Cause No._____

# IN THE SUPREME COURT OF THE UNITED STATES

ALANDRIS D. GRIFFIN, *Plaintiff-Appellant-Petitioner,*

v.

ANGELA M. PHILLIPS, *Individual-Non-Parent-Respondent,*

JOSEPH M. WYLIE, JR., *Individual-Non-Custodial Parent-Respondent,*

KRISTI KING, *Individual-Ex-Partner-Respondent*

NA' KENDRA RHONE, *Individual-Girlfriend-Respondent,*

LITTLE JOURNEY PRESCHOOL, et al., *Instrumentality-Respondents,*

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

## PETITION FOR WRIT OF CERTIORARI AND ATTACHED APPENDICES

Alandris D. Griffin
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## I. QUESTIONS PRESENTED

1. Whether a State may extinguish or suspend the fundamental liberty interests of an unadjudicated, fit biological parent—protected under the Fourteenth Amendment—based solely on a warrantless child seizure after the parent reported parental kidnapping to federal and state authorities and before any state custody proceeding existed.

2. Whether state officials violate Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A, and the Due Process Clause when they remove a child from a parent without a custody order, without warrant or exigent circumstances, and then assert exclusive state jurisdiction created by their own unilateral seizure of a citizen from a different state.

3. Whether a federal court may decline jurisdiction over a federal parental-kidnapping and interstate interference claim—filed before any state action—on the ground that later-filed state dependency proceedings divest the federal court of authority, notwithstanding Article III, the Supremacy Clause and this Court's limits on abstention.

## II. PATIES TO THE PROCEEDINGS AND CORPORATE DISCLOSURE STATEMENT

Allen, Benjamin C.

Asplaugh, Kathy

Bean, Daniel

Berexa, Kristin E.

City of La Vergne, TN

Crews, Jordan K.

Crofts, Steven

Cronin, Conor

Darby, Justin

Davis, Burrel

Department of Children's Services

Dinkins, Art

Duenez, Billy

Griffin, Alandris D.

Joyner, Brandon

King, Kristi

Lee, William Byron

La Vergne Police Department

Little Journey Preschool

McKenna, Edward

Metropolitan Nashville Police Department

Moffet, Matthew G.

O'Neil, J. Michael

Morgan, Teresa Marie

Patterson, Queenesha

Phillips, Angela M.

Quinn, Margie

Matthews, Lonnell

Rhone, Na' Kendra

Skrmetti, Jonathan

Snyder, Jacob

State of Tennessee

Stevenson, Chelsey A.

Stewart, Laura Ann

Taylor, Freda

Walton, Wreed

White, Iesha

Wilson-Patton, Stuart Freeman

Wylie Jr., Joseph M.

## CORPORATE DISCLOSURE STATEMENT

I certify that no publicly traded company or corporation has an interest in the outcome of this case and Petitioner does not have a parent corporation or no publicly held company that owns 10% or more of any stock.

I certify that all parties were served with process. The district court and the court of appeals nevertheless adjudicated the matter as though the Respondents had appeared and defended.

Respectfully submitted,

/s/ Alandris D. Griffin
Alandris D. Griffin, *Pro se*

## III. TABLE OF CONTENTS

I. QUESTIONS PRESENTED.....1

II. PARTIES TO THE PROCEEDINGS.....2

III. CORPORATE DISCLOSURE STATEMENT.....4

IV. CITATIONS OF OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS BY THE COURTS.....8

A. Exhibit I: U.S. District Court for the Southern District of Georgia, Savannah Division Case No. 4:22-CV-00268-RSB-CLR.

1. Appendix A-Original Complaint and Request for Injunction

2. Appendix A (1) – A (21)

B. Exhibit II: U.S. Circuit Court of Appeals for the Eleventh Circuit Appeal Case No. 24-12502 and Petition for Writ of Mandamus under Petition No. 25-14141.

1. Appendix B (1) – (8)— Appeal No. 24-12502-Orders or Judgments

2. Appendix C (1) – (2)— Petition No. 25-14141-Orders or Judgments

C. Exhibit III: Tennessee Supreme Court (Middle Division). to Assume Jurisdiction of an Undecided Appeal under Case No. M2024-01293-SC-RDM-JV.

1. Appendix D-**October 29, 2025**, Order or Judgment.

D. Exhibit IV: Tennessee Court of Appeals (Middle Division) Appeal No. M2024-0129-COA-R3-JV.

1. Appendix E- Orders - Judgments

E. Exhibit V: Tennessee Sixth Circuit Court (Division VI) Appeal No. 24C2367, unadjudicated/undecided to Tennessee Supreme Court.

1. Appendix F

F. Exhibit VI: Davidson County Juvenile Court at Nashville, Tennessee Petition No. PT000274164 and PT000275272.

1. Appendix G: Appendix G (1) to Appendix G (3)- Orders or Judgments
2. Appendix H: Appendix H (1) to Appendix H (2)-Orders or Judgments
3. Appendix I: Appendix I (1) to Appendix I (4)-Orders or Judgments
4. Appendix J: Appendix J (1) to Appendix J (2)- Orders or Judgments
5. Appendix K: More Actions, Final Orders or Judgments.
6. Appendix L: May 2, 2023, Motion to Intervene, Motion to Dismiss or in the Alternative Motion to Transfer (Pages 137).
7. Appendix M: May 25, 2023, Affidavit of Stefanie L. Batiste.
8. Appendix N: October 28, 2024, Motion to Dismiss and Order Return of the Child (Pages 39) Sixth Circuit Court at Nashville (Division VI) Appeal No. 24C2367 [PT000274164; PT000275272].

V. TABLE OF AUTHORITIES .....8

VI. OPINIONS BELOW..... ....12

VII. STATEMENT OF JURISDICTION.....13

VII. CONSTITUTIONAL PROVISIONS, REGULATIONS, STATUTES, OR RULE INVOLVED.....14

VIII. STATEMENT OF THE CASE.....21

IX. REASONS RELIED ON FOR ALLOWANCE OF THE WRIT.....24

X. CONCLUSION.....31

X.I. ATTACHED APPENDICES:

1. Appendix A – O

2. Appendix R – Constitutional Provisions, Regulations, Statutes, or Rules.

## IV. TABLE OF AUTHORITIES

**CASES.....PAGES**

*Camreta v. Greene*, 563 U.S. 692 (2011) .....27

*Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986) ..... 29, 35

*D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983) .....27, 32

*Ex parte Young*, 209 U.S. 123 (1908) .....28, 29, 31, 32

*Jones v. Bock*, 549 U.S. 199, 212-13 (2007) .....29, 35

*Lehr v. Robertson*, 463 U.S. 248 (1983) .....28, 30

*Marshall v. Marshall*, 547 U.S. 293 (2006) .....30, 32

*Mathews v. Eldridge*, 424 U.S. 319, 335.....30, 33

*Milton v. Harness*, __ S.W.3d __, 2017 Tenn. App. LEXIS (Tenn. Ct. App. Mar. 3, 2017) .....33, 34

*Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923) .....27, 31, 32

*Santoski v. Kramer*, 455 U.S. 745 (1982) .....28, 29

*Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69 (2013) .....27, 28, 31

*Stanley v. Illinois*, 405 U.S. (1982) .....28, 30

*Tenenbaum v. Williams*, 193 F.3d 581 (2d Cir. 1999 .....27

*Troxel v. Granville*, 530 U.S. 57 (2000) .....28, 29

*Volkswagenwerk, A.G. v. Schlunk*, 486 U.S. 694, 700 (1988) .....26

*Younger v. Harris*, 401 U.S. 37 (1971) .....31, 32

## V. CITATIONS OF OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS BY THE COURTS

**EXHIBIT I.** United States District Court for the Southern District of Georgia, Savannah Division and Presiding Judge R. Stan Baker, Magistrate Judge Christopher L. Ray and Clerk of Court John A. Triplett:

APPENDIX A: 4:22-cv-00268-RSB-CLR:

1. Docket Entries

2. November 16, 2022, R&R—D.E. 6

3. December 21, 2022, O&R&R— D.E.14/15

4. January 9, 2023, Order—D.E. 20

5. September 20, 2023, Order—D.E. 52

6. October 27, 2023, R&R—D.E. 53

7. November 28, 2023, Order—D.E. 54

8. November 30, 2023, Final Judgment—D.E. 55

9. July 8, 2024, Order—D.E. 60

10. October 24, 2024, 11th Circuit Order—**D.E. 67**

11. October 29, 2024, Order—D.E. 68

12. November 19, 2024, Order—D.E. 69

13. November 22, 2024, 11th Circuit Clerk Order—**D.E. 70**

14. May 28, 2025, 11th Circuit Opinion—D.E. 71 **(53)**

15. July 18, 2025, 11th Circuit Judgment—D.E. 72 **(68)**

16. July 22, 2025, Order—D.E. 73

**EXHIBIT II.** United States Court of Appeals for the Eleventh Circuit:

APPENDIX B: Appeal No. 24-12502

1. Docket Entries

2. October 18, 2024, 11th Circuit Order— D.E. 20

3. November 19, 2024, 11th Circuit Clerk Order— D.E. 28

4. February 18, 2025, Order by the Court—D.E. 52

5. May 27, 2025, Opinion and Judgment of the Court—**D.E. 53/54**

6. July 9, 2025, Orders by Court—D.E. 66/67

7. July 17, 2025, Mandate— **D.E. 68**

8. February 19, 2026, Order by the Court, before Justices, Jordan, Luck and Anderson—D.E. 70

APPENDIX C: Petition Case No. 25-14141:

1. Docket Entries

2. February 18, 2026, Order by the Court, before Justices Grant, Luck, and Kidd. D.E. 3

**EXHIBIT III.** Tennessee Supreme Court—Middle Division:

APPENDIX D: October 29, 2025, Order by the Tennessee Supreme Court as to:

1. Petition No. PT000274164 by Respondent Angela M. Phillips

2. Petition No. PT000275272 by Respondent Joseph M. Wylie, Jr.

3. Case No. M2024-01293-SC-RDM-JV

**EXHIBIT IV**. Tennessee Court of Appeals—Middle Division:

APPENDIX E: June 16, 2024, Order by the Tennessee Court of Appeals

1. Appeal No. M2024-01293-COA-R3-JV.

**EXHIBIT V**. Tennessee Sixth Circuit (Division VI):

APPENDIX F: Appeal No. 24C2367—unadjudicated/undecided.

**EXHIBIT VI**. Tennessee Davidson County Juvenile Court:

APPENDIX G: January 11, 2023, Orders under Petition No. PT000274164, by Magistrate Judge J. Michael O'Neil.

1. Private Party Emergency Protective Child Custody Order.

2. Discovery Order (Laura Stewart).

3. DSC Referral/Investigative Order.

APPENDIX H: March 6, 2023, Order under Petition No. PT000274164, by Magistrate Judge J. Michael O'Neil.

1. Visitation Order.

2. Discovery Order (Teresa Morgan).

APPENDIX I: March 7, 2023, Orders under Petition No. PT000275272 by Magistrate Judge J. Michael O'Neil.

1. Private Party Emergency Protective Custody Order.

2. (For Z.A.W.) Order Appointing Counsel for Indigent Party in Dependent/Neglect or Termination of Parental Rights Proceedings.

3. Discovery Order (Laura Stewart).

4. DCS Referral/Investigative Order.

APPENDIX J: March 28, 2023, Orders under Petition No. PT000275272 by Magistrate J. Michael O'Neil.

Appendix J (1). (For Petitioner Alandris D. Griffin) Order Appointing Counsel for Indigent Party in Dependent/Neglect or Termination of Parental Rights Proceedings

Appendix J (2): March 28, 2023, Discovery Order (Teresa Morgan)

APPENDIX K: March 9, 2023, Orders by Magistrate Judge J. Michael O'Neil and Orders by Magistrate Judge Paul Robertson from March 28, 2023, to November 13, 2023. (Pages 18).

Appendix K (1): March 9, 2023, actions by Magistrate Judge J. Michael O'Neil.

Appendix K (2): March 28, 2023, actions by Magistrate Judge Paul Robertson.

Appendix K (3): May 10, 2023, actions by Magistrate Judge Paul Robertson.

Appendix K (4): June 30, 2023, actions by Magistrate Judge Paul Robertson and Order to Withdraw (pages 4).

Appendix K (5): August 1, 2023, actions by Magistrate Judge Paul Robertson.

Appendix K (6) September 20, 2023, actions by Magistrate Judge Paul Robertson.

Appendix K (7): September 22, 2023, actions by Magistrate Judge Paul Robertson.

Appendix K (8): October 17, 2023, actions by Magistrate Judge Paul Robertson.

Appendix K (9) November 13, 2023, Final Custody Order (pages 4)

Appendix K (10). August 13, 2024, Order by Davidson County Juvenile Court Judge, Sheila Calloway (pages 3).

## VI. STATEMENT OF JURISDICTION

The Court of Appeals for the Eleventh Circuit judgments or orders were entered on February 18, 2026, under Petition No. 26-14141 and February 19, 2026, under Appeal No. 24-12502 (unpublished). The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

The Supreme Court of the United States jurisdiction is invoked under 28 U.S.C. § 2283 where it is necessary in aid of its jurisdiction, or to protect or effectuate this Court's judgments. The State of Tennessee is seeking to prosecute a citizen of a different state for Custodial Interference under its state statutes T.C.A. §§ 39-13-305 and 39-13-306, particularly after Petitioner sought PKPA and other claims within the United Stated District Court for the Southern District of Georgia, Savannah Division after multiple reports of kidnapping to state and federal authorities prior to seeking redress of her grievances and an injunction in federal courts. The criminal proceeding is inextricably intertwined or otherwise akin with the state court actions in an alleged dependent/neglect or parental termination proceedings against a citizen of a different state who sought vindication against the seizure of her child by state police and child-protective service officials without exigent circumstances or a warrant prior to any state court proceeding solely based on her travel to a state to return the child to her custody without a custody order issued by a court.

## VII. CONSTITUTIONAL PROVISONS, REGULATIONS, STATUTES, AND RULES INVOLVED

### U.S. Constitution Provisions

1. U.S. Cont. Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

2. **U.S. Const. Amendment XIV**: All persons born or naturalized in the United States and the State wherein they reside, No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

3. **U.S. Const. Art. III § 2**: in relevant part, The judicial powers shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases ***;—between a State and Citizens of another State;—between citizens of different States;—***.

4. **U.S. Const. Art IV §§ 1, 2: section 1**, Full Faith and Credit shall be given in each State to public Acts, Records and Judicial Proceedings of every other State. And the Congress may by general laws, prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. **Section 2**, in relevant part, The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

5. **U.S. Const. Art. VI Clause 2**: This Constitution, and Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

**Federal Statutes**

6. 28 U.S.C. § 1254(1): **COURTS OF APPEALS; CERTIORARI; CERTIFIED QUESTIONS.** In relevant part, "Cases in the court of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."

7. 28 U.S.C. § 1257(a): **STATE COURTS; CERTIORARI.** In relevant part, "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn into question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privileges, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

8. 28 U.S.C. § 1331: **FEDERAL QUESTION:** The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

9. 28 U.S.C. § 1343: **CIVIL RIGHTS AND ELECTIVE FRANCHISE.** (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or o property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;
(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;
(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United Sates;
(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including right to vote.

10. 28 U.S.C. § 1738A: **Full Faith and Credit Given to Child Custody Determination:** Sup. Ct. R. 14(1)(f). Appendix R

11. 28 U.S.C. § 2283: **Stay of State Court Proceedings.** A court of the United States may not grant an Injunction to stay proceedings in a state court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

12. 42 U.S.C. §§ 1983: **Civil Action for Deprivation of Rights**: in relevant part, Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected , any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial

capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

**Federal Rules of Civil Procedure**

13. Fed. R. Civ. P. 12: **Defenses and Objections: when and how presented; Motion for Judgment on the Pleadings; Pretrial Hearing.** Sup. Ct. R. 14(1)(f). Appendix R.

14. Fed. R. Civ. P. 15: **Amended and Supplemental Pleadings.** Sup. Ct. R. 14(1)(f). Appendix R.

15. Fed. R. Civ. P. 24. **INTERVENTION**: Sup. Ct. R. 14(1)(f). Appendix R

16. Fed. R. Civ. P. 41: **DISMISSAL OF ACTION.** Sup. Ct. R. 14(1)(f). Appendix R.

17. Fed. R. Civ. P. 55: **DEFAULT; DEFAULT JUDGMENT.** Sup. Ct. R. 14(1)(f). Appendix R.

18. Fed. R. Civ. P. 60(b)(4). **RELIEF FROM A JUDGMENT OR ORDER.** Sup. Ct. R. 14(1)(f). Appendix R.

**Federal Rules of Appellate Procedure**

19. Fed. R. App. P. 4. **APPEAL AS OF RIGHT—WHEN TAKEN.** Sup. Ct. R. 14(1)(f). Appendix R.

**Federal Rules of Evidence**

22. Fed. R. of Evid. 201. **JUDICIAL NOTICE OF ADJUDICATIVE FACTS.** Sup. Ct. R. 14(1)(f). Appendix R.

## State of Georgia Constitution

58. Georgia Const. Art. I § I ¶¶ I, II, VII, XIII, XXII:

¶ I: Life, liberty, and property. No person shall be deprived of life, liberty, or property except by due process of law.

¶ II: Protection to person and property; equal protection. Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.

¶ VII: Citizens, protection of. All citizens of the United States, resident in this state, are hereby declared citizens of this state, and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship.

¶ XIII: Searches, seizures, and warrants. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue except upon probable cause supported by oath or affirmation particularly describing the place or places to be searched and the persons or things to be seized.

¶ XXII: Involuntary servitude. There shall be no involuntary servitude within the State of Georgia except as a punishment for crime after legal conviction thereof or for contempt of court.

## State of Georgia Statute

59. O.G.C.A. § 19-7-25: **MOTHER'S RIGHTS.** Only the mother of a child born out of wedlock is entitled to custody of the child, unless the father legitimates the child as provided in Code Section 19-7-22. Otherwise, the mother may exercise all parental powers over the child.

## State of Tennessee Constitution

60. Tennessee Constitution Art. I §§ 7, 8, 9, 16, 17, 33:

§ 7: That the people shall be secured in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

§ 8: That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

§ 9: That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel: to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the County in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

§ 16: That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

§ 17: That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the legislature may by law direct.

§ 33: Slavery and involuntary servitude are forever prohibited, nothing in this section shall prohibit an inmate from working when the inmate has been duly convicted of a crime

**State of Tennessee Statute**

70. T.C.A. § 36-2-303. **Custody with mother absent an order of custody.** Absent an order of custody to the contrary, custody of a child born out of wedlock is with the mother.

71. T.C.A. § 39-13-305. **Especially Aggravated Kidnapping.** In relevant part, "(a) Especially aggravated kidnapping is false imprisonment, as defined in §39-13-302. (2) Where the victim was under the age of thirteen (13) at the time of the removal or confinement.

72. T.C.A. § 39-13-306. **CUSTODIAL INTERFERENCE**. Sup. Ct. R. 14(1)(f). Sup. Ct. R. 14(1)(f). Appendix R.

## VIII. STATEMENT OF THE CASE

Petitioner is the biological parent of the minor child who was born during Petitioner's military service in Hawaii on May 13, 2020, and had lawful physical custody at all relevant times. In November 2022, after a summer vacation with his alleged grandparent in Florida, the child of tender years was taken across state lines without Petitioner's consent and nonparent refused to return the child. Petitioner promptly reported the parental kidnapping to federal and state authorities, including law enforcement agencies responsible for interstate child-recovery matters. At the time of the reports, no custody order existed in any state, and no court had adjudicated Petitioner unfit or restricted Petitioner's parental custodial rights. Petitioner's attempt to recover the child was lawful, consistent with federal kidnapping-reporting procedures, and undertaken to restore the status quo.

On January 10, 2023, when Petitioner located the child on Little Journey Preschool website she traveled on January 11, 2023, to recover her child, but state police and child-protected officials intervened and seized the child without a warrant, without exigent circumstances, and without any judicial finding of unfitness. The Petitioner was not accused of abuse, neglect, or endangerment. No emergency existed that could justify bypassing the Fourth Amendment's warrant requirement or Fourteenth Amendment's due-process protections. The seizure was based solely on the fact the Petitioner had crossed state lines to recover her child

after reporting parental kidnapping—conduct that is lawful and constitutionally protected.

During the seizure, the State had no preexisting jurisdiction over the child. No dependency petition had been filed, no custody case was pending, and no court had issued any order restricting Petitioner's rights. The State's authority was created entirely by its own unilateral seizure. The State's jurisdiction did not precede the seizure; it arose from the seizure itself.

On November 14, 2022, Petitioner filed a federal action in the United States District Court for the Southern District of Georgia, Savannah Division, alleging violations of the PKPA, contract and tort claims, which included: 1) Breach of Contract, 2) Conspiracy, 3) Intentional Infliction of Emotional Distress, 4) Common Law Fraud, 5) Breach of Fiduciary Duty, 6) Negligence, 7) Preliminary and Permanent Injunction and other claims derived from the pleadings that alleged parental-kidnapping. See Exhibit I, Appendix A. 28 U.S.C. § 1738A.

Only after the federal action was filed did the State initiate dependency proceedings on January 11, 2023 and March 7, 2023 [Appendix G and H], in connection with two individuals that were sued in federal court and served process for the third consecutive delivery of summonses, complaints, motions and other papers [*Volkswagenwerk A.G. v. Schlunk,* 486 U.S. 694, 700 (1988)], prior to State's unilateral and warrantless seizure without probable cause or exigent circumstances [Tenenbaum v. Williams, 193 F.3d 581 (2d Cir. 1999)]. The State then asserted exclusive jurisdiction based on the very seizure that is challenged as

unconstitutional and unlawful. This sequence allowed the State to convert its own warrantless seizure into a basis for jurisdiction, contrary to the PKPA and this Court's precedents limiting state authority in interstate custody matters. See *Tenenbaum v. Williams*, 193 F.3d 581 (2d Cir. 1999); *Cf. Camreta v. Greene*, 563 U.S. 692 (2011).

The district court dismissed the action, and the court of appeals affirmed, holding that the later-filed state dependency case barred federal jurisdiction. The decision effectively allows States to defeat federal jurisdiction by initiating proceedings after a federal complaint is filed, undermining Article III, the Supremacy Clause, and this Court's limits on abstention. *See*

Federal courts have a "virtually unflagging obligation" to exercise jurisdiction conferred upon them. Once Petitioner filed the federal complaint—raising federal constitutional claims and federal statutory claims under the PKPA—jurisdiction attached under 28 U.S.C. §§ 1331 and 1343.

This Court has repeatedly held that abstention doctrines cannot be used to defeat federal jurisdiction when the federal action is filed first. Under *Sprint Communication Inc. v. Jacobs* limits *Younger* abstention to three narrow categories, none of which apply here. The domestic-relations exception does not apply to federal-question cases, and *Rooker-Feldman* applies only to state-court losers seeking review of final state judgments. Allowing a later-filed state proceedings to retroactively divest federal jurisdiction contradicts these principles and invites strategic manipulation by state officials to criminalize citizens of different states.

*See Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69 (2013); *Younger v. Harris*, 401 U.S. 37 (1971); *Ex parte Young*, 209 U.S. 123 (1908).

The PKPA establishes uniform national rules governing interstate custody jurisdiction. Federal courts are essential to enforcing those rules, particularly when a state asserts jurisdiction through unilateral action. The decision below undermines the PKPA by allowing States to create jurisdiction through unconstitutional seizures and then shield those actions from federal review.

Claims involving warrantless child seizures, violation of due process, and interference with fundamental parental rights fall squarely within federal jurisdiction. This Court has repeatedly recognized that federal courts must adjudicate such claims, even when state proceedings exist. The decision below improperly expands abstention and diminishes federal oversight of constitutional violations.

## IX. REASONS RELIED ON FOR ALLOWNACE OF THE WRIT

### I. The decisions below conflict with this Court's precedents protecting the fundamental rights of fit parents.

This Court has long held that the relationship between a fit parent and child is a fundamental liberty interest protected by the Fourteenth Amendment. Decisions such as *Troxell v. Granville, Santosky v. Kramer, Stanley v. Illinois,* and *Lehr v. Robertson* establish that the State may not intrude upon or diminish a parent's rights, absent a judicial finding of unfitness or compelling justification. The decisions below permit the State to extinguish or suspend those rights through a warrantless child seizure unsupported by exigent circumstances, without any prior

state judicial process or during a prior federal judicial process that involved the PKPA, and without any custody order. Those results cannot be reconciled with this Court's precedents, which require rigorous procedural protection before the State may interfere with the rights of a fit parent. The Conflict warrants this Court's review.

In *Troxel v. Granville,* 530 U.S. 57 (2000)— this Court recognizes the fundamental right of fit parents to make decisions concerning the care, custody, and control of their children. In *Granville*, the Court provided that the "visitation order clearly violated the Constitution" and the parties should not be forced into additional litigation that would further burden *Granville's* parental rights. See Appendix H (1). See Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986); Jones v. Bock, 549 U.S. 199, 212-13 (2007); also see Ex parte Young, 209 U.S. 123 (1908).

In *Santosky v. Kramer*, 455 U.S. 745 (1982)— This Court requires heightened procedural protections before a State may interfere with parental rights. In Santosky, the Court went further in describing the Fourteenth Amendment when it provided, "[A] parental rights termination proceeding interfere with the fundamental liberty interest." Under T.C.A. § 39-13-305 (Especially Aggravated Kidnapping) and § 39-13-306 (Custodial Interference), State is seeking to prosecute a biological parent who is a citizen of a different State. See Appendix O.

The Court recognizes three factors in parental rights termination proceedings that includes: 1) the private interests affected by the proceedings, 2) the risk of errors created by States' chosen procedure, and 3) the countervailing governmental

interest supporting use of the challenged procedure. *See Mathews v. Eldridge*, 424 U.S. 319, 335. *See* Exhibit VI (Appendix H – Appendix O), *generally.*

In *Stanley v. Illinois*, 405 U.S. 645 (1972)— This Court held that unwed fathers with established relationships have full constitutional protections. However, this case involved an interstate "surrogacy ruse" and "parental-kidnapping" through multiple jurisdictions over a two -year period— the putative father abandoned the child for more than two-years, in that connection. *See* Appendix A (Original Complaint and Request for Injunction).

In *Lehr v Robertson*, 463 U.S. 248 (1983)— Confirms that biological parents with established relationships have constitutionally protected interests. In the case of the Petitioner, she financed a "surrogacy ruse" unbeknownst to the biological parent. Putative father, did not register with a state's registry for putative fathers, and "[a] mere existence of biological link does not merit equivalent protections." The district court abstained from jurisdiction for contract and tort claims in an alleged parental kidnapping under the PKPA, but for domestic-relations exceptions. In *Marshall v. Marshall*— Clarifies that the domestic-relations exception does not apply in federal-question cases. *Marshall v. Marshall*, 547 U.S. 293 (2006). *See* Appendix A (12), (18) and (19), (Responses and Objections).

## II. The decision below undermines the Parental Kidnapping Prevention Act and allows States to manufacture jurisdiction through unconstitutional seizures.

Congress enacted the Parental Prevention Kidnapping Act (PKPA). 28 U.S.C. § 1738A, to prevent States from asserting jurisdiction over child-custody matters

through unilateral action or forum manipulation. The PKPA requires States to honor each other's custody determinations and prohibits the creation of jurisdiction through conduct that circumvents established rules. Here, States asserted exclusive jurisdiction only after seizing the child without a warrant, without exigency, and without any preexisting custody order. The decision below effectively authorizes States to create jurisdiction through unconstitutional seizures, defeating the PKPA's purpose and inviting the very interstate conflicts Congress sought to eliminate. This Court's intervention is necessary to restore uniformity and prevent States from manufacturing jurisdiction through unlawful conduct.

**III. The federal courts' refusal to hear a federal action filed first conflicts with Article III, the Supremacy Clause, and this Court's limits on abstention.**

Petitioner filed a federal action alleging violations of federal constitutional rights and federal statutes before any state proceeding existed. Under Article III and the Supremacy Clause, federal courts have a duty to adjudicate federal claims properly before them. The decisions below allow later-filed state court proceedings to retroactively divest the federal courts of jurisdiction, contrary to this Court's decisions limiting abstention doctrines, to include *Younger v. Harris, Sprint Communications, Inc. v. Jacobs*, and the narrow scope of the domestic-relations exception. In *Sprint Communications, Inc. v. Jacobs*, 571 U.S.69 (2013)–- Strictly limits Younger to three categories. Allowing state officials to defeat federal jurisdiction by initiating proceedings after a federal complaint is filed undermines federal supremacy and invites strategic manipulation. This Court's review is needed

to reaffirm the primacy of jurisdiction over federal claims. Article III, Article VI.See Younger v, Harris, 401 U.S. 37 (1971); Ex parte Young, 209 U.S. 123 (1908); Marshall v. Marshall, 547 U.S. 293, (2006); also see Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); D.C. Court of Appeals v. Feldman 460 U.S. 462 (1983).

**IV. The questions presented are nationally important and recur in interstate custody and parental-kidnapping contexts.**

Interstate parental-kidnapping cases frequently involve conflicting state actions, emergency interventions, and disputes over jurisdiction. The decision below creates a roadmap for States to seize children without judicial process, initiate dependency proceedings, and invoke those proceedings to block federal review. Such a rule threatens the rights of fit parents nationwide and destabilizes the uniformity Congress sought to achieve through the PKPA. The issues presented are of exceptional national importance, and only this Court can provide the clarity necessary to prevent recurring conflicts between federal authority and state child-welfare systems.

**V. Burdens on costs, delays and unjust judicial determinations strains the federal court judicial system**

In the case of the Petitioner, she has been burden with not only a state sanctioned dependency and neglect or parental termination case based solely on their unilateral seizure of a child born out of wedlock, but furthered the burden in criminal proceedings akin the dependency and neglect or termination of parental rights for custodial interference and especially aggravated kidnapping under Tennessee State's statutes (T.C.A. §§ 39-13-305 and 39-13-306) against a citizen of a

different state subsequent to her reports of parental-kidnapping to state and federal authorities that refused to provide civil and constitutional protections afforded her before seeking redress of her grievance within the U.S. District Court for the Southern District of Georgia, Savannah Division. See Exhibit I, Appendix A, *generally.*

This Court recognized three factors in parental rights termination proceedings which included: 1) the private interests affected by the proceedings, 2) the risk of errors created by State's chosen procedure, and 3) the countervailing governmental interest supporting use of the challenged procedure. *Mathews v. Eldridge*, 424 U.S. 319, 335.

State created its own unilateral seizure when it seized the child without a warrant, without exigent circumstances, and without prior state judicial custody proceeding. State furthered their seizure in a subsequent state created judicial proceeding that found the child to be dependent and neglected pursuant to T.C.A. § 37-1-102(13), Petitioner to be unfit as defined by T.C.A. § 37-1-102(13)(B); and abandoned the child as defined by T.C.A. § 37-1-102(j);— against a citizen of different State with no minimum contact.

Despite the child's unauthorized relocation, concealment, harbored location, travel to locate the child, multiple reports of parental-kidnapping to various federal and state authorities or a pending federal lawsuit for parental-kidnapping, State created the child's "Home State" after its unilateral seizure, furthered the burdens

of costs, delays and unjust proceedings. See T.C.A. § 36-2-216; Cf. *Milton v. Harness*, __ S.W.3d __, 2017 Tenn. App. LEXIS (Tenn. Ct. App. Mar. 3, 2017).

In this case, "[a] mere existence of a biological link or name placed on a birth certificate does not merit equivalent protections," of Due Process, particularly in a case that involves a "surrogacy ruse" against an active-duty military service member that began on March 4, 2019, who is now a service-connected disabled veteran after she retired in April 2021.

State's unilateral seizure created its own exclusive jurisdiction over citizens of different States that further established the "Home State" of the child contrary to the "Due Process" and "Equal Protection Clauses of the Fourteenth Amendment or otherwise Supremacy Clause when there was a pending federal lawsuit, where Respondents willfully refused to participate in fettered by the trial and appeals courts, particularly when the child was in the state for less than six (6) months without consent.

Under State of Tennessee law, T.C.A. § 36-2-216 brings into its constitutionality to make a child custody determination as to children born out of wedlock, and an alleged parent that continues to live in the State or contrary to its own established laws. T.C.A. § 36-2-303; *see Milton v. Harness*, __ S.W.3d __, 2017 Tenn. App. LEXIS (Tenn. Ct. App. Mar. 3, 2017).

Petitioner, specifically because she was the first to file in a Federal court invoking the federal question jurisdiction as to §1738A, civil, tort, constitutional and contract claims, should not be burdened with more delays, costs or unjust determinations in

federal courts that involved a two-year-old child who is almost six (6), then a subsequent and created state proceedings against a citizen of a different state contrary to due process and this Court's precedence in *Jones v. Bock* and *Celotex Corp. vs. Catrett.* "*See Jones v. Bock*, 549 U.S. 199, 212-13 (2007); *also see Celotex Corp. v. Catrett,* 477 U.S. 317, 327 (1986).

## X. CONCLUSION

The questions presented strike at the core of federal constitutional protections for fit parents, the limits of state authority in child-seizure cases, and the supremacy of federal jurisdiction over federal claims. The decisions below permit States to manufacture jurisdiction through warrantless seizures, disregard the Parental Kidnapping Prevention Act, and retroactively defeat federal jurisdiction by initiating later-filed proceedings. These issues conflict with this Court's precedents and threaten uniform national standards governing parental rights and interstate custody disputes. The petition for writ of certiorari should be granted.

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Respectfully submitted,

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