

Supreme Court, U.S.  
FILED  
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25A408

No.

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IN THE  
**Supreme Court of the United States**

*In Re:*

GREGORY ALVIN JAMES VAN ETTEN

*Petitioner*

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APPLICATION TO THE  
HONORABLE KETANJI BROWN JACKSON,  
ASSOCIATE JUSTICE OF THE SUPREME COURT  
OF THE UNITED STATES AND  
CIRCUIT JUSTICE FOR THE FIRST CIRCUIT

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EMERGENCY APPLICATION FOR STAY PENDING RESOLUTION OF  
PETITION FOR WRIT OF MANDAMUS AND RELATED PROCEEDINGS

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SUPREME COURT, U.S.

To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Circuit Justice for the First Circuit:

Petitioner, proceeding pro se, respectfully applies for an emergency stay of all Title IV-D enforcement actions against him—including wage garnishments, IRS lock-in letters, bank account seizures, and related collection measures—pending resolution of his Petition for Writ of Mandamus currently docketed in the United States Court of Appeals for the First Circuit (No. 25-1852), and pending a definitive ruling on the threshold jurisdictional defect raised in his **Rule 60(b)(4)** motion and related filings in the District of Massachusetts, or until further order of this Court.

This Application is brought under **28 U.S.C. § 1651** (All Writs Act), and **Rules 22 and 23 of this Court**. Relief is urgently required to prevent irreparable constitutional harm and to preserve the jurisdiction of the federal courts.

## **Questions Presented**

1. Whether enforcement of Title IV-D orders entered without lawful service of process constitutes irreparable harm and requires a stay.
2. Whether a federal court may allow continued enforcement of void judgments where certified records demonstrate defective service.
3. Whether restrictions on filings imposed by a district judge (“curb order”) amount to a prior restraint violating the First Amendment’s Petition Clause.

## **Statement of Jurisdiction**

**Authority to Enter a Stay.** This Application is brought under the All Writs Act, 28 U.S.C. § 1651, and Supreme Court Rules 22 and 23. The relief sought is an emergency stay of ongoing enforcement (not merits disposition) to preserve federal court jurisdiction

and prevent irreparable harm while the First Circuit considers Petitioner’s mandamus (No. 25-1852) and while the District of Massachusetts addresses the threshold void-judgment issue. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam) (stay factors); *Nken v. Holder*, 556 U.S. 418, 426–27 (2009).

## **Background and Procedural History**

- In *Van Etten v. Fattman et al.*, No. 4:24-cv-40113-MRG (D. Mass.), Petitioner challenged ongoing Title IV-D enforcement actions as void for lack of jurisdiction.
- This case has now been pending for over a year without a ruling on the threshold jurisdictional defect, despite certified records being filed (Dkts. 79, 117, 119, 120).”
- Petitioner filed a **Rule 60(b)(4)** motion (Dkt. 79) supported by certified docket records showing fraudulent and incomplete service.
- The Magistrate Judge recommended dismissal without addressing this jurisdictional defect, and imposed a “*curb order*” restricting filings.
- Petitioner objected (Dkt. 117) and filed a supplement with certified exhibits (Dkt. 119), yet no ruling has issued.
- Meanwhile, enforcement continues: garnishments, IRS lock-in letters, and bank seizures exceeding \$106,000.00.
- Petitioner filed a **Petition for Writ of Mandamus (No. 25-1852)** in the First Circuit. That petition is pending.

## **ARGUMENT**

**Federal Authority to Withhold Effect from Void State Orders.**

A judgment entered without valid service or personal jurisdiction is “absolutely void” and open to collateral attack in any forum. *Pennoyer v. Neff*, 95 U.S. 714, 732–33. “Failure to give notice violates the most rudimentary demands of due process,” and such a judgment cannot be enforced. *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86. A judgment entered “in a manner inconsistent with due process of law” is void. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271. The federal courts therefore have both the power and duty to refuse effect to void state predicates and to enjoin ongoing enforcement that rests on them.

### **Exhaustion and Impracticability of Relief Below.**

For years, Petitioner has attempted to obtain review of the same constitutional question—the absence of lawful service and personal jurisdiction in the underlying Worcester Probate and Family Court case. Beginning at the state level, Petitioner filed multiple motions to vacate those orders as void for lack of service, all denied without explanation or factual rebuttal. He then sought federal review, filing his § 1983 complaint in the District of Massachusetts in 2024, where the same jurisdictional question has remained pending for more than a year. During that time, enforcement continued: wages were garnished, the IRS issued a lock-in letter, and Petitioner ultimately lost his employment as a direct result. What began as a procedural defect has now ripened into ongoing and irreparable constitutional injury that only this Court can presently prevent.

Petitioner sought emergency relief and expedition in the First Circuit (No. 25-1852). The District of Massachusetts has not ruled on the Rule 60(b)(4) void-judgment motion despite certified records demonstrating lack of service; a filing curb in the Magistrate’s R&R (Dkt. 116) restricts additional filings. Petitioner complied by submitting a single consolidated objection (Dkt. 117) and refraining from further filings out of respect and caution. In short, Petitioner has no prompt, adequate remedy below; meanwhile, seizures and IRS lock-ins continue, magnifying irreparable harm.

Magistrate Judge Hennessy nevertheless issued the August 26, 2025 “curb order” despite lacking jurisdiction to do so. Petitioner never consented to magistrate authority

under 28 U.S.C. § 636(c) and, in fact, expressly demanded review and rulings by an Article III District Judge. Absent such consent, the magistrate could only make recommendations—not impose filing restrictions—rendering the curb order **legally void and contributing to the ongoing procedural paralysis that necessitated this Application.**

Petitioner has also diligently pursued relief in the United States Court of Appeals for the First Circuit, Case No. 25-1852, by filing multiple emergency motions for stay and expedition. Specifically, Petitioner filed an Emergency Motion to Stay on September 18, 2025, a Motion to Expedite on September 17, 2025, and renewed Motions to Stay and Expedite on October 1 and October 3, 2025. As confirmed by the First Circuit docket, none of these motions have been ruled upon. This Application is therefore necessary to preserve jurisdiction and prevent further irreparable harm while those motions remain pending.

## **I Petitioner is Likely to Succeed on the Merits**

A stay is warranted under the factors set out in *Nken v. Holder*, 556 U.S. 418, 434 (2009): (1) likelihood of success; (2) irreparable injury; (3) balance of equities; and (4) public interest.” *Connecticut v. Doehr*, 501 U.S. 1 (1991); *North Ga. Finishing v. Di-Chem*, 419 U.S. 601 (1975); *Sniadach v. Family Finance*, 395 U.S. 337 (1969). For the Petition Clause: *California Motor Transport v. Trucking Unlimited*, 404 U.S. 508 (1972) (access to courts).

The certified docket entries and service returns (Appendix A–C) unambiguously demonstrate that no valid service of process was ever effected. Summonses are marked “COPY,” unsigned, and unsupported by affidavits of diligent search or proof of publication. The case was administratively closed in 2009, yet Title IV-D enforcement continued without new complaints or service.

Petitioner has **never voluntarily appeared or waived service.** Any participation came only after enforcement orders were already entered, under coercion and

duress—such as threats of incarceration, denial of child access, and garnishment. As this Court has recognized, coerced participation cannot cure defective service or confer jurisdiction. *Pennoyer v. Neff*, 95 U.S. 714 (1877); *Peralta v. Heights Med. Ctr.*, 485 U.S. 80 (1988).

The fraudulent service documents filed in 2007 never conferred jurisdiction. The court nonetheless entered a Judgment of Divorce Nisi in 2008 and marked the case disposed, followed by administrative closure in 2009. By law, any enforcement thereafter required a new complaint and valid service. None occurred. Thus, the service defects are fatal both at inception and after disposition: jurisdiction never attached, and it was never lawfully re-established.

Because jurisdiction never attached, the underlying Title IV-D enforcement orders are void ab initio. Enforcement of void judgments is inconsistent with due process and cannot stand. *Espinosa v. United Student Aid Funds*, 559 U.S. 260 (2010).

## **II The Certified Records Are Dispositive, and Respondents Cannot Evade Them**

The certified exhibits are **dispositive**. They show, on their face, the absence of valid service. Respondents have never rebutted them. Nothing more is required: either service was valid or it was not. The certified record proves it was not.

Attempts to divert attention to collateral issues—family law merits, post-hoc coerced appearances, or unrelated procedural skirmishes—are irrelevant. They are frivolous in light of the certified evidence and waste judicial resources. The case rises or falls on the certified records.

## **III Petitioner Faces Irreparable Harm Absent a Stay**

Petitioner continues to suffer seizures of funds through levies exceeding \$106,000.00 (Appendix E), IRS lock-in letters altering his federal tax treatment (Appendix F),

and ongoing Title IV-D enforcement measures. While income withholding orders (IWOs) have been directed to past employers, those instruments remain active and automatically extend to any future employment.

These deprivations constitute **unreasonable seizures** within the meaning of the Fourth Amendment and violate the Fourteenth Amendment's Due Process Clause. The harm is ongoing, irretrievable, and magnified each week enforcement continues.

The District Court's "*curb order*" (as reflected in the Magistrate's R&R, Dkt. 116) further restricts Petitioner's ability to file papers. That restriction operates as a prior restraint on Petitioner's First Amendment right to petition the courts, compounding the constitutional injury and blocking access to redress.

#### **IV The Balance of Equities Favors a Stay**

All of the children named in the decades-old state enforcement order are now emancipated. Petitioner is presently married and supporting three minor children in his current household. Continued Title IV-D enforcement on void and outdated orders therefore serves no legitimate child-support purpose and functions solely as an unconstitutional financial seizure.

Respondents have no lawful interest in enforcing void Title IV-D orders. Petitioner faces irretrievable loss of funds, repeated IRS interventions, and constitutional harms. The equities tilt entirely toward halting unlawful enforcement until the jurisdictional defect is resolved.

#### **V The Public Interest Strongly Supports a Stay**

The District Court's failure to rule has created what appellate courts describe as a **procedural morass**: un rebutted jurisdictional motions, supported by certified records, remain pending while enforcement proceeds unchecked. This morass is not

complex—it can be undone simply by ruling on **Rule 60(b)(4)**. Yet neglect of that duty has allowed ongoing constitutional harm.

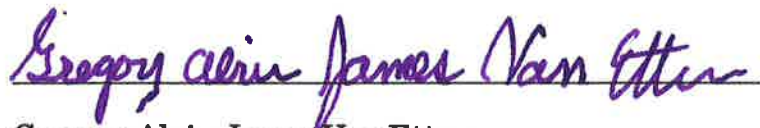
The public interest in preserving due process, protecting citizens from unlawful seizures, and ensuring federal courts rule on threshold jurisdictional issues weighs strongly in favor of a stay.

## **Relief Requested**

Petitioner respectfully requests that this Court enter an order:

1. Staying all Title IV-D enforcement actions against him—including IRS lock-in letters, bank account seizures, and related measures—pending resolution of his Petition for Writ of Mandamus in the First Circuit (No. 25-1852) and rulings on his pending Rule 60(b)(4) and Motion to Strike in the District of Massachusetts, or until further order of this Court; and
2. Granting such other relief as may be just and proper.

Respectfully submitted,




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## Verification

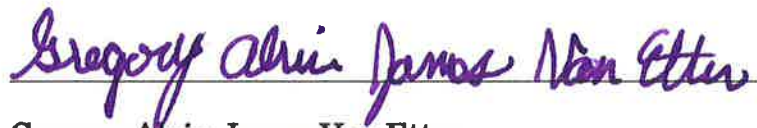
I, Gregory Alvin James Van Etten, hereby declare under the penalty of perjury under the laws of the United States of America that all foregoing statements are true and correct based upon my personal knowledge, information, and belief. Executed this October 4, 2025.



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## Certificate of Service

I, Gregory Alvin James Van Etten, hereby certify that this document "**Emergency Application for Stay Pending Resolution of Petition for Writ of Mandamus and Related Proceedings**", sent to the Respondents' counsel Nigel Stevens, Assistant Attorney General, via Certified USPS mail to **Government Bureau/Trial Division, 1441 Main Street, 12th Floor, Springfield, MA 01103, nigel.stevens@mass.gov**, October 4, 2025.



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## **Appendix**

- **Exhibit A** – Summons by publication marked “COPY,” with no evidence of service, no tear sheet, and no return of service docketed.
- **Exhibit B** – Motion for service by publication (filed without affidavit of diligent search) and Order for service by publication (entered with no return of service).
- **Exhibit C** – Certified Worcester Probate & Family Court docket entries (showing case disposed in 2008 and 2009).
- **Exhibit D** – Bank statement showing –\$106,000.00 (redacted for account numbers).
- **Exhibit E** – IRS lock-in letter.
- **Exhibit F** – Page 1 of 42 from CSE log showing unusual IRS polling activity.
- **Exhibit G** – Affidavit of Gregory Alvin James Van Etten Regarding Court Communications on October 3, 2025
- **Exhibit H** – Sworn Affidavit of Gregory James Van Etten In Support of Stay Application.
- **Exhibit I** – Reference to District Court docket (Report & Recommendation, Dkt. 116, which also contains the curb order restriction), and related filings (Dkts. 117, 119, 120).

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