 U.S. 246 (1978)....................8

*In re Roche,*
448 U.S. 1312 (1980)....................19

*Roman Catholic Diocese of Brooklyn v. Cuomo,*
592 U.S. 14, 19 (2020)....................20

*Romi v. Hamdan,*
70 App.Div2d 934, 417 N.Y.S.2d 523 (1979)....................14

*Santosky v. Kramer*,
455 U.S. 745 (1982)........15, 16

*Schlagenhauf v. Holder*,
379 U.S. 104 (1964)........1, 7, 9

*Shelly v. Kraemer*,
334 U.S. 1 (1948)........15

*Stanley v. Illinois*,
405 U.S. 645 (1972)........16

*Troxel v. Granville*,
530 U.S. 57 (2000)........16

*Washington v. Glucksberg*,
521 U.S. 702 (1997)........8

Statutes and Constitutional Provisions

All Writs Act (28 U.S.C. § 1651)........6

28 U.S.C. § 2101(f) ........12

D.C. Code § 4–1321.02........9

D.C. Code § 16–2353........17

**TO THE HONORABLE JOHN G. ROBERTS JR.,
CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE D.C. CIRCUIT:**

Pursuant to Rule 23 of the Rules of this Court and 28 U.S.C. §§ 1651, 2101(f), Applicant Kevin Ajenifuja respectfully applies for a stay of the mandate and judgment of the District of Columbia Court of Appeals with its May 4, 2026, judgment, pending the consideration and disposition of his forthcoming petition for a writ of certiorari and further proceedings in this Court.

Absent a stay from this Court, the mandate the D.C. Court of Appeals issued on May 4, 2026, will further substantially harm Mr. Ajenifuja's minor children.

## OPINIONS BELOW

The District of Columbia Court of Appeals' mandate issued on May 4, 2026, and its denial of Mr. Ajenifuja's motion to stay pending appeal are attached as Exhibits A and B. The District of Columbia Superior Court's judgment is attached as Exhibit C.

## JURISDICTION

The Court has jurisdiction under 28 U.S.C. §§ 1651, and 2101(f), and Supreme Court Rule 23. This Court has the inherent power to "hold an order in abeyance while it assesses the legality of the order," and this power has been "preserved in the grant of authority to federal courts to 'issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.'" *Nken v. Holder*, 556 U.S. 418, 426 (2009).

## STATEMENT OF THE CASE

### A. Legal Background

1. In *Schlagenhauf v. Holder*, this Court held that a party requesting a mental examination has to comply with "in controversy" and "good cause," requirements of Rule 35.

> These requirements, the Court said, are not met by mere conclusory allegations of the pleadings -- nor by mere relevance to the case -- but require an affirmative showing by the movant that each condition as to which the examination is sought is really and genuinely in controversy, and that good cause exists for ordering each particular examination. Obviously, what may be good cause for one type of examination may not be so for another. This does not, of course, mean that the movant must prove his case on the merits in order to meet the requirements for a mental or physical examination. Nor does it mean that an evidentiary hearing is required in all cases. This may be necessary in some cases, but, in other cases, the showing could be made by affidavits or other usual methods short of a hearing. It does mean, though, that the movant must produce sufficient information, by whatever means, so that the district judge can fulfill his function mandated by the Rule. *Schlagenhauf v. Holder*, 379 U.S. 104 (1964).

2. Since 1969, various state courts have established a due process rule mandating that a minor child not be interviewed by the court without the consent of counsel and the involved parties. "In the absence of a waiver or consent, a private interview by the trial court with minors in chambers cannot be condoned." *Accord Bamburg v. Morse*, 686 So.2d 327, 328 (Ala. Civ. App. 1996). "It was said that without doubt the court may interview a child in open court in a custody proceeding but it can do so privately only by consent of the parties." E.g., *Cook v. Cook*, 5 N.C.App. 652, 169 S.E.2d 29 (1969).

3. Under the establish precedents promulgate by this Court, state court actions are state actions subject to Fourteenth Amendment scrutiny. "Appellant framed his complaint in terms of the denial of equal protection to "fathers"; we expand his complaint to encompass the equal protection of all noncustodial parents who owe a duty of support to a child." *Palmore v. Sidoti,* 466 U.S. 429 (1984). "The actions of state courts and judicial officers in their official capacities are actions of the states within the meaning of the Fourteenth Amendment." *Shelley v. Kraemer*, 334 U.S. 1 (1948).

4. Finally, this Court established that, "fundamental liberty interests" include "the right to marry, to have children, to direct the education and upbringing of one's children, to marital privacy, and to bodily integrity." *Washington v. Glucksberg*, 521 U.S. 702 (1997). "Among the most important of the liberties accorded this special treatment is the freedom of a parent and child to maintain, cultivate, and mold their ongoing relationship." *Quilloin v. Walcott*, 434 U.S. at 255, 98 S.Ct. at 554 (dicta).

**B. Proceedings Below**

On September 16, 2016, the respondent, a Caucasian woman of German descent, filed a Complaint for Legal Separation at the D.C. Superior Court. The respondent made a one-statement allegation that Mr. Ajenifuja, a Black man of Nigerian descent, should be evaluated for mental health. In his counterclaim, Mr. Ajenifuja asserted that "...certain behaviors recently exhibited by Mrs. Ajenifuja and allegations she made in her Complaint may warrant an independent

psychological evaluation of her/or custody evaluation to determine a time-sharing schedule that is in their children's best interest." Mr. Ajenifuja later supported his assertions with over thirty pages of documented evidence of the respondent's drug use and consultation with psychiatrists. The trial court dismissed Mr. Ajenifuja's request for a mental health evaluation and drug testing, despite the compelling evidence he presented, which was in accordance with the requirements set forth in under *Schlagenhauf v. Holder*.

After the trial court appointed Zoe Sajor and Lolita Youmans as guardians *ad Litem*, Mr. Ajenifuja informed them, the court-appointed psychologists, and the court that the parties' first child was psychologically abused in first and second grades at the German School in Potomac, Maryland. Mr. Ajenifuja supported his assertions with the District of Columbia Public School (DCPS) psychological evaluation and speech-language reports done for the parties' first child. Instead of investigating Mr. Ajenifuja's allegations, as required by D.C. Code § 4–1321.02, which required an investigation of credible child abuse allegations made to a District of Columbia agency or official, Mses. Sajor and Youmans filed a motion to compel Mr. Ajenifuja to undergo a mental health evaluation. Unfortunately, the trial court granted the motion without the necessary evidence required under *Schlagenhauf v. Holder*.

Mr. Ajenifuja appealed the evaluation order, but the D.C. Court of Appeals ruled that the order for an evaluation was a non-final, non-appealable order. Hence, Mr. Ajenifuja complied with the order and took the mental health examination.

Unfortunately, the court-appointed clinical psychologist, Dr. Seth King, inexplicably refused to release the Minnesota Multiphasic Personality Inventory assessment ("MMPI-2-RF") results, claiming they were "too good to be true." During the trial, Dr. King further undermined Mr. Ajenifuja's case by replacing objective assessment results with personal opinions. This tactic effectively barred Mr. Ajenifuja from utilizing critical evidence to counter Dr. King's claims, thereby constituting yet another violation of due process.

On July 2, 2018, the trial court issued a Permanent Custody Order ("PCO") which awarded sole legal and physical custody of the parties' three minor children to the respondent predominately based on Dr. King's testimonies. Mr. Ajenifuja was allowed visitation on Sundays from 1 to 4:30 p.m., including taking the two young children to school every morning and going to the school aftercare program to review the children's homework and tutor them when needed. The arrangements were functioning smoothly without any issues until the respondent suddenly stopped complying on November 19, 2019.[1]

Mr. Ajenifuja filed two motions for contempt of court order after exploring non-adversarial solutions for three years. Instead of enforcing the PCO, Judge Laura Crane modified it and subjected Mr. Ajenifuja to biweekly virtually

[1]Mr. Ajenifuja claimed that this change in behavior was a result of his complaint about the theft of trade secrets, which he filed with the United States District Court for the District of Columbia on August 2, 2019. Mr. Ajenifuja had discovered that, on August 4, 2014, the respondent had been coerced into providing his trade secrets to specific individuals at the Columbia Heights Community Center in Washington, D.C.

supervised visits. After one such visit on April 10, 2024, Mr. Ajenifuja received an email from the court that "The other party doesn't want to schedule any further visits until after your court hearing on May 16th." The respondent once again made an unfounded allegation that the children only wanted to talk to Mr. Ajenifuja once a month. Mr. Ajenifuja disputed such a claim and asked Judge Crane to summon the parties' middle child as a witness. Unfortunately, the lower court interviewed the parties' middle child without consent of or the pro se applicant and respondent present, another violation of due process.

Mr. Ajenifuja did not consent to his minor child being interviewed by the court without his presence or the opportunity to cross-examine her testimony in an open court. Despite this, on June 15, 2024, when Judge Crane insisted on proceeding with the interview without the parties in attendance, Mr. Ajenifuja took proactive steps. He submitted clear instructions and pertinent questions to the trial court for the child's WebEx testimony, in accordance with Judge Crane's request. Specifically, Mr. Ajenifuja said:

> The court should record [EAA's] WebEx testimony as allowed by the District of Columbia laws. A recorded WebEx testimony will preserve her testimony, ensuring its accuracy and reliability for future legal proceedings. A transcript of her testimony alone will not be sufficient for an appellate review if needed. It would be paramount for someone

to see her demeanor and attitude during the testimony to assess whether she answered questions asked of her freely or under duress.[2]

Subsequently, on December 30, 2024, Judge Crane issued a modification order that subjected Mr. Ajenifuja to four one-hour virtually supervised visits yearly, without any possibility of having physical contact with the parties' children.

Mr. Ajenifuja appealed the restrictive modification order on the grounds that it violated his due process and equal protection rights and amounts to a de facto termination of his parental rights without due process.[3] On May 4, 2026, the D.C. Court of Appeals affirmed the lower court's judgment, and on May 21, 2026, it denied Mr. Ajenifuja's emergency motion for stay pending appeal before this Court.

## REASONS FOR GRANTING THE STAY

Under 28 U.S.C. § 2101(f), this Court may stay proceedings pending the filing and disposition of a petition for a writ of certiorari. To obtain such a stay, an

---

[2] Mr. Ajenifuja's instructions clearly indicate his reluctance about Judge Crane interviewing his minor child without his presence. A clear indication that Mr. Ajenifuja did not consent to Judge Laura Crane interview. Furthermore, the fairness of the appellate process depends on accurate transcripts of trial court proceedings. The integrity of the judicial system is compromised when someone alters the transcripts to fit their judgment.

[3] Mr. Ajenifuja has a First and Fourteenth Amendment violations case pending before the Federal Fourth Circuit, case number 25-1953. The parties' children's high school banned Mr. Ajenifuja from setting foot on the school grounds without due process. Unlike other school parents, the school administrator denied Mr. Ajenifuja online access to the ongoing academic performance records of the parties' children. All part of coordinated attempts to cut off Mr. Ajenifuja from his children.

applicant must show "(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a stay." *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). Mr. Ajenifuja meets this standard easily. As such, Mr. Ajenifuja respectfully requests that this Court stay the lower court mandate and judgment pending resolution of the merits and, if necessary, disposition of a petition for a writ of certiorari.

## I. There Is a Reasonable Probability That This Court Will Grant Certiorari.

The order issued by the D.C. Superior Court on December 30, 2024, and subsequently upheld by the D.C. Court of Appeals on May 4, 2026, constitutes a serious violation of Mr. Ajenifuja's fundamental rights as guaranteed by the Due Process and Equal Protection Clauses of the U.S. Constitution. This ruling also undermines his essential liberty as a parent to determine the upbringing, education, and care of his children—a right that should be fiercely protected.

### A. The D.C Court of Appeals' Decision Deepens an Unresolved Horizontal Split of Authority

Among the reasons this Court grants writs of certiorari is that different state supreme courts interpret the same federal law or constitutional provision in conflicting ways. In matters of federal law and the U.S. Constitution, the Supremacy Clause gives the federal judiciary final, binding authority to review state rulings and maintain a uniform interpretation of the Constitution. *Martin v.*

*Hunter's Lessee*, 14 U.S. 304 (1816). This application presents a situation where the D.C. Court of Appeals mandate and judgment conflicts with other states' precedents. It is a wildly known precedent in multiple states that in a custody action, a trial court cannot conduct a private in-camera (in chambers) interview with minor children outside the presence of the attorneys and consent of the parties. Without this specific waiver or consent, the private interview is deemed a violation of due-process principles and constitutes prejudicial, reversible error.

> We are aware that the practice exists among certain trial courts to conduct private conversations with minors in chambers with the consent of opposing counsel. In the absence of waiver or consent, however, the private interview by the trial court cannot be condoned. To sanction such a procedure would fly squarely in the face of the constitutional right of litigants to a public trial." *Ex parte Berryhill*, 20 410 So.2d at 418. We recently applied *Berryhill in C.E.T. v. K.M.T.*, 880 So.2d 466 (Ala. Civ. App. 2003). "In the present case, appellant objected to the in camera examination without stating a ground as required by Rule 46, ARCP. The failure to state a "ground," however, is not fatal if the ground is so manifest that the trial court and counsel cannot fail to understand it. Clearly, the objection here was based upon the due process right of cross-examination. *Id.*

Similarly, the Supreme Court of New York reversed the custody determination of a trial court for conducting an in camera off the record interview with a ten-year-old child. As that court noted, in a custody proceeding "an enlightened, objective and independent evaluation of the circumstances" must be made; thus, it is error not to conduct a full and comprehensive hearing to resolve the many factual issues raised. *Romi v. Hamdan*, 70 App.Div.2d 934, 417 N.Y.S.2d 523 (1979).

The U.S. Supreme Court, as the court of last resort, should not rely solely on the transcripts from the D.C. Superior Court's proceedings on May 16, 2024, to make an informed decision. To prevent being influenced into making an unwise choice, the Court should request the tape recording of the May 16, 2024, hearing for case number 2016-DRB-003509. Mr. Ajenifuja does not have the power or authority to make such a request to the D.C. Superior Court, but this Court does. The tape recording of the May 16, 2024 hearing will confirm Mr. Ajenifuja's claim that he did not consent to his minor child being interview without him present. The trial court's actions were an attempt to deprive Mr. Ajenifuja's "fundamental liberty interests" as protected by the Constitution. Santosky v. Kramer, 455 U.S. 745, 753, 102 S.Ct. 1388, 1394, 71 L.Ed.2d 599 (1982).

The D.C. Court of Appeals' mandate and judgment is a clear deviation from well-established precedent in other states, and will not resolve without the Court's intervention.

### B. The D.C. Court of Appeals' Decision Likewise Raises Substantial Questions Concerning the Scope of the Due Process and Equal Protection Clauses and Parental Rights

In addition to the horizontal state split over the due process provisions, the decision below also raises the fundamental question whether the lower court violates Mr. Ajenifuja's equal protection and parental rights. Although that question is not strictly the subject of a horizontal state split, it has been the subject of intra-state divisions. And more importantly, through the canon of constitutional avoidance and this Court's guidance in *Palmore v. Sidoti* and *Shelly v. Kraemer* the

lurking Equal Protection Clause issue has greatly influenced how courts have construed the relevant statutory provisions.

Thus, the Due Process and Equal Protection Clauses issues raised by Mr. Ajenfiuja's forthcoming petition is intertwined with, and a cause of, the clear split among state courts.

### C. The Questions Presented Are Important and Recurring

The basis for certiorari is strengthened where the conflict involves an important and recurring question of law. Supreme Court Practice §§ 4.4(A)-(C). Such is the case here.

The question whether a court can systematically terminate parental rights, through restrictive custody visit methods, lies squarely at the intersection of fundamental liberty interests, judicial power, and state agencies—and it matters greatly to a great many people.

In *Troxel v. Granville*, 530 U.S. 57 (2000), the Court established that fit parents have a fundamental right to make decisions concerning the care, custody, and control of their children. State courts cannot override this without a strong showing of detriment or unfitness. Unfortunately, the lower court's decision physically and functionally strips the applicant of decision-making power, while remains legally responsible for financial obligations of the parties' child support. The lower court's decision, under the disguise of the best interest of the child, is a functional loss of parental rights and access to a child without due process of the law.

Similarly, in *Stanley v. Illinois*, 405 U.S. 645, 651 (1972), the Court held that under the Due Process Clause of the Fourteenth Amendment, petitioner was entitled to a hearing on his fitness as a parent before his children were taken from him. Pp. 405 U. S. 647-658. Additionally, in *Santosky v. Kramer*, 455 U.S. 745 (1982), the Court said that before the state can permanently terminate a parent's rights, it must prove neglect or unfitness by "clear and convincing evidence"—a higher standard than the "preponderance of the evidence" used in standard civil cases.

This child custody case does not relate to any supposed mental health issue of Mr. Ajenifuja, which does not actually exist. Instead, this alleged mental health issue seems to be a manipulation tactic used to sway the child custody proceedings and impose restrictive visitation rights on him. Once the court examines the complete context of violation of Mr. Ajenifuja's parental rights, it will recognize that these infractions effectively amount to a de facto termination of his parental rights without due process.

A de facto termination of parental rights without due process is the result of a coordinated effort from multiple sources, aimed solely at denying a parent the opportunity to love, care for, and educate their children, as guaranteed by the U.S. Constitution, without following the correct legal proceedings required by statute, in this case, D.C. Code § 16–2353. For instance, when Mr. Ajenifuja was barred from accessing the high school where his children attend, and from their ongoing academic performance records, it deprived him of the chance to engage

meaningfully with them. Additionally, the family court's decision to allow only four one-hour, virtually supervised visits per year severely limits Mr. Ajenifuja's ability to maintain any real contact with his children.[4]

Mr. Ajenifuja was unable to attend his first child's high school graduation in 2024 due to this ban on school grounds. Similarly, he missed his second child's middle school promotion graduation ceremony in June 2023, which took place at Clarksburg High School, where he was not permitted to enter. When the middle school decided to hold his third child's graduation promotion ceremony at another high school on June 8, 2024, Judge Crane issued an order *sua sponte* prohibiting Mr. Ajenifuja from attending his son's eighth-grade ceremony, despite there being no request for such an order from either the respondent or the school

[4] It is important to note that the presiding U.S. District Court Judge in the First and Fourteenth Amendments case, Deborah Boardman, graduated from Villanova University and the University of Virginia School of Law. Additionally, Erin Burnett's husband, David Rubulotta, also graduated from Villanova University, while her father graduated from the University of Virginia School of Law.

administrators. This arbitrary decision suggests that Judge Crane's involvement in the child custody case went beyond the impartial role expected of a judicial officer.[5]

## II. There Is a Fair Prospect That This Court Will Reverse.

If this Court grants Mr. Ajenifuja's petition for writ of certiorari, there is a fair prospect that it will reverse the D.C. Court of Appeals. "It appears reasonably probable that four Justices will vote to grant certiorari, that there is a fair prospect of reversal, and that, in considering the irreparable harm that would result to applicant if the stay is denied, the balance of equities favors a stay." *In re Roche*,

---

[5]In late 2025, Mr. Ajenifuja discovered that Judge Laura Crane is an interested party in this child custody case. As a result, she should never have presided over the matter in the D.C. Superior Court. Judge Crane has been aware of and tracking Mr. Ajenifuja since her time in Rochester, New York, through her undergraduate studies at Duke University in North Carolina, and during her law school education at Washington University in St. Louis, Missouri. Judge Crane, along with late Justin Fairfax, Erin Burnett, and others, has followed Mr. Ajenifuja and the respondent through proxies in various locations, including Spain, France, Germany, New Jersey, New York City, and Washington, D.C. Specific individuals, including Mr. Ajenifuja's first wife who is originally from Providence, Rhode Island, can testify to these claims. Mr. Ajenifuja asserts that Judge Laura Crane and the late Justin Fairfax were acquainted from their time at Duke University in the late 1990s. In the early 2000s, they both lived in New York City, eventually relocating to the Washington, D.C. metropolitan area in the early 2010s. During this time, they served in influential roles within the U.S. Attorney's Office for the District of Columbia and the Eastern District of Virginia, respectively. Understanding their possible motivations against Mr. Ajenifuja requires delving into his family history, particularly regarding his late Nigerian Navy brother and Chukwuemeka Ojukwu, a rebel leader of the defunct Biafra Republic, along with his widow, Bianca Ojukwu. This context sheds light on the complexities of their actions toward Mr. Ajenifuja.

448 U.S. 1312 (1980). Most state supreme courts that have addressed these issues concluded they violate due process and equal protection rights.

At this juncture, Mr. Ajenifuja need demonstrate only "a fair prospect" of reversal by a majority of this Court. *Maryland v. King*, 567 U.S. 1301, 1302 (2012) (Roberts, C.J., in chambers) (citation omitted). It is hard to deny such a prospect here. Given "the considered analysis of courts on the other side of the split, there is a fair prospect that this Court will reverse the decision below." 567 U.S. at 1303.

### III. Mr. Ajenifuja and his Minor Children Will Suffer Irreparable Harm Absent a Stay of the Mandate.

The compelling evidence clearly supports the need for a stay of the D.C. Court of Appeals' mandate and judgment. Without this stay, there is a serious risk that Mr. Ajenifuja's children will face further harm while his Petition for a Writ of Certiorari is under consideration. "The denial of plaintiffs' constitutional rights during the potentially protracted appellate process constitutes irreparable harm." *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (per curiam). The details supporting Mr. Ajenifuja's claim of potential harm are outlined below.

When Mr. Ajenifuja first met the respondent on November 18, 1994, he encountered an exceptionally honest individual who greatly influenced his life for the better. Unfortunately, during the critical discovery phase of a wrongful termination case, a network of powerful individuals—including Susan Rice, James Comey, Erin Burnet, the former Lt. Governor of Virginia, the late Justin Fairfax, Judge Laura Crane, Anja Robakowski, Christopher Donner, and others—conspired

to undermine Mr. Ajenifuja's pursuit of justice and prevent him from uncovering the truth about the fate of his late mother and other injustices he faced.

In a shocking turn of events, they manipulated the respondent, who was pregnant with their third child, luring her to the German-speaking Catholic Mission in McLean, Virginia. Unbeknownst to Mr. Ajenifuja, she was then entrapped with illicit drugs and subsequently arrested on February 8, 2010. Following this traumatic event, she withdrew from representing Mr. Ajenifuja, citing the stress of her pregnancy. A few months later, the case settled, but the damage had already been inflicted.

The respondent's behavior was not her own but a result of calculated manipulation by those plotting against her and Mr. Ajenifuja. Starting on December 13, 2010, they made her engage in sexual affairs with college students to further distress her. To numb her suffering, they supplied her with marijuana and unprescribed opioid medications, leading to her dependence. This addiction culminated in her first of three opioid overdoses on May 22, 2014. In a grotesque display of cruelty, she was later sexually assaulted by three military men on February 10 and February 14, 2016, at two hotels in Washington, D.C. The respondent's sexual assault incidents were so severe that she had to seek off-the-books patient care at the Washington VA Medical Center. The gravity of these events showcases the dire consequences of the orchestrated manipulation against both her and Mr. Ajenifuja, highlighting the urgent need to protect the parties' children from further harm.

Mr. Ajenifuja's first child has already suffered an irreparable harm due to the injustice in this child custody case. Ever since the parties' first child was in elementary school, she had dreamed of been an architect. She excelled in mathematics and demonstrated superb creativity through her excellent drawing skills, showcased in her summer class at the Smithsonian National Museum of Asian Art in 2014. Mr. Ajenifuja encouraged her to pursue architectural studies at Princeton University. Unfortunately, the trial court's decisions over the last seven years prevented Mr. Ajenifuja from having any physical contact with her and her two siblings. Mr. Ajenifuja discovered online that his first child was at the University of Houston studying Accounting, a year after she started studying.

Mr. Ajenifuja's second child triumphed at her elementary school graduation in June 2020, ranking among the top three students based on the District of Columbia Comprehensive Assessments of Progress in Education (DC CAPE) for English Language Arts and Mathematics. While she remains an above-average student in high school, her grades have dipped slightly from consistent A's to a mix of A's and B's. With a strong ambition to study medicine in college, she has a bright future ahead. However, during one of Mr. Ajenifuja's rare virtual conversations with her, someone suggested she avoid attending a "white university," insinuating she should limit herself to historically Black colleges. This troubling advice underscores the need for Mr. Ajenifuja to regain immediate access to his children, as they are being subjected to manipulative influences that could affect their choices and aspirations.

Finally, the parties' third child, and the only son. Mr. Ajenifuja recently discovered the impact of illicit drugs given to the respondent while she was pregnant with their son. The parties' third child needs to wear corrective lenses because he has 20/20 vision in one eye but not the other, a phenomenon that is overwhelmingly related to illicit drug use during pregnancy.[6]

The parties' three children, particularly the two minor ones, need immediate physical contact with their father, Mr. Ajenifuja. Most especially, Mr. Ajenifuja is best positioned to tutor them in areas of their individual difficulty. This is critical because the second and third children have one and two years of high school left, respectively. Mr. Ajenifuja cannot wait for these legal proceedings to drag on for another year because of harmful consequences. Mr. Ajenifuja's three children are under treat of harm, just like their mother, the respondent. The only way for the

---

[6] On October 9, 2022, Mr. Ajenifuja drove to Clarksburg, Maryland for a weekly child custody visit specified in the PCO. Mr. Ajenifuja left his car in the Clarksburg Village Center parking lot to use the restroom at a 7-Eleven gas station across the street. As Mr. Ajenifuja returned to his car, he saw two boys standing on the sidewalk beside the 7-Eleven gas station. When Mr. Ajenifuja looked at the boys, he was shocked to see his son, who he hadn't seen in three years, as one of the boys (1.2 miles from his home). Mr. Ajenifuja's son immediately dropped his skateboard, ran toward Mr. Ajenifuja, and hugged his father for about five minutes while he cried. It was then that Mr. Ajenifuja noticed his son's bruised and bloody knees. Next, Mr. Ajenifuja took his son to the 7-Eleven bathroom to clean him up and later bought the two boys snacks from the store. Finally, Mr. Ajenifuja walked both boys to his car where he had about thirty minutes of conversation with his son on a sidewalk bench. At the end of their discussion, Mr. Ajenifuja gave his son a credit card and instructed him to tell his mother to buy skateboard protective pads before sending him home.

Court to deescalate the treat is to stay the lower court mandate and temporarily restore the July 2, 2018 Permanent Custody Order which gives Mr. Ajenifuja physical access to the parties' children on Sundays from 1:00 to 4:30 p.m. and other times.

### IV. The Court Should Issue an Administrative Say to Allow It to Fully Consider the Application

The Court should grant an administrative stay to enable full consideration of the merits of this stay application. Mr. Ajenifuja filed this application just twelve days after the D.C. Court of Appeals denied his motion to stay pending appeal. Given that timing—and the irreparable harm that Mr. Ajenifuja's children would suffer if a stay is not granted—the Court should grant a brief administrative stay of the D.C. Court of Appeals' mandate and judgment while it considers this application.

## CONCLUSION

The Court should grant the application for stay of mandate and judgment in this case, to prevent Mr. Ajenifuja's minor children from being deprived of love, affection, devotion, and guidance of their father pending the Supreme Court's disposition of Mr. Ajenifuja's forthcoming Petition for a Writ of Certiorari. Mr. Ajenifuja also respectfully asks the Court to stay the mandate and judgment administratively pending disposition of this Application.

Given the national importance of the issues presented in this application, Mr. Ajenifuja respectfully requests that the Court appoint counsel to assist him with the

Petition for a Writ of Certiorari and with oral argument. The respondent is an attorney with over 20 years of experience in appellate law. Alternatively, the Court should issue an order directing others to submit amicus curiae briefs.

June 2, 2026

Respectfully submitted,

Kevin Ajenifuja
*Pro se Applicant*
P.O. Box 53265
Washington, D.C. 20009
Tel: (240) 356-8318
Email: kajenifuja@yahoo.com

No. ________

IN THE
SUPREME COURT OF THE UNITED STATES

KEVIN AJENIFUJA,

Applicant,

v.

ANITA AJENIFUJA,

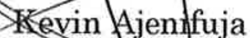
Respondent.

## CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.2, I hereby certify that the Emergency Application for Stay of Mandate and Judgment Pending the Filing and Disposition of a Petition for Writ of Certiorari in *Kevin Ajenifuja v. Anita Ajenifuja*, No. ________, complies with the word limitations, as it contains 5,561 words.

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

Executed on June 2, 2026



Kevin Ajenifuja

No. ________

IN THE
SUPREME COURT OF THE UNITED STATES

KEVIN AJENIFUJA,

Applicant,

v.

ANITA AJENIFUJA,

Respondent.

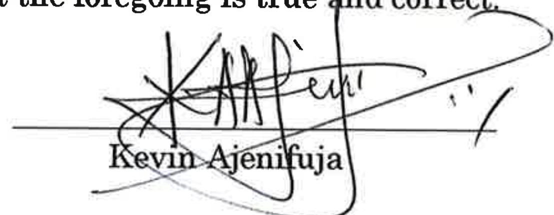
## CERTIFICATE OF SERVICE

As required by Supreme Court Rule 29.5, I hereby certify that a copy of preceding Emergency Application for Stay of Mandate and Judgment Pending the Filing and Disposition of a Petition for Writ of Certiorari in Kevin Ajenifuja v. Anita Ajenifuja, No. -________, was served via First-class U.S. Mail and email on all parties required:

ANITA U. KOEPCKE (formerly ANITA U. AJENIFUJA)
*Pro se Respondent*
*Confidential Address*
Email: akoepcke@yahoo.com

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

Executed on June 2, 2026



Kevin Ajenifuja

## TABLE OF APPENDICES

A. DISTRICT OF COLUMBIA COURT OF APPEALS MANDATE DATED MAY 4, 2026....................2

B. DISTRICT OF COLUMBIA COURT OF APPEALS DENIAL OF STAY PENDING APPEAL DATED MAY 21, 2026....................11

C. DISTRICT OF COLUMBIA SUPERIOR COURT'S JUDGMENT DATED DECEMBER 30, 2025....................13

**EXHIBIT A**

**DISTRICT OF COLUMBIA COURT OF APPEALS**

No. 25-FM-0049

KEVIN ADEBAYO AJENIFUJA, APPELLANT,

V.

ANITA URSEL KOEPCKE, APPELLEE.

Appeal from the Superior Court
of the District of Columbia
(2016-DRB-003509)

(Hon. Laura E. Crane, Motions Judge)

(Submitted March 11, 2026 Decided May 4, 2026)

Before EASTERLY and SHANKER, *Associate Judges*, and GLICKMAN, *Senior Judge*.

**MEMORANDUM OPINION AND JUDGMENT**

PER CURIAM: Kevin Ajenifuja, representing himself on appeal as he did in Superior Court, challenges the court's modification of a permanent custody order (PCO) which had given sole legal and physical custody of his two minor children[1] to his ex-wife Anita Ajenifuja, now Anita Koepcke, and regulated his visitation. The modification left in place the award of sole legal and physical custody to Ms. Koepcke but significantly restricted Mr. Ajenifuja's visitation, allowing him only four virtual supervised visits per year. We understand Mr. Ajenifuja to argue that the trial court both substantively and procedurally erred in so modifying the PCO and that this modification violated his constitutional rights; Ms. Koepcke has not filed a response. We affirm.

[1] The order also applied to an older child, but she has since turned eighteen years old, making her no longer subject to child custody orders. *See* D.C. Code § 16-831.12.

## I. The Superior Court's 2024 Modification of the 2018 PCO

"In determining the care and custody of a child, the best interest of the child shall be the primary consideration." D.C. Code § 16-914(a)(3). Of particular note in this case, the statute lists as relevant to a best interest of the child analysis "the wishes of the child as to his or her custodian, where practicable"; "the wishes of the child's parent or parents as to the child's custody"; "the interaction and interrelationship of the child with his or her parent or parents . . . [as someone] who may emotionally or psychologically affect the child's best interest"; and "the mental and physical health of all individuals involved." *Id.* § 16-914(a)(3)(A-C, E). Likewise, the modification of a custody order is contingent on a showing that "there has been a substantial and material change in circumstances and that the modification . . . is in the best interest of the child." *Id.* § 16-914(f)(1). We review a trial court's initial custody decision and any custody modification decision for abuse of discretion. *See Ruffin v. Roberts*, 89 A.3d 502, 506 (D.C. 2014) (explaining that, "[a]s with other aspects of child custody, we will not reverse the trial court's rulings on visitation rights absent an abuse of discretion" (quoting *Galbis v. Nadal*, 626 A.2d 26, 29 (D.C. 1993))).

In the 2018 PCO, the trial court (Christian, J.) made findings about Mr. Ajenifuja's "overwhelming and ongoing focus" on perceived conspiracies against him,[2] and on the basis of his delusional thoughts, gave Ms. Koepcke sole physical and legal custody of the children and Mr. Ajenifuja unsupervised visitation several times a week. But this schedule was contingent on Mr. Ajenifuja shielding the minor children from his conspiracy theories, and the court directed him to engage the services of at least one mental health professional for an evaluation as soon as possible. Before modifying the terms of Mr. Ajenifuja's visitation in its 2024 order, the court heard testimony from both parents and, at Mr. Ajenifuja's request, the eldest of the minor children, E.A., in camera. From this testimony, the court learned, among other things, that Mr. Ajenifuja had not sought mental health treatment; he continued to believe that he and Ms. Koepcke were victims of one or more conspiracies; and E.A., aware of her father's conspiracy theories, preferred that visitation with her father be both supervised (so that their conversation did not get "out of hand") and only intermittent (she suggested "two to four times a year")

---

[2] This court has detailed the nature of Mr. Ajenifuja's paranoid thoughts in his previous appeals of custody and visitation rulings. *See Ajenifuja v. Ajenifuja*, No. 23-FM-0572, Mem. Op. & J. at 4 (D.C. Aug. 30, 2024); *Ajenifuja v. Koepcke*, No. 21-FM-0512, Mem. Op. & J. at 2-3 (D.C. Aug. 2, 2022). The 2024 modification order also contains more details of Mr. Ajenifuja's paranoid thinking.

because of the anxiety their visits induced. In reaching its decision about visitation, the court expressly considered all of the "best interest of the child" factors listed in D.C. Code § 16-914(a)(3), but the overriding concern clearly was Mr. Ajenifuja's mental health and its effect on his children. As the court correctly observed, it was Mr. Ajenifuja's right to forgo treatment. But the court was obligated to make the best interests of the children its primary consideration and, based on its assessment that conspiracy theories continued to dominate Mr. Ajenifuja's thoughts, it had "significant concerns" that he would be able to "monitor what he discusses with the minor children or that he understands how deeply these thoughts permeate his day-to-day existence." The court thus determined that, at least for the time being, Mr. Ajenifuja's visitation should be supervised and limited to four times per year with the hope that, during that time, the children could "develop[] a relationship with their father in an environment that they feel safe and secure."

Under the circumstances presented, we conclude that the court reasonably exercised its discretion. Mr. Ajenifuja seeks to challenge the court's modification of the PCO on a number of substantive and procedural grounds. We address these arguments below. (Because they sometimes overlap or repeat, we have reordered them.) None are persuasive.

First, Mr. Ajenifuja asserts that the trial court "erred" in interpreting the 2018 PCO as imposing supervised visitation. But the court did no such thing. Rather, the court acknowledged in the 2024 modification order that (1) the 2018 PCO had afforded Mr. Ajenifuja unsupervised access to his children several times a week, (2) Ms. Koepcke had discontinued this visitation in 2019 because of Mr. Ajenifuja's inability to refrain from talking to the children about his conspiracy theories, (3) Mr. Ajenifuja had challenged this suspension of visits in an unsuccessful 2023 motion to hold Ms. Koepcke in contempt, and (4) thereafter the court held a hearing in February 2024 and issued a temporary visitation order, superseding the 2018 PCO and granting Mr. Ajenifuja supervised virtual visitation at his request. Moreover, following a May 2024 status hearing at which the court learned that there had only been one instance of supervised virtual visitation and was informed by the parties why this was the case,[3] the court suspended the February 2018 temporary supervised

---

[3] Ms. Koepcke told the court that the children had asked "not to have another virtual visitation with [Mr. Ajenifuja], or at a minimum, to not have them at the rate of every other week"; Mr. Ajenifuja told the court that "the concerns raised by [Ms. Koepcke] were actually being asserted by [CBS news anchor] Norah O'Donnell."

virtual visitation order[4] and ultimately replaced the 2018 PCO with the 2024 modification order currently on appeal. Of course, the court's decision to modify the 2018 PCO to require supervised visitation was itself an acknowledgement that supervised visitation was not required by the original order.

Second, Mr. Ajenifuja argues that the court "abused its discretion when it interpreted that the [2018] PCO imposes on Mr. Ajenifuja . . . ongoing mental health counseling." Such orders are authorized in the District of Columbia. *See, e.g.*, *In re D.B.*, 879 A.2d 682, 692 (D.C. 2005) (permitting court to "condition" a parent's visitation with her child "on her willingness to enter weekly therapy and undergo a medication assessment"). But as discussed above, the court did not issue such an order in this case. Rather, the court recognized that it was Mr. Ajenifuja's prerogative not to seek mental health treatment. And, although it imposed certain restrictions on visitation, it did so to protect the children; it never conditioned visitation with his children on his receipt of mental health treatment.

Third, Mr. Ajenifuja asserts that the court did not possess sufficient proof that he had a mental illness and that the expert testimony of Dr. Seth King "is unworthy of belief." But the trial court did not purport to diagnose Mr. Ajenifuja with a mental illness in the first instance in its decision to modify the 2018 PCO, nor did it rely on any evidence from Dr. King to render any diagnosis. Rather, the court relied on prior findings (corroborated by its own interactions with him) that Mr. Ajenifuja struggled with his mental health and was plagued by conspiracy theories.[5] These

---

[4] Mr. Ajenifuja argues that the trial court's suspension of this temporary visitation order "banned" him "from attending" one of his children's "eighth grade promotion ceremony," which was not in the children's best interest, but that order appeared to be based on the fact that the school had a separate no-trespass order against him.

[5] Mr. Ajenifuja appends a competency evaluation from a criminal case to support his assertion that he has a "clean bill of health." But incompetence and mental illness are not synonymous, and a determination that a defendant is competent to stand trial merely indicates that they have "sufficient present ability to consult with [their] lawyer" and a "rational, as well as a factual, understanding of the proceedings against [them]." D.C. Code § 24-531.01(1) (defining "competence"); *see also Blakeney v. United States*, 77 A.3d 328, 343 (D.C. 2013) ("That a defendant suffers from a severe mental disorder does not necessarily mean he is incompetent; the latter is a much narrower concept." (internal quotation marks omitted)).

prior findings included those in the 2018 PCO which were based on Mr. Ajenifuja's interactions with the court at that time and the testimony of two expert witnesses, one of whom was Dr. King. Mr. Ajenifuja did not appeal from the 2018 PCO and may not relitigate the court's reliance on Dr. King's testimony now.

Fourth, Mr. Ajenifuja argues that in order to justify restricting his visitation, the trial court had to find "probable cause that the child will be placed at risk if visitation is permitted." But a risk-of-harm assessment is required only if a parent seeking custody has committed an intrafamily offense, *see* D.C. Code § 16-914(a-1), which Mr. Ajenifuja has not done. The court in this case needed only to determine (by a preponderance of the evidence) that the modified visitation schedule was in the best interest of the children, which the court did. *Id.* § 16-914(f)(1)-(2).

Fifth, Mr. Ajenifuja argues that because the court "failed to comply with his written request to record [E.A.'s] WebEx court testimony," her testimony should be struck from the record. But E.A.'s testimony was recorded just like every other witness's testimony in Superior Court in that it was transcribed, *see* Super. Ct. Civ. R. 201(a) ("All proceedings must be recorded by a court reporter."), *see also N.D. McN. v. R.J.H. Sr.*, 979 A.2d 1195, 1202 (D.C. 2009) (requiring in camera interview with a minor child to be recorded and transcript to be available to the parties); indeed, this court possesses the transcript. To the extent Mr. Ajenifuja argues that the interview should have been video recorded, he offers no supporting authority and we are aware of none.[6]

Sixth and finally, Mr. Ajenifuja argues that the court failed to apply the requisite best interest criteria of D.C. Code § 16-914(a)(3) when modifying the PCO. But, as we detailed above, the record indicates otherwise. And he fails to identify a statutory factor that the trial court failed to consider. To the extent that Mr. Ajenifuja argues that it is in the children's best interests not to have an "absentee father," the court agreed, hoping that in structuring a visitation schedule that allows the children to feel safe, it will "ensure that they have the foundation of trust" needed "to build

---

[6] Mr. Ajenifuja cites out-of-jurisdiction cases about the need for parents to give consent before the court can conduct a private interview with minor children. Not only do these cases require the consent of the *custodial* parent—here Ms. Koepcke, not Mr. Ajenifuja—but also Mr. Ajenifuja did provide his consent at the May 15, 2024, status hearing when he asked the court to hear from E.A. because he questioned Ms. Koepcke's testimony about how his visits with the children made them feel.

the type of relationship that Mr. Ajenifuja desires."

## II. Mr. Ajenifuja's Constitutional Claims

Mr. Ajenifuja also challenges the trial court's order on constitutional grounds. Stressing that he has a constitutional right to parent his children, he argues that the limitation on his visitation with his children constitutes a de facto termination of his parental rights. We acknowledge that Mr. Ajenifuja's ability to see his children has been significantly restricted in comparison to the 2018 PCO, but his parental rights—i.e., his status as the children's father—remain intact. D.C. Code § 16-2351, *et seq*., controls the termination of parental rights, defining "termination of the parent and child relationship" as "the adjudication that a child is free from the custody and control of either or both of his or her living parents by means of a court order that *completely severs and extinguishes* the parent and child relationship." *Id.* § 16-2352(a)(2) (emphasis added). Mr. Ajenifuja's relationship with the minor children has not been severed or extinguished; to the contrary, he still has the right to seek custody modifications (and an obligation to pay child support). His access to his children has merely been limited for the time being until the court is sufficiently assured that Mr. Ajenifuja will not share his conspiracy theories with the children, which as it found, *see supra*, causes the children anxiety. And it is within his power to take steps that would lift these limitations; his access to his children would almost certainly increase if he sought mental health treatment, addressed the underlying concerns about his conspiracy theories, and thereby gained his children's trust.

Mr. Ajenifuja also argues the "Superior Court decision was discriminatory and violated the Equal Protection Clause of the Fourteenth Amendment."[7] He argues the Superior Court conducted "one-sided review" when it credited Ms. Koepcke's "unfounded allegation" that the children did not want to visit with Mr. Ajenifuja, "immediately suspend[ing] all future visitations," but it did not credit Mr. Ajenifuja's allegation of child neglect. Mr. Ajenifuja also argues that the way the ex parte interview with the child was conducted "was inequitable, gave Ms. [Koepcke] a home-court advantage, and blatantly violated the equal protection clause." We are unable to discern an equal protection argument from these

---

[7] The equal protection clause of the Fourteenth Amendment applies only to the states, not the District of Columbia; but equal protection guarantees are extended to D.C. residents under the Due Process Clause of the Fifth Amendment. *District of Columbia ex rel. W.J.D. v. E.M.*, 467 A.2d 457, 459 n.2 (D.C. 1983) (citing *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954)).

assertions. Mr. Ajenifuja does not state the grounds on which he believes he was discriminated against (like his membership in a class) or how other, similarly situated people are treated in similar circumstances. *See, e.g.*, *J.C. v. District of Columbia*, 199 A.3d 192 (D.C. 2018) ("In order to sustain an equal protection argument, the C.s had the burden of establishing that . . . the District has a policy or custom that treats individuals [like the plaintiffs] differently solely on account of race or socio-economic status."). Although Mr. Ajenifuja appears here without counsel, he still carries the burden to adequately develop his argument so that we can understand exactly which rights he claims were violated and how. In the absence of such development, we deem this argument waived. *See Comford v. United States*, 947 A.2d 1181, 1188 (D.C. 2008) ("Issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived." (citation modified)).

* * *

For the reasons stated above, we affirm the Superior Court's order.

*So ordered.*

ENTERED BY DIRECTION OF THE COURT:

Jason LaVey for
JULIO A. CASTILLO
Clerk of the Court

Copies emailed to:

Honorable Laura E. Crane

Director, Family Division

Copy e-served to:

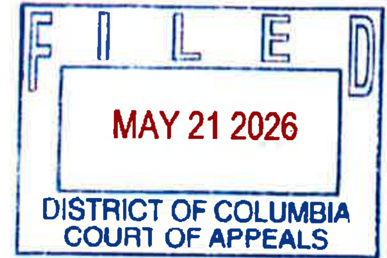
Kevin Adebayo Ajenifuja

Copy mailed to:

Anita Koepcke
Confidential

# EXHIBIT B

# District of Columbia
# Court of Appeals




**No. 25-FM-0049**

KEVIN ADEBAYO AJENIFUJA,
Appellant,

v. **2016-DRB-003509**

ANITA URSEL AJENIFUJA,
Appellee.

BEFORE: Easterly and Shanker, Associate Judges, and Glickman, Senior Judge.

**ORDER**

On consideration of appellant's emergency motion for stay of May 4, 2026 order pending appeal and for expedited consideration, it is

ORDERED that appellant's emergency motion is denied.

**PER CURIAM**

Copy e-served to:

Kevin Adebayo Ajenifuja

Copy mailed to:

Anita Koepcke
Confidential

kw

# EXHIBIT C

**Additional material from this filing is available in the Clerk's Office.**