

No. 25A913

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In the  
**Supreme Court of the United States**

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Linh Tran Stephens, *sui juris*, natural living breathing woman with a living soul  
and the Holy Spirit, Ambassador of Christ/Yahusha,

*Applicant,*

v.

CHILD SUPPORT SERVICES OF OKLAHOMA DEPARTMENT OF HUMAN  
SERVICES, CHARLES SCHWAB & CO., INC., Cierra Freeman, Mary Johnmeyer,  
Renee Banks, Jason Hoenshell, and Emmalene Stringer et al.,

*Respondents.*

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On Application for Stay Pending Filing of two  
Petitions for Writ of Certiorari to: (1) United States Court of Appeals for the Tenth  
Circuit and (2) OKLAHOMA COURT OF CIVIL APPEALS AND OKLAHOMA SUPREME COURT

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**EMERGENCY APPLICATION FOR A STAY OF THE MANDATE AND FOR  
IMMEDIATE ADMINISTRATIVE STAY AND  
EMERGENCY INJUNCTION PENDING DISPOSITION OF  
TWO (2) PETITIONS FOR WRIT OF CERTIORARI  
ADDRESSED TO THE HONORABLE NEIL M. GORSUCH  
AS CIRCUIT JUSTICE FOR THE TENTH CIRCUIT**

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WITHOUT RECOURSE

*By: Linh Tran Stephens  
sui juris Applicant, Agent or attorney-in-fact,  
natural living woman*

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January 30, 2026

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SUPREME COURT, U.S.



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ROA: Appellate Case 25-5063, Document 57 (Filed 01/10/2026)

Project File: ORDER\_10th\_circuit\_fri\_011626.pdf

Appendix B — Tenth Circuit Order Denying Motion to Stay Mandate and Motion for Full Disclosure Under FDRPTA (January 28, 2026)

ROA: Appellate Case 25-5063, Document 61 (Filed 01/26/2026)

Appendix C — Tenth Circuit Order Denying Emergency Motion for Stay Pending Appeal and for Injunction Pending Appeal (January 16, 2026)

ROA: Appellate Case 25-5063, Document 59

Appendix D — Tenth Circuit Order Denying Verified Petition for Writ of Mandamus and Emergency Injunctive Relief (July 11, 2025)

ROA: Appellate Case 25-5063

Emergency petition documenting systematic OKDHS violations and pattern of fraud upon court

Appendix E — Oregon Divorce Decree, Case No. 15DR18623 (January 8, 2016)

ROA: Document 7-2, Page 27 (Appellate Case 25-5063)

ROA: Document 7-2, Page 64: Statement of Facts ¶47(ii)

ROA: Document 54, Page 27 of 126 (Case 4:24-cv-00216-JDR-CDL)

Tulsa County Registration: Document #1037428505, registered July 11, 2017

Key: "Jeep and Trailer in lieu of child support" stated FIVE times; 50/50 joint custody; Judge Cathleen B. Callahan presiding

Appendix F — Confirmation of Registration of Foreign Order from Oregon to Oklahoma

ROA: Document 7-2, Pages 18-20 (Appellate Case 25-5063): Oregon decree registration July 11, 2017

Tulsa County Document #1037428505

Appendix G — Court Filings Acknowledging Oregon Decree as Binding

ROA: Document 7-2, Pages 65-66 (Appellate Case 25-5063)

Key Quote: "[Oklahoma] Court does not have the authority to modify that decree retrospectively... the Oregon decree is binding on this Court"

Appendix H — Order Modifying Decree of Dissolution of Marriage (excerpts)

ROA: Document 7-2, Pages 84, 115 (Appellate Case 25-5063)

Shows Father's income and fabricated income imputed to Mother

Appendix I — Mother's Exhibit List for Contempt of Court Proceedings

ROA: Document 54, Pages 29-32 (Case 4:24-cv-00216-JDR-CDL)

Evidence blocked from jury trial; all except 2 items excluded

Appendix J — Unrebutted IRS Tax Returns Showing Zero Income (2021-2022)

ROA: Document 7-1, Pages 411-414 (Appellate Case 25-5063)

Filed with 12-29-2022 Response to Objection to Pauperis Affidavit

Appendix K — Transcript Excerpt: Father's Testimony of Zero Harm to Child  
(February 1, 2024)

ROA: Document 7-2, Pages 84, 115 (Appellate Case 25-5063)

Transcript Files: Transcript\_020124\_Feb124Stephens\_1.PDF;

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Key Facts: Father testified child NOT harmed without Mother's support; Father's income ~\$6,000/month; child has NOT required government assistance; testimony NEVER rebutted

Appendix L — Oklahoma Supreme Court Order Affirming Indigency, Case No. DF-120849 (January 23, 2023)

ROA: Document 7-1, Pages 411-414 (Appellate Case 25-5063)

ROA: Document 7-1, Page 99: Standby counsel Cierra Freeman appointed

ROA: Document 54, Page 47 of 126: References to standby counsel during February 2024 contempt proceedings

Key Quote: "Appellee's Objection to Appellant's Pauper's Affidavit is denied"

#### Appendix M — Evidence of Respondent Father's Prior Termination of Parental Rights

ROA: Document 28-2, Pages 35-40 (Case 4:25-cv-00322-SEH-JFJ)

Court date: 11/20/2015; subsequent protective order issued when child turned 15

#### Appendix N — Jury Trial Transcript Excerpts (February 6-7, 2024)

ROA: Document 7-2, Pages 84, 115 (Appellate Case 25-5063)

Transcript Files: transcript\_20240206\_part1\_compressed\_feb\_6\_and\_7\_2024\_vol\_1;

transcript\_20240206\_part2\_compressed\_feb\_6\_and\_7\_2024\_vol\_2

Documents constitutional violations including Turner v. Rogers, Fifth/Sixth Amendment violations

#### Appendix O — Professional Sworn Statements and Affidavits

ROA: Document 54, Pages 84-108 (Case 4:24-cv-00216-JDR-CDL)

Includes: APRN Jeri Townsend (12/18/2022); Dr. Moris Laca (12/19/2021); Dr. Jim Lovett (06/15/2020); School Director Jayme Martin-Wingo; Teacher Susie Panzer; Parenting Coordinator Report; Church Deacons Carl and Helen Johnson (05/29/2020)

#### Appendix P — June 1, 2022 Hearing Transcript Excerpts

ROA: Document 7-2, Pages 65-66 (Appellate Case 25-5063)

ROA: Document 28-2, Page 29 of 102 (Case 4:25-cv-00322-SEH-JFJ)

Transcript File:

07\_Transcript\_20220601\_emergency\_custody\_frauds\_upon\_court\_06-01-22.pdf

Key: Bridget O'Brien admission "I KNOW YOU'RE GUILTY JUST BY LOOKING AT YOU"; 400+ similar cases pattern

Criminal History: O'Brien (a/k/a Bridget Kay Menser) felony Case No. CF-1999-2911; ROA Document 28-2, Page 36

#### Appendix Q — HHS OCRE Recusal Letter (September 24, 2025)

ROA: Appellate Case 25-5063, Document 61, Page 7 (Filed 01/26/2026)  
Case Nos. CR-23-175-PA, CR-23-176-PA, CR-23-177-PA, CR-23-193-PA  
Significance: Establishes exhaustion of state remedies; no adequate state forum exists

Appendix R — Private Attorney General Letter to SCOTUS (September 17, 2025)

Institute for Advancement of Justice & Human Rights  
Page 10 references Petitioner's case as nationally significant  
Re: UNCAT and Istanbul Protocol compliance

Appendix S — Evidence of RICO Violations by OKDHS

ROA: Document 7-2, Pages 30, 84 (Appellate Case 25-5063): ERISA violations  
ROA: Document 7-2, Pages 191-195: \$65,000 seized but not distributed  
Reply Brief, 10th Circuit: Father's attorney testified funds never received; Judge Seibert doesn't know whereabouts  
401(k) Details: Charles Schwab account x2605; \$64,445.92 ERISA-protected; established during second marriage; seized May 7, 2024 without QDRO or spousal consent

Appendix T — Americans with Disabilities Act (ADA) Violations

ROA: Document 54, Pages 173-179 (Case 4:24-cv-00216-JDR-CDL)  
Formal ADA Complaint by Marieke Vekemans Randoy (08/07/2023)  
Dr. Jeremy Ransdell accommodation request (05/16/2022)

Appendix U — Affidavit of ADA Advocate Regarding May 2, 2025 Hearing

ROA: Appellate Case 25-5063, Document 57, Pages 30-32  
Sworn firsthand account of judicial misconduct by Special Judge Loretta Radford

Appendix V — Notice of Liens Filed Against Petitioner (January 19, 2024)

ROA: OSCN Docket Entry 01-19-2024  
Intent to cause homelessness

Appendix W — May 8, 2025 Contempt Order and Bench Warrant

ROA: Appellate Case 25-5063, Document 57, Pages 30-32, 37-38

ROA: Case 4:25-cv-00322-SEH-JFJ, Document 59-1, Pages 1-4

OSCN Docket: Document #1061165633

Key: Special Judge Loretta Radford; 6 months incarceration; \$13,711.24 cash purge; no ability-to-pay hearing; double jeopardy

#### Appendix X — Additional Contempt Orders and Malicious Prosecution Orders

ROA: OSCN Docket Case No. FD-2015-2228

Issued despite pending appeals before SCOTUS

#### Appendix Y — Original Untruncated Written Closing Argument (9 pages)

ROA: Document 7-2 (Appellate Case 25-5063)

Filed February 2024

#### Appendix Z — Altered Exhibit of Closing Argument (only 2 pages instead of 9)

ROA: DF-122022 03-13-2024 Amended Petition in Error

Evidence of record tampering; 8 of 10 pages missing; Gossip v. Oklahoma violation

#### Appendix AA — Oklahoma State Auditor Press Release on OKDHS (August 27, 2025)

ROA: Reply Brief, 10th Circuit, Exhibit 5

Key: \$93.4 million "questioned costs" FY 2023; \$63.6 million mismanaged federal grant money

Corroborates RICO claims

#### DOJ Letters on Ability-to-Pay Requirements (Referenced Throughout)

March 14, 2016 DOJ Letter: Guidelines on court fines and fees

April 20, 2023 DOJ Letter: Updated constitutional requirements

ROA: Document 7-2, Page 72 (Appellate Case 25-5063): "11-04-2022 REQUEST FOR JUDICIAL NOTICE Document Available (#1053735245)"

## INTRODUCTION AND SUMMARY

To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Pursuant to Supreme Court Rule 23 and 28 U.S.C. § 2101(f), Applicant Linh Tran Stephens requests an immediate stay of the Tenth Circuit's mandate in Case No. 25-5063 pending certiorari. Applicant further seeks an immediate administrative stay of all proceedings and enforcement actions in Tulsa County District Court Case No. FD-2015-2228—including contempt orders, warrants, incarceration, attorney fee awards, judgments, liens, and collections—under 28 U.S.C. § 2101(f) and the All Writs Act, 28 U.S.C. § 1651(a), pending this Court's disposition.

**CRITICAL FACTS AND FEDERAL CONCERNS:** On January 23, 2023, in DF-120849, the Oklahoma Supreme Court affirmed Applicant's indigency by denying the objection to her Pauper's Affidavit—supported by IRS income records and detailed financials (Appendix L). The State's appointment of standby counsel Cierra Freeman in contempt proceedings further confirmed her inability to pay. Despite this, Applicant—an indigent Vietnamese mother—is subject to a six-month jail sentence and an active \$13,711.24 cash-only bench warrant stemming from a May 8, 2025 order, solely due to her inability to pay \$2,360.24/month in support (Appendix W).

**TRIAL EVIDENCE IGNORED:** At both the January 31–Feb. 2, 2024 bench trial and Feb. 6–7, 2024 jury trial before special judges (without a jury of peers), the

father repeatedly testified that the child was not harmed by the mother's lack of financial support—establishing no injured party and eliminating any compelling state interest (Appendix K).

**\$65,000 SEIZED—UNACCOUNTED FOR:** In February 2025, attorney Gilbert Pilkington testified that OKDHS seized nearly \$65,000 from Applicant's retirement, yet neither he nor the father received any funds, and Special Judge Seibert admitted no knowledge of its whereabouts—warranting DOJ investigation for potential RICO and federal fund misappropriation (Appendix S).

**State Auditor Confirmed OKDHS Mismanagement:** On August 27, 2025, Oklahoma State Auditor Cindy Byrd confirmed an audit showcasing OKDHS mismanagement of federal grant money, revealing **\$93.4 million of "questioned costs" in FY 2023**, with OKDHS mismanaging over \$63.6 million (See *Appendix AA*)—contextualizing OKDHS's seizure of my retirement accounts.

**Nature of Federal Claims:** This Application seeks: **(a) Prospective injunctive relief** for ongoing violations—not to overturn any state judgment; **(b) Declaratory actions not tied to overturning a state judgment;** **(c) Administrative record challenges** regarding OKDHS policies violating federal law; **(d) Pattern-and-practice claims** (DOJ Civil Rights Division territory); **(e) State-court collateral actions** that do not ask federal court to review state judgment; **(f) Independent federal claims for new injuries;** **(g) Actions against non-judicial actors** (caseworkers, CSS employees, Schwab); **(h) Claims where the state judgment is not the source of harm. *This distinction is VERY IMPORTANT.*** Applicant's

claims are carefully framed to address independent federal violations and enforcement mechanisms, not to relitigate any state court's substantive decisions.

**Important Clarification Regarding Criminal Prosecution:** Applicant acknowledges and understands that *private citizens cannot initiate federal criminal prosecutions*. While courts will docket such filings, they cannot proceed as criminal matters without action by the United States Department of Justice. Accordingly, Applicant does not purport to initiate criminal prosecution but instead **respectfully requests referral** to the United States Department of Justice, Civil Rights Division, for investigation and potential prosecution of documented violations of 18 U.S.C. §§ 241, 242, 1341, 1512, 1343, and 1961 (RICO).

#### **JURISDICTIONAL STATEMENT**

This Court has jurisdiction under 28 U.S.C. § 1254(1) to review the judgment of the Tenth Circuit by writ of certiorari. This Court has authority to stay the mandate under 28 U.S.C. § 2101(f), Supreme Court Rule 23, and the All Writs Act, 28 U.S.C. § 1651(a).

The Tenth Circuit entered its Order and Judgment on **January 16, 2026** (*Appendix A*). Applicant's Petition for a Writ of Certiorari is due on or before **April 16, 2026** (90 days from judgment). The Tenth Circuit denied Applicant's Motion to Stay Mandate on **January 28, 2026** (*Appendix B*). The Tenth Circuit also denied the Emergency Motion for Stay Pending Appeal on **January 16, 2026** (*Appendix C*) and denied the Verified Petition for Writ of Mandamus on **July 11, 2025** (*Appendix D*). Applicant has exhausted all lower-court remedies as required by Supreme Court Rule 23.3.

## OPINIONS AND ORDERS BELOW

The United States District Court for the Northern District of Oklahoma (Case No. 4:24-CV-00216-JDR-CDL) granted Defendants' motions to dismiss on **April 24, 2025**.

The United States Court of Appeals for the Tenth Circuit affirmed the dismissal in an unpublished Order and Judgment dated **January 16, 2026** (10th Cir. Doc. 59-1) (*Appendix A*). The panel (Carson, Baldock, and Kelly, Circuit Judges) found that Applicant had allegedly "waived" her opportunity to challenge the Younger abstention and Eleventh Amendment rulings by not adequately addressing them in her opening brief. **This finding is demonstrably false** as detailed herein.

### STATEMENT OF LEGAL STATUS OF APPLICANT

**I am not a surety and I have not, do not, and will not ever consent to any court's attempted body attachment warrant as I, Linh Tran Stephens (lower case), am a "free [nonblack] person" and stateless foreign national ("woman" of the "Union"),** in accordance with the statements made by the Honorable Justice Miller in the *Slaughter-House Cases*, 83 US 36 (U.S. Supreme Court - 1873), and the Honorable Chief Justice Wallace in *ELLEN R. VAN VALKENBURG v. ALBERT BROWN*, 43 Cal. 43 (California Supreme Court - 1872). Linh Tran Stephens is not and has never been a U.S. citizen, as clearly delineated in 28 USC 1332(a)(1). The rights of Linh Tran Stephens the sentient being is derived from the Bill of Rights, not from the 14th Amendment. Linh Tran Stephens is neither a negro nor a descendant of such. Linh Tran Stephens would be considered a "people" in plural usage. Linh Tran Stephens' biological property is



*Commerce; Silence or Nonresponse is Tacit  
Acquiescence/Agreement/Dishonor;*

I, Linh Tran Stephens, being of sound mind with postgraduate level of education and over the age of eighteen (18) years, do hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following statements are true and correct to the best of my knowledge, information, and belief:

1. I am the Applicant in this matter, proceeding *sui juris*, as a natural living breathing woman with a living soul and a Holy Spirit of Yahusha the Messiah. I, Linh Tran Stephens (lower case) is a "free [nonblack] person" and stateless citizen ("woman" of the Union), in accordance with Slaughter-House Cases, 83 US 36 (1873), and *Ellen R. Van Valkenburg v. Albert Brown*, 43 Cal. 43 (1872). LINH TRAN STEPHENS©® is a 14th Amendment US citizen under 8 USC § 1401(a), with legal structure as a sole proprietorship and EIN as SSN under 26 CFR 301.7701-11. This declaration is made in truth, equity, good faith, and without waiver of rights

2. *The Oregon Divorce Decree and Child Support Waiver*: On January 8, 2016, my divorce from Adam Sylvester Stephens was finalized in Columbia County, Oregon state, Circuit Court (Case No. 15DR18623). The divorce decree explicitly provided: "*Jeep and Trailer [from Linh to Adam] in lieu of child support [until child ages out]*." This provision appears *FIVE (5) times* throughout the decree, constituting a complete satisfaction and waiver of all future child support obligations (see *Appendix E*)

3. This Oregon decree was registered in Tulsa County, Oklahoma on July 11, 2017 (Document #1037428505, see *Appendix F*). Oklahoma judges Kevin Morrison and Thera Dreiling initially *affirmed the binding nature* of the Oregon decree (see *Appendix G*)

4. *Oklahoma Supreme Court Affirmed Indigency (DF-120849)*: On January 23, 2023, the Oklahoma Supreme Court in Case No. *DF-120849* expressly affirmed my indigent status by ruling "Appellee's Objection to Appellant's Pauper's Affidavit is denied." This followed my submission of extensive financial proofs including IRS income statements for 2 years. This indigency has *never been disputed since January 2023*. The State even *assigned me court-appointed standby counsel Cierra Freeman* during the contempt proceedings that lead to debtor prisons *repeatedly*—further acknowledging my inability to pay for private counsel (See Appendix L for indigency order and counsel assignment).

5. *The Retirement Account Was Established After the Divorce*: Since 2018—*two years after* my finalized divorce in 2016 with Adam Stephens—I established a 401(k) retirement account from \$0 then going up, during my employment with *Cherokee Nation (Indian Health Services) 2018-2021 without a dime from Mr. Adam Stephens, whose name was never on said 401(k) account*. This account, now a rollover IRA held at Charles Schwab (account ending in x2605), contained *\$64,445.92* in ERISA-protected retirement assets [see Exhibits]. Because this account was established *during my second marriage* (which remains intact still even

now) *to a nonparty*, it was never subject to any potential QDRO in the divorce proceedings with Mr. Adam Stephens, my long-divorced ex-husband.

**6. Father Testified Child NOT Harmed Without Mother's Financial Support:** During *both* the five-day bench trial before Special Judge April Seibert (January 31 - February 2, 2024) *and* the two-day jury trial before Special Judge Deborah Ludi-Leitch (February 6-7, 2024), *the ex-husband/father of the child testified repeatedly on the record that the child is NOT harmed in any way without Mother's extra financial support.* This testimony—offered into evidence and never rebutted—proves *that there is no injured party* (See *Appendix K* for transcript excerpt) and the father's income (approximately \$6,000/month as property manager and undisclosed income being a semi-truck driver with 30 years' experience) was more than sufficient to care for the child without government assistance or mother's support.

**7. \$65,000 Missing—Whereabouts Unknown:** *Per testimony on January 13, 2025*, Mr. Gilbert Pilkington, Jr. (attorney for the father) testified in court that OKDHS seized nearly **\$65,000** from my retirement account, yet **the father has NOT received a single dime from these funds, nor has his attorney received any payment.** Special Judge April Seibert acknowledged on the record that *she does not know where the garnished funds of \$65,000 have been placed.* There has been no effort nor referral for any investigation despite my motions and demands. This substantiates RICO claims under 18 U.S.C. § 1961. [Court minute order said “01-13-2025 SEIBERT, APRIL: PETITIONER PRESENT, PRO-SE. RESPONDENT NOT PRESENT, REPRESENTED BY GILBERT PILKINGTON, PRESENT. COURT REPORTER, ABBY YODER, PRESENT. MATTER COMES ON FOR EVIDENTIARY HEARING ON ATTORNEY FEES. THE COURT HEARS TESTIMONY AND ARGUMENT. MATTER IS TAKEN UNDER ADVISEMENT FOR A WRITTEN DECISION”]

**8. State Auditor Confirmed OKDHS Mismanagement:** On August 27, 2025, Oklahoma State Auditor Cindy Byrd confirmed an audit revealing OKDHS mismanagement of federal grant money—**\$93.4 million of “questioned costs” in FY 2023**, with OKDHS mismanaging over \$63.6 million (See *Appendix AA*) — contextualizing OKDHS's seizure of my retirement accounts.

**9. No Valid QDRO nor warrant was Ever Issued:** Despite the Oregon decree's explicit waiver of child support, Oklahoma purported to modify the decree and create child support obligations exceeding \$60,000 and ongoing, compounding alleged interests still. *No valid Qualified Domestic Relations Order (QDRO) meeting the requirements of 29 U.S.C. § 1056(d)(3)(B)-(D) was ever entered, and no warrant was ever issued authorizing the seizure of Applicant's ERISA-protected retirement funds in violation of the Fourth Amendment's protection against unreasonable seizures.* My current spouse the nonparty *never consented* to any seizure of community property retirement funds for my one-and-only ex-husband and that exhusband's child.

**10. Caseworker Bridget O'Brien's Malicious Prosecution:** On December 3, 2021, OKDHS caseworker *Bridget O'Brien (a/k/a Bridget Kay Menser)* orchestrated the unlawful removal of my daughter G.S. from my protective custody

without a warrant, in direct violation of the Fourth Amendment's prohibition against unreasonable seizures of persons. Background checks revealed that Bridget O'Brien/Menser has a ***felony conviction (nolo contendere plea) under Case No. CF-1999-2911*** for offenses involving harm to children (selling alcohol to minors) (see Appendix P) and multiple bankruptcies (see Appendix S) with incentives for bonuses for removal of children from currently safe homes like mine.

11. On the official transcript of the ***June 1, 2022 hearing***, caseworker Bridget O'Brien admitted, after being confronted by my attorney, that she told me: "***I KNOW YOU'RE GUILTY JUST BY LOOKING AT YOU***," implying there was no need to inspect evidence or conduct proper investigation (See Appendix P, June 1, 2022 Hearing Transcript Excerpts)

12. Evidence in the record indicates that Bridget O'Brien has ***testified similarly against over 400 other cases*** prior to my case, *establishing a pattern and practice of malicious prosecution constituting DOJ Civil Rights Division territory* (See Appendix P and Appendix S).

13. ***Double Jeopardy: I already served two months*** in jail (February-March 2024) for the same alleged debts. On May 8, 2025, while my appeals against this wrongful conviction (DF-120848, DF-120849, DF-122022) remained pending, Special Judge Loretta Radford issued a second contempt order sentencing me to ***an additional six months*** (Appendix W)—prosecuting me again for identical obligations while the first appeal remained pending—and an active warrant out for my arrest which is still in effect (See Appendix X for additional contempt orders).

14. ***Deliberate Exclusion from May 2, 2025 Hearing:*** On May 2, 2025, while my appeals remained pending, Special Judge Loretta Radford conducted a non-jury trial despite my repeat demands for a trial with jurors of my peers. The court record falsely reflects that I was absent. I and my ADA advocates attempted to appear virtually—the same accommodation granted to Respondent Adam Stephens and his attorney Gilbert Pilkington, Jr.,—but were ***deliberately blocked from accessing the hearing*** (See Appendix U, Affidavit of ADA Advocate).

15. ***Special Judges and Separation of Powers:*** All contempt proceedings against me have been conducted by "special judges" rather than my demanded Article III constitutional judges. These "special judges" declared themselves "*I am the law*" on court recordings (see evidence of recordings on *LinhStephens.com* whose transcripts' orders was denied or altered by Tulsa Oklahoma court), and claimed "*the Constitution does not apply. The State acted simultaneously as prosecutor/accuser AND judge* which is unlawful and unconstitutional--with no prosecutor from the District Attorney's office appearing ever.

16. ***Contradictory Findings:*** Oklahoma courts--ignoring jurisdictional challenges via special entry of special appearances and ignoring valid objections--found me ***mentally incapacitated*** for custody purposes for intelligent and healthy 8 year old female while simultaneously ***imputing full physician earning capacity*** for child support purposes. These internally contradictory findings cannot logically coexist.

17. ***Jurisdictional Issues:*** At the time of the May 2, 2025 hearing, ***neither party physically resided in Oklahoma:*** Respondent had relocated to Texas in January

2024, and I had relocated to South Carolina in March 2024, more than a year before the hearing, yet court still proceeded unlawfully despite additional jurisdictional challenges.

18. I have suffered severe collateral consequences: my *medical license was revoked*; my *passport was revoked* under 42 U.S.C. § 652(k) without pre-deprivation notice or hearing.

19. Federal habeas petitions (Case Nos. 4:25-cv-00285 and 4:25-cv-00286) both were filed prior to President Trump's declaration of Marshall Law have been pending since June 2025 without resolution nor restitution.

20. On September 24, 2025, Oklahoma Office of Civil Rights Enforcement formally recused itself (Appendix Q), acknowledging conflicts constituting no adequate state remedy. Petitioner exhausted all channels: **(1)** Oklahoma courts denied opportunities to present evidence despite 30+ motions (Appendix I showing blocked exhibits; Appendix N showing trial violations); **(2)** Oversight complaints systematically ignored—Oklahoma House ordered OSBI investigation (Appendix S), which OSBI unlawfully refused, and the Accountability Committee was subsequently dissolved; **(3)** Court transcripts altered compared to original recordings, FOIA requests for voice recordings denied, constituting obstruction of justice under 18 U.S.C. § 1512; **(4)** Federal habeas petitions filed June 2025 remain unaddressed after seven months. This coordinated obstruction leaves this Court as the only viable relief; **(5)** The Institute for Advancement of Justice & Human Rights identified Petitioner's case as nationally significant (Appendix R), Private Attorney General Letter to SCOTUS dated 09-17-2025, referencing Petitioner's case on page 10).

21. Neither I nor Adam Stephens nor the nonparty-but-owner of the said retirement accounts ever received public assistance or applied for Title IV-D services that would have authorized Oklahoma Child Support Services to pursue enforcement under 42 U.S.C. § 654(4).

22. I have been deprived from all forms of contact from my biological property my first born female offspring (including phone calls, video chats, or overnights), G.S., since December 3, 2021, without any findings of harm or unfitness by OKDHS and YAHUAH/CREATOR, while being all my rights were violated including but not limited to substantive rights, human rights, unalienable rights, civil rights, etc. with some examples below as these are summary of key quotations during hearings:

**a. TURNER v. ROGERS VIOLATION - 60-Day Imprisonment Without Ability-to-Pay Hearing:**

"THE COURT: The Court, at this time, is going to order you to go into the Tulsa County Jail for 60 days... Your purge fee is \$12,413.40... can you afford to pay that, ma'am? MS. STEPHENS: No, Your Honor." -- February 7, 2024, Pages 103-104 (See Appendix N)

**b. FIFTH AMENDMENT VIOLATION - Adverse Inference for Constitutional Right:**

"THE COURT:... the jury may -- it's not required -- make an inference that is adverse to you about the issue on which you have been questioned and refusing to testify." -- February 6, 2024, Pages 11-12

**c. SIXTH AMENDMENT VIOLATION - "Dictionary-Only" Counsel:**

"MS. STEPHENS: No, I would not agree to that, Your Honor... I would say my Sixth Amendment rights I would invoke at any time. And so I would like to have a standby counsel." -- March 24, 2023, Pages 7-8

**d. EVIDENCE SUPPRESSION:**

"MS. STEPHENS:... they suppressed evidence. They are tampering evidence, and they blocked out my witness --" -- February 7, 2024, Page 78 (See Appendix N and Appendix I)

**e. DOUBLE JEOPARDY - Second Warrant:**

May 8, 2025 bench warrant: \$13,711.24 (cash only) with six months' incarceration -- for the SAME debt that resulted in 60-day imprisonment on February 7, 2024 (See Appendix W and Appendix X).

These foregoing extraction documents systematic and pervasive constitutional violations against me, Linh Tran Stephens, including but not limited to: imprisonment without ability-to-pay hearings in violation of *Turner v. Rogers*; adverse inference instructions for invoking Fifth Amendment rights; "dictionary-only" counsel that nullified Sixth Amendment protections; systematic suppression of evidence and witnesses; undisclosed judicial conflicts of interest; ADA violations; and threatened double jeopardy. These violations demand immediate intervention by the Supreme Court of the United States.

**23. *The Tenth Circuit's finding that Petitioner "never addresses" Eleventh Amendment immunity or Younger abstention is factually false and demonstrably false. Petitioner addressed both issues based on the following record evidence:***

- Reply Brief, Table of Authorities: Lists *Hafer v. Melo*, 502 U.S. 21 (1991) at page 8; *Ex parte Young*, 209 U.S. 123 (1908) at pages 7-8; *Pater v. City of Casper*, 646 F.3d 1290 (10th Cir. 2011) at page 9.
- Reply Brief, Section D: Explicitly titled "District Court Erred in Applying Younger Abstention and Dismissing Constitutional Claims."
- Records on Appeal, Vol. I, Page 344 (Dkt. 41): Section 14.b titled "Young Abstention Inapplicability."
- Records on Appeal, Vol. I, Page 348 (Dkt. 41): Section 20 titled "Younger Abstention and the Scope of Federal Jurisdiction."
- Opposition to Motions to Dismiss: Section B titled "The Ex Parte Young Exception Permits Plaintiff's Claims for Prospective Relief" and Section C titled "Individual Capacity Claims Are Not Barred by the Eleventh Amendment."

24. The 10th circuit panel's statement that Petitioner "never addresses" these issues constitutes a "Misapprehension of the Record" that denied Petitioner due process. A pro se litigant who addresses an issue in her Reply Brief and in her District Court filings should not be deemed to have "waived" that issue. I intend to file a Petition for Writ of Certiorari in the Supreme Court of the United States within 90 days of the entry of this Court's judgment which was entered on January 16, 2026.

24. I, linh-tran: stephens, declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct, and

that I am not a surety and I do not consent to any attempted body attachment warrant. All statements herein of the whole document with its appendices/exhibits are verified/attested and reliable statements of facts witnessed by Linh the Appellant, YAHUAH/I AM THAT I AM/Creator, Messiah Yahusha, and the Holy Spirit of truth, light, and justice pursuant to THE WORD OF YAHUAH<sup>1</sup> in *Psalm 127:3 + Psalm 105:15 + Exodus 8:1&9:1 + Isaiah 61:8a + Deuteronomy 19:15 + Isaiah 54:17*; *Notice to Agent is Notice to Principal, Notice to Principal is Notice to Agent, Notice applies to all successors and assigns; Affidavit is a Form of Evidence; Unrebutted Affidavit Stands as Truth in Commerce; Silence is Tacit Acquiescence/Dishonor/Accessory to described crimes&claims&harms;*

Private sector autograph;  
**WITHOUT RECOURSE**



By: *without prejudice*  
*linh-tran:stephens/Agent*

By: **Linh Tran Stephens / sui juris Applicant, Agent or attorney-in-fact,**

### **GROUNDS FOR EMERGENCY RELIEF**

This Court may grant a stay pending disposition of a petition for writ of certiorari upon consideration of: (1) whether there is a reasonable probability that four Justices will grant certiorari; (2) whether there is a fair prospect that the Court will reverse; (3) whether irreparable harm will result absent a stay; and (4) whether the balance of equities favors granting a stay. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010).

**All four factors weigh decisively in favor of granting the requested stay.**

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<sup>1</sup> "Lo, children are an heritage of the Lord: and the fruit of the womb is his reward." (Psalm 127:3);

"Touch not mine anointed, and do my prophets no harm." (Psalm 105:15);

"Let my people go, that they may serve me[YAHUAH]." (Exodus 8:1 and Exodus 9:1);

"For I the Lord love justice..." (Isaiah 61:8a);

"One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established." (Deuteronomy 19:15);

"No weapon that is formed against thee shall prosper; and every tongue that shall rise against thee in judgment thou shalt condemn. This is the heritage of the servants of the Lord, and their righteousness is of me, saith the Lord." (Isaiah 54:17)

**(1). Reasonable Probability of Certiorari**

This case will present at least *twelve substantial federal questions (or more later when it is due time to file the two writs of certiorari)*. These questions implicate fundamental constitutional protections:

- i. Whether the Due Process Clause prohibits incarcerating an indigent parent for civil contempt based on inability to pay child support without an ability-to-pay hearing. [*Turner v. Rogers*, 564 U.S. 431 (2011)]
- ii. Whether successive incarceration for the same unpaid alleged child support debt while appeals remain pending violates the Double Jeopardy Clause of the Fifth Amendment.
- iii. Whether civil contempt proceedings resulting in determinate incarceration (even if less than 6 months and purposely misfiled by the State under “jail” instead of “prison” for sentencing) require proof beyond a reasonable doubt and Sixth Amendment protections, including the right to counsel and confrontation. [*SEC v. Jarkesy*, 603 U.S. 109 (2024)]
- iv. Whether the Fifth Amendment privilege against self-incrimination and Seventh Amendment jury trial right prohibit adverse inferences from a defendant's invocation of those rights in civil contempt proceedings resulting in incarceration.
- v. Whether ERISA preempts state garnishment of retirement accounts without a qualified domestic relations order (QDRO) and zero spousal consent, particularly when funds were acquired during a subsequent marriage with a nonparty. [*Boggs v. Boggs*, 520 U.S. 833 (1997)]

- vi.** Whether a state court violates Full Faith and Credit by modifying another state's final child support judgment that expressly waived support through a contractual provision stating "Jeep and Trailer in lieu of child support." [*V.L. v. E.L.*, 577 U.S. 404 (2016)]
- vii.** Whether separation of powers is violated when state courts assign non-Article III "special judges" to contempt proceedings resulting in incarceration, where such judges simultaneously act as prosecutor/accuser AND judge without a prosecutor from the District Attorney's office.
- viii.** Whether Due Process or Equal Protection, or both, are violated when a court finds a parent mentally incapacitated for custody purposes while simultaneously imputing full professional earning capacity for child support purposes—an internally contradictory finding that cannot logically coexist.
- ix.** Whether due process permits a state to exercise jurisdiction over a nonresident foreign national, over her objection and removal to federal notices, to modify child support and enforce related contempt.
- x.** Whether a state may assert continuing jurisdiction to modify child support when all parties, including a nonresident foreign national, have permanently relocated outside that state, in violation of the Uniform Interstate Family Support Act (UIFSA) and both have given the state notices of moving.
- xi.** Whether *res judicata*, collateral estoppel, the Full Faith and Credit Clause, and principles of Federalism are violated when a state modifies another state's final child support judgment that expressly waived support.

xii. Whether passport revocation for child support arrears under 42 U.S.C. § 652(k) without pre-deprivation notice or hearing violates procedural due process. [*Kent v. Dulles*, 357 U.S. 116 (1958)]

**(2). Fair Prospect of Reversal**

The record demonstrates clear violations of *Turner v. Rogers*, *V.L. v. E.L.*, *Boggs v. Boggs*, and *SEC v. Jarkesy*. The Oklahoma Supreme Court **affirmed Applicant's indigency** in January 2023, making any incarceration for inability to pay a per se *Turner* violation.

**Additional compelling evidence:** Father testified under oath that the child is **not harmed** without mother's financial support in February 2024. Then on January 13, 2025, Father's private attorney Gilbert Pilkington testified that **\$65,000 of Mother's second marriage (which has never filed any divorce paperwork) retirement was seized for exhusband's child support, but neither the ex-husband nor exhusband's attorney received any funds**—and the special judge April Seibert allegedly doesn't know where the money went either.

**(3). Irreparable Harm Torturous Level that is Ongoing and Worsening**

Applicant faces imminent loss of liberty through six months' incarceration repeatedly. "[T]he loss of constitutional freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Applicant's Applicant, a Vietnamese foreign national and financially indigent mother, faces imminent re-imprisonment for six months based on an Order dated May 8, 2025 (Appendix W), arising from her documented inability to pay court-ordered child support of \$2,360.24 per month (on \$0 income) which is

unconscionable. Applicant's indigency is not in dispute: it is documented in the record (Appendix J and Appendix L) and was expressly affirmed by the Oklahoma Supreme Court, which overruled Respondent's objection to Applicant's *Motion for Leave to Proceed In Forma Pauperis*. A bench warrant has been issued in the amount of \$13,711.24 cash/money order only (see attached Appendix W), with execution of six months' incarceration in Tulsa County Jail upon arrest. This imprisonment constitutes double jeopardy—Applicant already served two months in 2024 (Appendix N, X) for the same alleged debts while her appeal (DF-122022) remained pending. The contempt proceedings arise from orders issued without jurisdiction and without conducting the ability-to-pay hearing mandated by *Turner v. Rogers*, 564 U.S. 431 (2011). Oklahoma's "special judges" denied Applicant's Rule 8 hearing Requests (inability to pay hearing), asserting that "child support contempt cases are exempt from Rule 8 hearings"—directly conflicting with this Court's precedent and Oklahoma Supreme Court rulings.

The underlying child support orders violate the Full Faith and Credit Clause by disregarding the binding Oregon decree in Case No. 15DR18623 (Order dated Jan. 8, 2016), which explicitly states “Jeep and Trailer in lieu of child support” five times—see Appendix E, Sections 3 (pp. 11–12), 5.1.1 (pp. 16–17), 8.2 (p. 19), “Money Award” (pp. 22–23 and 25), including the clause that “Wife will receive [Jeep and Trailer] free of any claims of Husband.” Plaintiff fully performed under the contract—paying for, insuring, and transferring the property—while Defendant breached the contract and judicial estoppel by seeking child support on October 14,

2022, without filing any written motion to modify. He had previously filed written pleadings in Tulsa County rejecting the offer to exchange the Jeep/Trailer for cash support of \$586/month (see p. 11, Appendix E). Oklahoma courts enforced the Oregon decree in 2017 (Appendix F), and Defendant repeatedly filed to secure title, acknowledging that Oklahoma lacked authority to retrospectively modify the decree (Appendix G). Yet, on February 20, 2024, a non-Article III special judge retroactively imposed support back to 2017 without jurisdiction, motion, or Applicant's consent—ignoring objections and declining renegotiation—thus violating *V.L. v. E.L.*, 577 U.S. 404 (2016), the Full Faith and Credit Act, and *res judicata*.

Oklahoma's dismissal of Applicant's appeals without the full and complete record as designated directly conflicts with this Court's mandate in *Glossip v. Oklahoma*, 604 U.S. \_\_\_ (2024). The trial court failed to transmit critical designated record items, including Applicant's 'Written Closing Argument' filed February 2024, of which **8 of 10 pages are inexplicably missing from the appellate record in Oklahoma Supreme Court** (See Appendix Y for original 9-page document vs. Appendix Z for altered 2-page version). *Glossip* requires appellate courts to obtain and review the complete record before adjudicating an appeal—yet Oklahoma dismissed Applicant's appeals based on an incomplete record that the trial court itself failed to transmit.

This is not an isolated failure but a documented pattern of practice in Oklahoma courts. The same systematic deprivation of appellate rights through incomplete record transmission has been reported and documented in at least two

other cases: *Alisha May Reeves v. Wade Ryan Reeves*, No. FD-2022-1789, and *Hester Anne Brown v. Nathan Scott Gilley*, No. FP-2016-60. Such a pattern demonstrates that Oklahoma's Gossip violations are systemic, warranting this Court's intervention.

**Ongoing Coercive State Court Actions causing Ongoing Worsening and Irreversible Harms and Torture:**

Oklahoma courts have continued and escalated coercive enforcement actions even as this matter proceeds toward Supreme Court review--similarly situated to other cases e.g. *Alisha May Reeves v. Wade Ryan Reeves*, No. FD-2022-1789.

Applicant Linh's OSCN docket reflects the following timeline of coercive actions:

- **May 2, 2025:** Non-jury 'trial' conducted with Applicant falsely deemed absent. Applicant attempted to appear virtually—the same method permitted for Respondent Adam Stephens and his counsel—but Applicant and her ADA advocates were deliberately blocked from accessing the hearing. A witness present in the courtroom observed and documented this injustice under oath. (See Appendix U: Affidavit of ADA Advocate During 05/02/2025 Tulsa County Hearing—sworn firsthand account detailing egregious judicial misconduct by Special Judge Loretta Radford, including deliberate exclusion of Applicant and complicit actions by the Sheriff and Bailiff during a purportedly 'public' hearing (2 pages). Without affording Applicant any opportunity to participate or defend herself, the court found her in contempt; a bench warrant was issued for \$13,711.24 cash only, with execution of six months' incarceration upon arrest. The resulting order was entered May 8, 2025.

- **May 8, 2025:** Bench warrant formally entered; service by sheriff ordered.

- **August 15, 2025:** Attorney fees of attorney I didn't hire of \$4,394.90 awarded against Applicant for contempt proceedings, with \$250/month payment order starting September 1, 2025, "*08-15-2025 CTFREE JUDGE LORETTA RADFORD: COURT SIGNS ORDER AWARDING ATTORNEY FEES AND COSTS FOR CHILD SUPPORT CONTEMPT ORDER ENTERED ON MAY 2025.*"

Previously, "Notice of liens" filed **01-19-2024** on assumed place of domicile to with intent to cause homelessness (See Appendix V); "**01-19-2024** "*CTFREE SEIBERT, APRIL: PAYMENT PLAN - ORDER AWARDING FEES FOR SUPREME COURT CASE NO. 120,848 SIGNED*"; and "10-09-2023 CTFREE SEIBERT, APRIL: ...THE COURT GRANTS ATTORNEY FEES IN THE AMOUNT OF \$1,626.84 TO RESPONDENT; BOTH PROTECTIVE ORDERS DISMISSED; PARTIES TO ENTER INTO A MUTUAL RESTRAINING ORDER [to which Linh objected to and wasn't mutually agreeing to any restraining order as *fraudulently* alleged by the Court]

- **August 21, 2025:** NEW Indirect Contempt Citation signed; arraignment set for November 21, 2025—constituting additional contempt charges while prior contempt appeal issues remain unresolved.

- **August 25, 2025:** Additional attorney fees findings entered for "Responding to Appeal for Jury Trial" and "Jury Trial on Indirect Contempt."

- **September 5, 2025:** Indirect Contempt Citation document filed.

- **November 20, 2025:** Court noted "no service" on Applicant for indirect contempt citation; alias contempt citation ordered—demonstrating Oklahoma's continued pursuit of coercive sanctions without proper service.

- Applicant's minor daughter G.S. has been separated from her mother for **nearly four years (since *December 3, 2021*) WITHOUT findings of harm or unfitness nor due process nor equal treatment** (see proof Appendix M and Appendix O) Juvenile Court hearing Without a court reporter, there is no official record. Without a record, truth is suppressed, appellate review is impossible, and no lawful deprivation of parental or property rights can occur, and proof that Mother never signed any waivers with lawyer Erica Park nor OKDHS per Appendix O despite fabrications of such on OKDHS record in Appendix S, while OKDHS biasedly awarded sole custody to someone they knew has his parental rights terminated regarding another female child on court on 11/20/2015 as see Appendix M, and that female child later once turned 15 had court-ordered permanent protective order against Adam the father of my only daughter,)—each day causes irreparable harm to the parent-child bond that cannot be remedied by monetary damages. See Appendix O for Professional Sworn Statements and Affidavits from medical professionals, educators, and community members

- Oklahoma unlawfully seized \$64,445.92 from Applicant's 401(k) retirement account (established in a subsequent marriage) without spousal consent and in violation of ERISA's anti-alienation provisions, 29 U.S.C. § 1056(d) and federal laws e.g. Fair Debt Collection Practices Act (FDCPA),. These funds have disappeared within state bureaucracy—testified on the record by Respondent's attorney.

- **January 16, 2026:** Tenth Circuit Court entered its Order and Judgment affirming the District Court's dismissal of Appellant's claims and denying the emergency motion as moot, signed by **Paul J. Kelly, Jr., 10th Circuit Judge.**

- Applicant's **passport** was revoked under 42 U.S.C. § 652(k) without pre-deprivation notice or hearing, preventing visits to terminally ill relatives abroad and prevented missionary trips abroad.

- Oklahoma blocked Applicant's **medical license** renewal, followed by revocation and false imprisonments, permanently closing her direct primary care clinic and her lifelong, one and only career as a general/family medical physician.

- These ongoing actions constitute an escalating pattern of coercive enforcement designed to compel submission through imprisonment and financial penalties, notwithstanding the fundamental constitutional violations underlying the original orders and the pendency of federal appellate review.

#### ***(4). Balance of Equities***

A brief stay causes no cognizable harm to Respondent—especially *since the father testified the child is not harmed without mother's support and he has not received any funds* from the \$65,000 seized and still fine with it.

Absent a stay, Applicant faces repeated severe and irreversible harms including: repeatedly kidnapped and falsely imprisoned via unconstitutional debtor-imprisonment and malicious prosecutions (by state of Oklahoma actors and employees), defamation, gang stalking and harassments via predatory creditor's practices of OKDHS for unvalidated and fabricated debt, loss of dignity, loss of all aspects of freedom, loss of faith in the justice system, loss of faith in humanity, and the constitutional questions will be mooted as those rights continued to be violated.

Oklahoma's continued escalation of contempt proceedings, issuance of new contempt citations, entry of unlawful and fraudulently claimed attorney fee

judgments, liens on all properties, suspensions of all licensures including professional licensures. *The Oklahoma Department of Human Services (OKDHS) suspended the Applicant's licensure, despite such licenses not being necessary for the Applicant's employment. Simultaneously, OKDHS ordered the Applicant to pay an unvalidated and contested (refused to contract) child support amount exceeding \$2,000 per month. This obligation is based on an unethical imputed income calculation of \$250,000 plus a fabricated income of \$3,000 per month for Full Disability, an amount equivalent to simultaneously possessing a medical license working full time while taking care of a baby at home and receiving full disability income of \$3000 per month (zero evidence of such provided by anyone). This action is an absurd, unethical, discriminatory, and malevolent exercise of authority. Furthermore, the subsequent charging of contempt for the Applicant's inability to pay, an inability directly caused by OKDHS's actions, constitutes a form of evil entrapment in the view of all neutral observers.*

## ARGUMENT

### I. APPLICANT FACES IRREPARABLE HARM ABSENT A STAY

A bench warrant has been issued for \$13,711.24 (cash only), with execution of six months in Tulsa County Jail upon arrest. This harm is irreparable because it cannot be undone by a later favorable ruling.

**A. Separation from Minor Child:** Applicant's daughter has been separated from her mother for over four years without findings of harm or unfitness. *Troxel v.*

*Granville*, 530 U.S. 57, 65 (2000).

**B. Financial Devastation:** Oklahoma seized \$64,445.92 from Applicant's ERISA-protected retirement account without valid QDRO which also violated FDCPA—yet *neither the father nor his attorney has received any of these funds.*

**C. Loss of Fundamental Rights and human rights:** Passport revoked under 42 U.S.C. § 652(k) without pre-deprivation hearing; medical license revoked—all without any showing of physical harms/damages to anyone nor to the government.

## **II. LIKELIHOOD OF SUCCESS ON THE MERITS**

### **A. *Turner v. Rogers* Violations (42 U.S.C. § 1983) and Sixth Amendment and Fourteenth Amendment Violations:**

In *Turner v. Rogers*, 564 U.S. 431 (2011), this Court established that due process requires, before incarcerating a person for civil contempt: (1) notice that ability to pay is a critical issue; (2) a fair opportunity to present evidence; and (3) an express finding of ability to pay.

**Oklahoma courts failed to satisfy ANY of these requirements.** The Oklahoma Supreme Court ***expressly affirmed Applicant's indigency in January 2023 (DF-120849) [see Exhibits].*** The State also assigned court-appointed standby counsel—implicitly acknowledging Applicant could not afford private counsel. The Tenth Circuit has recognized that "the right not to be incarcerated for a civil debt without evidence of willful refusal to pay is clearly established." *Havens v. Johnson*, 783 F.3d 776, 785 (10th Cir. 2015).

### **TURNER v. ROGERS VIOLATIONS - ABILITY TO PAY**

**Applicable Law:** *Turner v. Rogers*, 564 U.S. 431 (2011) requires ability-to-pay hearing before incarceration for civil contempt. *Bearden v. Georgia*, 461 U.S. 660 (1983); *Timbs v. Indiana*, 139 S. Ct. 682 (2019).

### **VIOLATION 1: 60-Day Incarceration Without Ability-to-Pay Hearing**

<b>Date:</b>	February 7, 2024
<b>Court:</b>	Tulsa County District Court, Oklahoma
<b>Judge:</b>	Special Judge Deborrah Ludi Leitch
<b>Transcript:</b>	transcript_20240206_part2_compressed_feb_6_and_7_2024_vol_2_contempt_of_court_hearing_CSS_debtor_prison.pdf
<b>Pages/Lines:</b>	Pages 103-106

**EXACT QUOTE:**

*"THE COURT: The Court, at this time, is going to order you to go into the Tulsa County Jail for 60 days and up to a \$500 -- I'm going to impose a \$500 fine. You will be taken into custody. Not yet, just a second. Your purge fee is \$12,413.40. We would -- do you need to have -- can you afford to pay that, ma'am? MS. STEPHENS: No, Your Honor."*

**ADDITIONAL QUOTE:**

*"THE COURT: I believe the Court has already ruled on the fact -- in this court, as well as Judge Seibert -- that you are not indigent." (Page 104, Lines 4-6)*

**Constitutional Violation:** Court imprisoned Petitioner for 60 days despite: (1) Oklahoma Supreme Court affirming indigency status in January 2023 (Appendix L) admitted evidence many times, excerpts in Appendix I; (2) Petitioner explicitly stating inability to pay; (3) No formal ability-to-pay hearing conducted as required by Turner v. Rogers; (4) Unrebutted tax returns showing zero income, see Appendix J for 2021 and 2022 samples; (5) Father of child himself testified zero harm nor deprivation of any needs of child even without child support from mother (see Appendix K which is excerpt of transcript of hearing on 02/01/2024

**VIOLATION 2: Impossibly High Purge Fee Despite Indigency**

<b>Date:</b>	February 7, 2024
<b>Transcript:</b>	transcript_20240206_part2_compressed_feb_6_and_7_2024_vol_2_contempt_of_court_hearing_CSS_debtor_prison.pdf
<b>Pages/Lines:</b>	Pages 104-105

**EXACT QUOTE:**

*"MS. STEPHENS: Your Honor, I would ask why is the purge fee so high and it should be lower... THE COURT: That's denied. I will deduct a \$5,000 partial purge just based on your stating that you're indigent. However -- Counsel? MR. PILKINGTON: Your Honor, even though she refused to testify, we believe that she's receiving a monthly paycheck of \$2,600 dollars from the VA, we've introduced evidence that she had or has investments that are producing capitol gains, and there was an IRA of at least 60,000 that she's never disclosed. We would ask for the full amount to be set."*

**Constitutional Violation:** The Court violated *Turner v. Rogers*, 564 U.S. 431 (2011), by imposing a \$5,000 purge fee on an indigent mother without making any expressed finding of willfulness or present ability to pay. Relying solely on opposing counsel's speculative claims and court said "we believe"—unsupported by evidence—the Court unlawfully presumed income, including 100% disability AND fabricated physician wages (it is impossible to be disabled on full SSI and on full salary of a physician), to justify incarceration, thereby denying due process and rendering the contempt order constitutionally impermissible.

SIXTH AMEND. VIOLATIONS - RIGHT TO EFFECTIVE COUNSEL

**VIOLATION 3: "Dictionary-Only" Counsel Limitation**

<b>Date:</b>	March 24, 2023
<b>Court:</b>	Tulsa County District Court, Oklahoma
<b>Judge:</b>	Special Judge Deborrah Ludi Leitch
<b>Transcript:</b>	Transcript_20230324_Contempt_Arraignment_violated_6th_amendment_032423.pdf
<b>Page/Lines:</b>	Pages 7-8, Lines 1-25; Pages 23-25

**EXACT QUOTE:**

*"MS. STEPHENS: No, I would not agree to that, Your Honor... I would like -- I would say my Sixth Amendment rights I would invoke at any time. And so I would like to have a standby counsel. And when, during trial, if I need him then I can ask question, but I would like to not -- I just want a standby -- standby counsel."*

**Constitutional Violation:** Court-appointed "stand-by dictionary only counsel" was ordered by Judge Ludi Leitch to function ONLY as a "live law-dictionary" during court hearings and was explicitly FORBIDDEN from providing guidance on case

law, statutes, federal laws, constitutional issues, or court procedures. This "dictionary-only" limitation effectively nullified the right to counsel, similar to the situation condemned in *Geders v. United States*, 425 U.S. 80 (1976).

#### VIOLATION 4: Denial of Effective Counsel Request

<b>Date:</b>	March 24, 2023
<b>Transcript:</b>	Transcript_20230324_Contempt_Arraignment_violated_6th_amendment_032423.pdf
<b>Page/Lines:</b>	Pages 7-8, Lines 17-25 and 1-3

#### EXACT QUOTE:

*"THE COURT: Before I do that, and inquire about that, ma'am, I'm going to ask you a question. Would you agree that if the Court grants your request for an attorney, all legal matters, including motions that the attorney would deem relevant, witness examination, and legal arguments would be handled by the appointed attorney? That means any motions would be done by the attorney, any legal argument, and any cross-examination or witnesses that would be presented to the Court. MS. STEPHENS: No, I would not agree to that, Your Honor."*

**Constitutional Violation:** The court imposed an unconstitutional all-or-nothing condition on counsel: either surrender all legal autonomy to counsel OR receive only "dictionary" assistance. This Hobson's choice violated the principle in *Faretta v. California*, 422 U.S. 806 (1975), and *United States v. Cronin*, 466 U.S. 648 (1984).

#### FOURTEENTH AMENDMENT - DUE PROCESS VIOLATIONS

**Applicable Law:** "A fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136 (1955); *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

#### VIOLATION 5: Ex Parte Emergency Custody Order Without Notice

<b>Date:</b>	December 3-17, 2021
<b>Court:</b>	Tulsa County Juvenile Center / District Court
<b>Judge:</b>	Special Judge Rodney Sparkman (signed order), Judge Martha Rupp Carter
<b>Reference:</b>	JD-2021-270; Application for Emergency Custody Order (SEALED)

#### DOCUMENTED FACTS:

*On December 8, 2021, a "secret" meeting ("undisclosed hearing") was held without proper notice to Petitioner; this meeting involved DHS caseworker Bridget O'Brien, state attorney Kimberly Jantz, and Judge Martha Rupp Carter. Petitioner was not notified, nor were her attorneys present. There was no court reporter present. Minute order falsely claimed: "there are no objections by the parties for the proposed release of the children from emergency custody... IT IS FURTHER ORDERED that the above-named*

*children be released to Adam Stephens, natural father, without DHS supervision." On December 17, 2021, Special Judge Sparkman signed an ex parte Emergency Custody Order without any argument, evidence, reliable witnesses, or cross-examination presented, and without a jury trial as demanded by Plaintiff.*

**Constitutional Violation:** Custody transferred without notice, without hearing, and based on falsified evidence from DHS caseworker Bridget O'Brien (a convicted felon). Violates Santosky v. Kramer, 455 U.S. 745 (1982); Troxel v. Granville, 530 U.S. 57 (2000).

#### **VIOLATION 6: Court Entering Plea Without Consent**

<b>Date:</b>	March 24, 2023
<b>Transcript:</b>	Transcript_20230324_Contempt_Arrestment_violated_6th_amendment_032423.pdf
<b>Page/Lines:</b>	Page 25, Lines 15-19

#### **EXACT QUOTE:**

*"THE COURT: Ma'am, I'm going to go ahead and enter a not guilty on your behalf. MS. STEPHENS: Objection, Your Honor. You cannot do that because you cannot practice law from the bench. THE COURT: And I am going -- I am going to order a jury trial for you because you demanded one."*

**Constitutional Violation:** Court entered plea over Petitioner's explicit objection, violating due process autonomy and the principle that a defendant controls her own defense.

#### **B. Full Faith and Credit Violations (28 U.S.C. §§ 1738, 1738A, 1738B)**

Article IV, Section 1 commands Full Faith and Credit. The Oregon decree states

*"Jeep and Trailer in lieu of child support" five times.* Oklahoma's modification violates *V.L. v. E.L.*, 577 U.S. 404 (2016), and *Baker v. General Motors Corp.*, 522 U.S. 222 (1998).

#### **C. Double Jeopardy & Self-Incrimination Violations (Fifth Amendment)**

#### **DOUBLE JEOPARDY VIOLATIONS**

**Applicable Law:** Fifth Amendment prohibits double jeopardy. *United States v. Dixon*, 509 U.S. 688 (1993).

#### **VIOLATION 7: Second Incarceration for Same Alleged Debt**

#### **DOCUMENTED FACTS:**

First incarceration: February 7, 2024 - 60 days for alleged child support arrearages. Second threatened incarceration: May 8, 2025 bench warrant - 6 months for the SAME alleged child support debt of \$13,711.24. Both imposed while appeals remain pending in higher courts.

**Constitutional Violation:** Re-incarceration for the same alleged debt while appeals are pending constitutes double jeopardy under the Fifth Amendment and 42 U.S.C. § 2000h-1. Applicant already served two months (Feb-Mar 2024) for these debts. The May 2025 order, resulting in a six-month sentence, prosecuted Applicant again for identical obligations while the initial appeal was still pending. *United States v. Dixon*, 509 U.S. 688 (1993). See Appendix W (May 8, 2025 Order) and Appendix X (additional contempt orders)

#### FIFTH AMENDMENT VIOLATIONS - SELF-INCRIMINATION

**Applicable Law:** Fifth Amendment protects against compelled self-incrimination. *Miranda v. Arizona*, 384 U.S. 436 (1966); *McCarthy v. Arndstein*, 266 U.S. 34, 40 (1924).

#### VIOLATION 8: Adverse Inference Instruction for Fifth Amendment Invocation

<b>Date:</b>	February 6-7, 2024
<b>Court:</b>	Tulsa County District Court, Oklahoma
<b>Judge:</b>	Special Judge Deborrah Ludi Leitch
<b>Transcript:</b>	transcript_20240206_part1_compressed_feb_6_and_7_2024_vol_1_contempt_of_court_hearing_CSS_debtor_prison.pdf
<b>Page/Lines:</b>	Pages 11-13, Lines 17-25 and 1-22

#### EXACT QUOTE:

*"THE COURT: Ms. Stephens, because this is a civil case... you may think you have a right to assert a Fifth Amendment privilege against incriminating yourself... Do you understand this Court will determine whether you have a valid claim of a Fifth Amendment privilege. In other words, the Court, not you, ultimately decides whether your Fifth Amendment claim is valid. The Court may decide that work claim of Fifth Amendment privilege is valid. If so, because this is a civil proceeding, the jury may -- it's not required -- make an inference that is adverse to you about the issue on which you have been*

*questioned and refusing to testify. They make take an adverse ruling or opinion regarding that issue."*

**Constitutional Violation:** In contempt proceedings carrying 60-day determinate incarceration (quasi-criminal), the court instructed the jury they could draw ADVERSE INFERENCES from Petitioner's invocation of Fifth Amendment rights. Per International Union, United Mine Workers v. Bagwell, 512 U.S. 821, 826-27 (1994), when civil proceedings function as quasi-criminal proceedings, heightened constitutional protections apply.

#### **VIOLATION 9: Burden Shift to Defendant**

<b>Date:</b>	February 7, 2024
<b>Transcript:</b>	transcript_20240206_part2_compressed_feb_6_and_7_2024_vol_2_contemp t_of_court_hearing_CSS_debtor_prison.pdf
<b>Page/Lines:</b>	Pages 56-57, Jury Instructions 21 and 25

#### **EXACT QUOTE (Jury Instruction):**

*"Invocation of the Fifth Amendment privilege. A witness has the right under the Fifth Amendment under the United States Constitution to decline to answer questions on the ground that doing so may tend to incriminate her. However, in civil cases such as this one, you as the jury, may but are not required, to infer from such a refusal that the answer would have been adverse to the witness' interest."*

**Constitutional Violation:** Judge instructed jury that Petitioner's invocation of Fifth Amendment rights should be interpreted as evidence of guilt, effectively stating "The burden now shifts to the defendant to prove her innocence." This violates Miranda v. Arizona, 384 U.S. 436 (1966).

#### **D. No Injured Party—Father's Own Testimony**

The father *testified under oath in both the bench trial and jury trial that the child is NOT harmed in any way without Mother's extra financial support.*

This is devastating to any state interest argument. If the alleged beneficiary is not harmed, there is no legitimate state interest in enforcement through imprisonment.

**E. ERISA Violations and Missing \$65,000 (29 U.S.C. §§ 1056(d), 1132, 1144)**

ERISA's anti-alienation provision, 29 U.S.C. § 1056(d)(1), prohibits garnishment of pension benefits without valid QDRO. Oklahoma seized \$64,445.92 without valid QDRO and without spousal consent. *Boggs v. Boggs*, 520 U.S. 833 (1997).

**CRITICALLY:** Per testimony in February 2025, *the father has NOT received any of these funds, nor has his attorney.* Special Judge April Seibert acknowledged on the record that *she does not know where the garnished funds have been placed.* Combined with State Auditor Cindy Byrd's confirmation of **\$93.4 million in "questioned costs"** at OKDHS, this establishes potential federal grant fraud and RICO violations requiring DOJ investigation. See Appendix S for evidence of missing \$65,000 and Appendix AA for State Auditor findings confirming OKDHS mismanagement of \$93.4 million.

**F. Malicious Prosecution (18 U.S.C. §§ 241, 242) & Eighth Amend. Violations**

Caseworker Bridget O'Brien admitted on transcript (June 1, 2022): **"I KNOW YOU'RE GUILTY JUST BY LOOKING AT YOU"**—demonstrating prejudgment. O'Brien *has testified similarly against over 400 other cases*, establishing systematic pattern. O'Brien has a **felony conviction** (Case No. CF-1999-2911) for offenses against minors and multiple bankruptcies (See Appendix P and S)

**EIGHTH AMENDMENT - CRUEL AND UNUSUAL PUNISHMENT**

**Applicable Law:** The Eighth Amendment prohibits excessive fines and cruel and unusual punishment. *Timbs v. Indiana*, 139 S. Ct. 682 (2019); *Bearden v. Georgia*, 461 U.S. 660 (1983).

**VIOLATION 10: Modern Debtor's Prison**

**DOCUMENTED FACTS:**

February 7, 2024: 60-day incarceration imposed for inability to pay child support (purge fee \$12,413.40, later reduced to \$5,000). May 8, 2025: Additional bench warrant issued for \$13,711.24 (cash only) with six months' incarceration threatened -- for the SAME ALLEGED DEBT.

**Constitutional Violation:** Oklahoma imposed determinate incarceration for civil contempt based on child support non-payment against a parent adjudicated indigent, without conducting ability-to-pay hearing. This constitutes an unconstitutional debtor's prison. The Tenth Circuit has recognized that "the right not to be incarcerated for a civil debt without evidence of willful refusal to pay is clearly established." *Havens v. Johnson*, 783 F.3d 776, 785 (10th Cir. 2015).

**G. Monell Claims and Pattern-and-Practice (42 U.S.C. § 1983)**

Oklahoma's systematic violations establish municipal liability under *Monell v. Dep't of Social Services*, 436 U.S. 658 (1978). The 400+ cases where caseworker Bridget O'Brien testified similarly establish DOJ Civil Rights Division territory for pattern-and-practice investigation.

**EVIDENCE SUPPRESSION AND RIGHT TO PRESENT DEFENSE**

**Applicable Law:** "Few rights are more fundamental than that of an accused to present witnesses in his own defense." *Chambers v. Mississippi*, 410 U.S. 284, 302 (1973); *Washington v. Texas*, 388 U.S. 14 (1967).

**VIOLATION 11: Systematic Exclusion of Witnesses**

<b>Date:</b>	February 6-7, 2024
<b>Transcript:</b>	transcript_20240206_part1_compressed_feb_6_and_7_2024_vol_1_contempt_of_court_hearing_CSS_debtor_prison.pdf
<b>Page/Lines:</b>	Pages 162-168, 184-186

**EXACT QUOTE:**

*"MS. STEPHENS: I'd like to have Dr. (inaudible) as my next witness. THE COURT: And was she on the witness -- she was on the witness list, was she not? MS. STEPHENS: She was. THE COURT: Can you come forward and give me an -- or give me an offer of proof?... MR. PILKINGTON: Your Honor,*

*we had this discussion at pretrial and we excluded the witness. MS. STRINGER: I would concur, Your Honor. You specifically stated that the only two that would be on there are the two that are on the list."*

**ADDITIONAL QUOTE:**

*"THE COURT: Ma'am, please. She's not -- we've already talked about this. She's not going to be allowed to testify. Do you have any other live witnesses or any other evidence you'd like to submit to the Court? MS. STEPHENS: So -- well, the only one that I have left is Adam Stephens."*

**Constitutional Violation:** Multiple witnesses were excluded from testifying, including: (1) Direct primary care doctor who could testify to business circumstances; (2) CPA/tax expert limited to "taxes only"; (3) Witnesses who could provide exculpatory evidence. This created an uneven playing field where the state could present its evidence while Petitioner could not.

**VIOLATION 12: Evidence Suppression During Closing Arguments**

<b>Date:</b>	February 7, 2024
<b>Transcript:</b>	transcript_20240206_part2_compressed_feb_6_and_7_2024_vol_2_contemp t_of_court_hearing_CSS_debtor_prison.pdf
<b>Page/Lines:</b>	Pages 78-79

**EXACT QUOTE:**

*"MS. STEPHENS: And the things that I couldn't present today because they suppressed evidence. They are tampering evidence, and they blocked out my witness -- MR. PILKINGTON: Your Honor, objection. The term suppress the evidence was -- MS. STEPHENS: These are my arguments -- THE COURT: Excuse me. Just a moment. MR. PILKINGTON: She's now going beyond -- she can only talk about the evidence that was presented -- MS. STEPHENS: This is my argument. THE COURT: I'm going to allow her to continue."*

**Constitutional Violation:** Petitioner was prevented from even discussing suppressed evidence and blocked witnesses during closing arguments. The opposing counsel objected to her characterizing the evidence suppression was unlawful.

**JUDICIAL BIAS AND CONFLICT OF INTEREST**

**Applicable Law:** Due process requires recusal when "the probability of actual bias on the part of the judge is too high to be constitutionally tolerable." *Caperton v. A.T.*

*Massey Coal Co.*, 556 U.S. 868, 872 (2009); *Williams v. Pennsylvania*, 136 S. Ct. 1899 (2016).

### VIOLATION 13: Undisclosed Prior DHS Employment

#### DOCUMENTED FACT:

Special Judge Rodney Sparkman previously worked for Oklahoma DHS for over 20 years before becoming a Family Court judge. He failed to disclose this significant conflict of interest when ruling on matters involving OKDHS, including signing the ex parte Emergency Custody Order on December 17, 2021.

**Constitutional Violation:** Per *Williams v. Pennsylvania*, 136 S. Ct. 1899 (2016), due process is violated when a judge participates in a case in which he had significant personal involvement. Sparkman's decades-long career at DHS creates an inherent conflict when ruling on DHS matters.

### VIOLATION 14: Denial of Recusal Despite Documented Bias

<b>Date:</b>	November 28, 2022; February 13, 2023
<b>Transcripts:</b>	Transcript_20221128_Rule_15_recusal_hearing_transcript_112822.pdf; Transcript_20230213_Recusal_Hearing_re_Seibert.pdf

**Constitutional Violation:** Multiple recusal motions were filed documenting bias, including: Judge April Seibert's explicit discrimination based on national origin; systematic exclusion of evidence favorable to Petitioner; predetermined rulings. All recusal motions were denied.

### AMERICANS WITH DISABILITIES ACT VIOLATIONS

**Applicable Law:** 42 U.S.C. § 12132 (ADA Title II) prohibits discrimination and requires reasonable accommodations.

### VIOLATION 15: Forced Public Disclosure of Disability Diagnoses

<b>Date:</b>	March 21, 2022
<b>Transcript:</b>	Transcript_03212022Stephens_v_Stephens.pdf (Page 4, line 19 to Page 5, line 17; Page 10, line 17 to Page 11, line 5)
<b>Judge:</b>	Special Judge April Seibert

#### DOCUMENTED FACTS:

Special judge April Seibert violated the Americans with Disabilities Act by requiring Petitioner's disability diagnoses to be stated aloud in open court. Diagnoses had been emailed to ADA coordinator weeks prior. Petitioner's ADA advocate requested a private breakout room, which Judge Seibert denied, insisting diagnoses be spoken publicly. The judge then ejected the

ADA advocate from the hearing and retaliated by ordering psychological evaluation based on ADA accommodation requests.

**Constitutional Violation:** Forced public disclosure of protected health information as retaliation for seeking ADA accommodations violates Title II of the ADA and constitutes unlawful retaliation under 42 U.S.C. § 12203. (See Appendix T for complete ADA violation documentation, including formal ADA Complaint dated August 7, 2023 and medical accommodation requests dated May 16, 2022)

**VIOLATION 16: Denial of Virtual Attendance While Permitting Opposing Party**

<b>Date:</b>	May 2, 2025
<b>Witness:</b>	In-person court watcher S.B. (Sworn Affidavit available)

**DOCUMENTED FACTS:**

The Tulsa County court conducted a non-jury trial where Petitioner and her ADA advocates attempted to appear virtually -- the same method permitted for Respondent -- but were deliberately blocked from accessing the proceeding. The court then characterized Petitioner as a "no-show" and issued a default judgment.

**Constitutional Violation:** Disparate treatment violates Equal Protection and ADA requirements for reasonable accommodations.

**H. Article III and Separation of Powers Violations**

Per *SEC v. Jarkesy*, 603 U.S. 109 (2024), quasi-criminal proceedings require Article III judicial oversight and jury trials where constitutional rights are at stake. All contempt proceedings were conducted by "special judges" who simultaneously acted as prosecutor/accuser AND judge, imposed determinate incarceration without proper jury protections, and exceeded their statutory authority and jurisdiction.

**III. ROOKER-FELDMAN DOCTRINE INAPPLICABILITY**

The *Rooker-Feldman* doctrine (*Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983)) is **inapplicable** to Applicant's federal claims.

## **Rooker-Feldman Does NOT Bar:**

**1. Prospective Injunctive Relief (Ongoing Violations):** Applicant seeks prospective injunctive relief to halt *ongoing and severely and irreversibly harmful constitutional violations*—*NOT to overturn any state judgment*. The violations are continuous: the bench warrant remains active, ERISA violations continue, passport revocation persists, banks levying and frozen, imprisonment threats are ongoing.

### **2. Declaratory Actions Not Tied to Overturning a State Judgment:**

Applicant's declaratory relief requests concern independent federal questions (ERISA preemption, *Turner v. Rogers* requirements, Full Faith and Credit) that do not require review of the state court judgment itself.

### **3. Administrative Record Challenges:** Applicant challenges OKDHS

administrative policies and practices that violate federal law—this is distinct from appealing any state court ruling.

### **4. Pattern-and-Practice Claims (DOJ Civil Rights Division Territory):**

Claims documenting systematic violations affecting 400+ families are independent federal civil rights claims, not appeals of individual state judgments.

### **5. State-Court Collateral Actions That Do Not Ask Federal Court to Review**

**State Judgment:** Applicant does NOT ask any federal court to review the state judgment—rather, Applicant *challenges* independent federal violations that occurred *collateral* to the state proceedings.

**6. Independent Federal Claims for New Injuries:** The ERISA violation (seizure without valid QDRO and without a warrant), passport revocation (without pre-

deprivation hearing), ADA violations (blocking virtual access), and missing \$65,000 funds are *new injuries* independent of any state court judgment.

**7. Actions Against Non-Judicial Actors:** Claims against caseworkers (Bridget O'Brien), CSS employees, and Charles Schwab are against non-judicial actors for their independent federal violations.

**8. Claims Where the State Judgment Is Not the Source of Harm:** The harm flows from the *enforcement mechanisms*—garnishment without QDRO and without a warrant, incarceration without ability-to-pay hearing, malicious prosecution by caseworkers, *\$65,000 seized but not distributed*—not from the existence of a state judgment.

*That distinction is VERY IMPORTANT.* See *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *Lance v. Dennis*, 546 U.S. 459, 464 (2006).

#### **IV. BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A STAY**

The balance of equities weighs heavily in favor of granting the requested stay. Applicant faces imminent imprisonment, inability to travel and work and missionary religious activities, permanent deprivation of parental rights, and continuing financial devastation.

*Respondent suffers no cognizable harm from a stay—especially since the father testified under oath that the child is not harmed without mother's financial support and he has not received any of the \$65,000 seized* by private bank Charles Schwab that he has never had an account with nor attributed to seized retirement without a warrant. The underlying support obligation (if any exists after proper adjudication) will not disappear.

The public interest favors a stay. The constitutional questions presented—affecting thousands of families nationwide—require resolution by this Court rather than being mooted through coercive state-court mechanisms.

## **V. PREEMPTIVE DEFENSES AGAINST MOTION TO DISMISS**

### ***1. Eleventh Amendment Immunity Does Not Apply***

The Eleventh Amendment does not bar the following which are true in my cases: (a) claims against state officials in individual capacities, *Hafer v. Melo*, 502 U.S. 21 (1991); (b) claims for prospective injunctive relief under *Ex parte Young*, 209 U.S. 123 (1908); (c) claims against Charles Schwab (private corporation).

### ***2. Younger Abstention Does Not Apply***

Younger abstention is inapplicable where the following are true in my cases: (a) bad faith and harassment exist; (b) no adequate state forum exists (Oklahoma OCRE formally recused itself September 24, 2025); (c) claims seek prospective relief from ongoing federal law violations; (d) ERISA claims involve complete federal preemption.

### ***3. Rooker-Feldman Does Not Apply***

As detailed in Section III, Applicant's claims are for prospective injunctive relief, declaratory actions independent of state judgments, administrative record challenges, pattern-and-practice claims, state-court collateral actions not asking for state judgment review, independent federal claims for new injuries, actions against non-judicial actors, and claims where the state judgment is not the source of harm.

### ***4. Claims Are Not Conclusory***

The ERISA anti-alienation provision is a bright-line statutory command. The Oklahoma Supreme Court's affirmation of indigency (DF-120849) and father's testimony that the child is not harmed without support *are documented facts, not conclusory allegations.*

#### **5. Pro Se Pleadings Must Be Liberally Construed**

"[A] pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

#### **6. Federal Rule of Civil Procedure 11 Sanctions**

Applicant requests sanctions under Fed. R. Civ. P. 11 against any party or counsel who files baseless motions to dismiss interposed for improper purposes including delay and harassment.

### **VI. REQUEST FOR CRIMINAL REFERRAL TO DOJ**

#### **IMPORTANT CLARIFICATION REGARDING CRIMINAL PROSECUTION:**

Applicant acknowledges and understands that *private citizens cannot initiate federal criminal prosecutions.* While courts will docket such filings, they cannot proceed as criminal matters without action by the United States Department of Justice. Accordingly, Applicant does not purport to initiate criminal prosecution but instead *respectfully requests that this Court refer the following documented violations to the United States Department of Justice, Civil Rights Division, for investigation and potential prosecution:*

**18 U.S.C. § 241 - Conspiracy Against Rights:** The coordinated actions of OKDHS caseworkers, CSS employees, special judges, and attorneys to deprive Applicant of constitutional rights under color of law.

**18 U.S.C. § 242 - Deprivation of Rights Under Color of Law:** Individual actors who, acting under color of state law, deprived Applicant of her constitutional rights including due process, equal protection, and freedom from unlawful imprisonment despite *judicially-affirmed indigency*.

**18 U.S.C. § 1341/1343 - Mail and Wire Fraud:** use of mail and electronic communications to perpetuate fraudulent child support enforcement, including seizure of \$65,000 that *never reached purported beneficiary or his attorney*.

**18 U.S.C. § 1961 - RICO:** The systematic pattern of: (a) seizing funds without valid QDRO and without a warrant after seizure of children without a warrant; (b) failing to distribute seized funds to intended beneficiary; (c) \$93.4 million in "questioned costs" per State Auditor audit; (d) caseworker with 400+ similar cases demonstrating pattern-and-practice (See Appendix P, S, and AA)

### **DEMAND FOR JURY TRIAL**

Pursuant to the Seventh Amendment to the United States Constitution, Applicant hereby demands a trial by jury of all issues so triable in this action.

This Court's decision in *SEC v. Jarkesy*, 603 U.S. 109 (2024), reaffirms that constitutional jury trial rights apply to proceedings seeking civil penalties that are punitive in nature. The contempt proceedings against Applicant, resulting in determinate incarceration, are quasi-criminal and trigger Sixth and Seventh Amendment protections.

## DEMAND AND RELIEF SOUGHT

**WHEREFORE, Applicant respectfully requests that Justice Gorsuch:**

1. Issue an immediate administrative stay and stay the Tenth Circuit's mandate pending certiorari;
2. Stay all contempt proceedings and enforcement actions in Oklahoma Case No. FD-2015-2228 and related cases, including warrants, judgments, liens, passport restrictions, license revocations, and attorney fee awards;
3. Order return of Applicant's passport and medical licensure;
4. Direct Oklahoma courts to halt any further proceedings risking arrest or detention;
5. Refer this matter to the DOJ Civil Rights Division for investigation under 18 U.S.C. §§ 241, 242, 1341, 1343, 1961 (referral only);
6. Order investigation into the missing \$65,000 seized from Applicant's ERISA-protected retirement;
7. Alternatively, provide written findings of fact and conclusions of law under Supreme Court Rule 22 if relief is denied;
8. Grant all other just and proper relief.

**Applicant permanently objects to any proceedings before non-Article III judges and reserves the right to amend this application at any time.**

*Applicant decree and declare AS IT IS WRITTEN pursuant to Psalm 127:3 + Psalm 105:15 + Exodus 8:1 & 9:1 + Isaiah 61:8a + Deut 19:15 + Isaiah 54:17, so it is and shall be forever!*

Private sector autograph;  
**WITHOUT RECOURSE**



By: *Without prejudice*  
*linh-tran:stephens/Agent*

By: **Linh Tran Stephens / sui juris Applicant, Agent or attorney-in-fact,**  
All Rights Reserved None Waived, **Without Prejudice UCC 1-308 & 1-103,**  
sui juris, Ambassador of יהוה and Heir of the Creator a/k/a the I AM THAT I AM,  
my heir/offspring is G.S;

By the Holy and Eternal Authority vested in me by Yahusha Ha'Mashiach as  
High Royal Priest (1 Peter 2:9) of Melchizedek Order (Hebrews 7:17), I do hereby  
seal, confirm, and sanctify this instrument and its contents as lawfully issued  
in Heaven and upon the Earth,

**Non-Assumpsit, one-and-only Grantor & Authorized Agent & Beneficiary**  
for LINH TRAN STEPHENS©© ens legis and all its derivatives thereof  
including Cestui Que Trust a.k.a. "Fide Commissary Trust",

A natural living woman upon land breathing with a living soul and the Holy Spirit,  
natural people with hands legs, Alive-on-the-land, Plenary mind body soul/spirit,  
unlimited, non-incorporated, non-sole-proprietor,  
**stateless "freeman of the Union"** per Honorable Mr. Justice MILLER on April  
14th, 1983, in the Slaughter-House cases, 83 US 36 (a SCOTUS case specifically  
mentioned in 8 FAM 102.3),

full capacity and competency with postgraduate level of education,  
living on the land of the republic, with God-given rights pursuant to Bills of Rights,  
NOT a "pro se"/"person"/"pauper"/"indigent"/"slave"/"public servant"/"government  
employee"/"ward of State"/"U.S. citizen"/"minor" in your dictionary; i reject your 12  
legal presumptions, other presumptions/assumptions/double-speaking/IMPLIED or  
undisclosed contracts;

Article IV Section 2 Citizens of each State shall be entitled to all Privileges &  
Immunities

**General Delivery Town Post,**  
**Non-Domestic, without the UNITED STATES of Washington, D.C.**

% 1964 Ashley River Road Ste B Unit 80112,  
Charleston, South Carolina republic 00000

**ZIP exempt [near 29407-4782] without the UNITED STATES D.C.,**  
Email: [LinhStephens7@gmail.com](mailto:LinhStephens7@gmail.com); Tel: 843-608-0294

**Notice:** Using a Notary on this document does *not* create any adhesion contract with  
the state/, nor does it alter any legal status of any of the parties hereto in any manner,  
but is used only for verification, identification, and certification purposes and not for  
entrance into any foreign jurisdiction nor into U.S. jurisdiction. All rights are  
reserved. Without prejudice and without recourse.

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