

No. _____

26-345

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUN 22 2026

OFFICE OF THE CLERK

DINU RADIAN,
Petitioner,

v.

ALEXANDRU MACOVESCU
Respondent.

Other party: GABRIELA ICHIM,

ON PETITION FOR A WRIT OF CERTIORARI TO THE
APPELLATE COURT OF ILLINOIS, FIRST DISTRICT

PETITION FOR WRIT OF CERTIORARI

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Date: August 8, 2026

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SUPREME COURT, U.S.

QUESTION PRESENTED

Whether the Due Process Clause permits an American court to give dispositive effect to a disputed foreign-created family status affecting the legal rights of persons or property within the United States solely upon principles of international judicial comity, without independently scrutinizing the legal basis and consequences of the disputed status.

PARTIES TO THE PROCEEDINGS

- Dinu Radian, an individual
- Alexandru Macovescu, an individual
- Gabriela Ichim, an individual

RELATED PROCEEDINGS

Circuit Court of Cook County, Illinois, Probate Division

In re Estate of Daniella Radian Leinwand, Deceased

Case No. 2020 P 007524

Final order entered May 7, 2025.

Illinois Appellate Court, First District

In re Estate of Daniella Radian Leinwand

Case No. 1-25-1087

Order entered January 20, 2026.

Petition for rehearing denied February 10, 2026.

Supreme Court of Illinois

In re Estate of Daniella Radian Leinwand

Docket No. 132939

Petition for Leave to Appeal denied May 27, 2026.

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U.S. Constitution, Amendment XIV, § 1

Hilton v. Guyot, 159 U.S. 113 (1895)

Zschernig v. Miller, 389 U.S. 429 (1968)

Hague Convention Oct.5, 1961, 527 U.N.T.S 189

28 U.S.C. § 1257(a)

Illinois Supreme Court Rule 315

PETITION FOR WRIT OF CERTIORARI

Petitioner, Dinu Radian, respectfully petitions for a writ of certiorari to review the judgment of the Appellate Court of Illinois, First District, after discretionary review was denied by the Supreme Court of Illinois.

OPINIONS BELOW

This case originates from proceedings in the Circuit Court of Cook County, Illinois, Probate Division, Case No. 2020 P 007524. The Probate Court entered its final order on May 7, 2025, which is reproduced at Appendix D [A14–A18]. The Probate Court's Amended Order Declaring Heirship, entered on February 5, 2024, is reproduced at Appendix E [A19–A20]. The Probate Court's Order of October 13, 2021, is reproduced at Appendix F [A21–A22].

Petitioner appealed to the Appellate Court of Illinois, First District, Case No. 1-25-1087. The Appellate Court affirmed the Probate Court's judgment. The opinion is reproduced at Appendix A [A1–A9]. The order denying rehearing is reproduced at Appendix B [A10–A11].

Petitioner thereafter sought discretionary review in the Supreme Court of Illinois, Docket No. 132939. The Petition for Leave to Appeal was denied on May 27, 2026. The order denying leave to appeal is reproduced at Appendix C [A12–A13].

JURISDICTION

The judgment sought to be reviewed is the judgment of the Illinois Appellate Court, First District, entered in Case No. 1-25-1087.

This Court has jurisdiction under 28 U.S.C. § 1257(a) because the judgment below is a final judgment rendered by the highest court of a State in which a decision could be had, and the case presents a substantial federal question arising under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

This Petition is timely filed within ninety days after entry of the order denying discretionary review by the Supreme Court of Illinois.

CONSTITUTIONAL PROVISION INVOLVED

Section 1 of the Fourteenth Amendment to the United States Constitution provides, in relevant part:

"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."

INTRODUCTION

This case presents a fundamental constitutional question concerning the limits of judicial comity and the protections guaranteed by the Due Process Clause of the Fourteenth Amendment.

American courts routinely encounter foreign judgments, decrees, and governmental acts. Under principles of international comity, courts may extend recognition to such foreign determinations when appropriate. Comity, however, is a doctrine of judicial discretion. Due process is a constitutional command.

The proceedings below involved the recognition of a disputed foreign-created family status that ultimately determined inheritance rights in an Illinois estate. Petitioner repeatedly challenged the legal validity, procedural reliability, and evidentiary sufficiency of the foreign determinations upon which the claimed family status depended. Petitioner argued that recognition of those determinations without independent scrutiny by the American court deprived him of property-related rights and altered the disposition of an American estate.

The Probate Court nevertheless recognized the disputed family status and entered an amended heirship order [A19 – A20]. The Illinois Appellate Court did not address the merits of Petitioner's constitutional objections, dismissing the appeal on procedural briefing grounds [A1 – A9]. Petitioner sought rehearing and supplied additional record-based cross-references intended to address the identified deficiencies. Rehearing was denied [A10 – A11]. The Supreme Court of Illinois declined discretionary review [A12 – A13].

As a result, no Illinois appellate court addressed the constitutional question presented here: what process does the

Constitution require before a state court may give dispositive effect to a disputed foreign-created family status for purposes of determining inheritance rights within the United States?

This question extends far beyond the parties to this dispute. Modern migration patterns increasingly produce estates involving foreign adoptions, foreign legitimacy determinations, foreign paternity determinations, foreign family-status decrees, and other foreign governmental acts affecting inheritance rights. The Constitution supplies the minimum protections that must accompany such determinations when they are used to affect property rights in the United States.

This Court recognized more than a century ago in *Hilton v. Guyot*, 159 U.S. 113 (1895), that international comity is not blind deference. Recognition of foreign determinations has traditionally depended upon considerations of fairness, legitimacy, and procedural regularity. Yet the constitutional boundary between discretionary comity and mandatory due process remains insufficiently defined when foreign-created family status is used to determine inheritance rights. This case presents an appropriate vehicle for clarifying that boundary.

STATEMENT OF THE CASE

The Decedent's Estate And The Heirship Dispute

Daniella Radian Leinwand ("Decedent") died intestate, resulting in the administration of her estate in the Circuit Court of Cook County, Illinois, Probate Division. [Case No. 2020 P 007524].

Because Decedent left no will, the identification of her lawful heirs became a central issue in the administration of the estate. Thereafter, following extensive probate proceedings, the Probate Court entered an order determining the respondents were heirs of the Decedent. [A19 – A20].

The determination of heirship directly affected the distribution of estate assets and the inheritance rights of the persons claiming an interest in the estate. Petitioner's challenge to the asserted foreign-created family status did not arise after entry of the heirship determination. The issue was actively litigated during the probate proceedings, including objections to heirship filed years before the Probate Court entered its amended heirship order. Petitioner challenged the asserted foreign-created family status

before the Probate Court, the Illinois Appellate Court, and the Supreme Court of Illinois. [A1 – A13].

The Probate Court ultimately recognized the asserted family relationship for purposes of determining heirship and inheritance rights [A19 – A20]. Petitioner challenged that determination throughout the proceedings below, giving rise to the constitutional question presented in this Petition on page 2.

The Asserted Foreign-Created Family Status

The heirship claims recognized by the Probate Court were based upon asserted family relationships originating in adoption decrees issued in the Communist-era of a foreign jurisdiction. Respondent contended that those decrees established family status giving rise to inheritance rights in Decedent's estate under Illinois law.

The heirship determination rested upon two asserted foreign-created family statuses. With respect to one claimed status, reliance was placed upon an original foreign Communist-era adoption decree together with a contemporary foreign judicial ruling that rejected

Petitioner's challenge to that decree and confirmed the asserted status upon which the claimed inheritance rights were based.

With respect to the other claimed status, reliance was placed solely upon an apostilled foreign Communist-era adoption decree. The decree was accepted as an authenticated foreign governmental document and was relied upon in support of the asserted inheritance rights.

The Probate Court ultimately recognized the asserted family relationships for purposes of determining heirship and inheritance rights [A19 – A20]. Petitioner disputed both the legal basis and the inheritance consequences of the asserted foreign-created family status [A1 – A9]. Those challenges are described below.

Petitioner's Challenges To The Asserted Family Status

Petitioner did not dispute merely the authenticity of the foreign governmental documents presented to the Probate Court. Rather, Petitioner challenged the legal basis upon which those documents were asserted to create inheritance rights enforceable under Illinois law. Throughout the proceedings below, Petitioner

maintained that the asserted foreign-created family status required independent scrutiny by the American Court before it could be given dispositive effect in determining heirship and inheritance rights within the United States. [A1 – A9].

Petitioner challenged the legal character and inheritance consequences of adoption decrees issued under a Communist-era foreign legal framework [A1 – A9]. Petitioner contended that the asserted inheritance rights depended not merely upon the existence of foreign governmental documents, but upon legal conclusions concerning the continuing effect of those documents under foreign judicial rulings and their consequences for inheritance rights asserted in the United States. [A1 – A9].

Petitioner further challenged the legal basis upon which contemporary foreign judicial rulings were said to confirm the asserted family status. In particular, Petitioner maintained that the contemporary rulings did not resolve the issues he had raised concerning the statutory requirements governing the claimed inheritance consequences of the underlying adoption decrees. [A1 – A9].

With respect to documents presented as apostilled foreign governmental documents, Petitioner did not dispute that apostille authentication may establish the authenticity of a foreign governmental document. Petitioner maintained, however, that authentication alone did not establish the legal sufficiency of the asserted family status or eliminate the need for independent scrutiny by the American court before such status could determine inheritance rights under Illinois law. [A1 – A9].

Throughout the proceedings, Petitioner consistently maintained that authentication and recognition were necessary but not sufficient steps in determining whether the asserted foreign-created family status could be given dispositive effect in adjudicating inheritance rights within the United States. Petitioner therefore sought independent judicial scrutiny of the legal basis and inheritance consequences of the asserted status before it was used to determine heirship in Decedent's estate. [A1 – A9].

Proceedings In The Illinois Courts

The Probate Court proceedings involved extensive litigation concerning the asserted foreign-created family status and its effect upon heirship and inheritance rights. Over a period of several years, Petitioner submitted multiple objections and petitions challenging the legal basis and inheritance consequences of the asserted family status. The pendency of Petitioner's objections during the Probate Court proceedings is reflected, for example, in the Probate Court Order of October 13, 2021 [A21–A22].

The Probate Court ultimately recognized the asserted family relationships for purposes of determining heirship and inheritance rights and entered orders affecting the administration and distribution of Decedent's estate. [A19 – A20].

Petitioner sought review in the Illinois Appellate Court, where he challenged the recognition of the asserted foreign-created family status and its effect upon inheritance rights. Following Appellees' response, Petitioner submitted a reply brief further addressing the legal and constitutional issues presented.

After dismissal of the appeal on procedural grounds [A1 – A9], Petitioner submitted a petition for rehearing that included

additional record citations and a detailed cross-reference matrix identifying the portions of the record supporting the factual and legal assertions presented on appeal. [A10 – A11].

Petitioner subsequently filed a Petition for Leave to Appeal to the Supreme Court of Illinois, again presenting the constitutional issues arising from the recognition of the asserted foreign-created family status and its effect upon inheritance rights. The Petition for Leave to Appeal was denied. [A12 – A13].

The constitutional question presented in this Petition was therefore raised, preserved, and pursued throughout the Illinois judicial system before state-court review was exhausted.

REASONS FOR GRANTING THE PETITION

Reason I

**THIS CASE PRESENTS AN IMPORTANT
CONSTITUTIONAL QUESTION CONCERNING THE
BOUNDARY BETWEEN INTERNATIONAL JUDICIAL
COMITY AND THE DUE PROCESS PROTECTIONS OF THE
FOURTEENTH AMENDMENT**

This case presents a constitutional question of growing national importance concerning the relationship between international judicial comity and the protections guaranteed by the Due Process Clause of the Fourteenth Amendment. American courts increasingly encounter foreign judgments, decrees, governmental acts, and family-status determinations that may affect property rights within the United States. While the doctrine of international judicial comity permits courts to recognize foreign legal determinations under appropriate circumstances, due process imposes constitutional limitations upon the legal consequences that may be attributed to such determinations.

The question presented is not whether foreign governmental documents may be authenticated or whether foreign legal determinations may ever be recognized. Rather, the question is what constitutional process is required before a disputed foreign-created family status may be given dispositive effect in determining inheritance rights and the distribution of property within the United States.

The proceedings below illustrate the significance of that distinction. The asserted family status was derived from foreign governmental documents that were treated as establishing inheritance rights in an Illinois estate. Petitioner consistently challenged the legal validity, evidentiary reliability, and legal effect of that asserted status from the earliest stages of the Probate Court proceedings through the conclusion of state appellate review. Those challenges were presented through written objections, motions, appellate briefing, a petition for rehearing, and a petition for leave to appeal.

This continuous challenge illustrates why authentication of foreign documents and recognition of foreign-created legal status are

distinct inquiries. Authentication may establish the origin or official character of a document. Recognition determines the legal consequences attributed to the status asserted through that document. When recognition of disputed foreign-created status determines inheritance rights and affects constitutionally protected property interests, due process safeguards become essential.

Authentication of a foreign governmental document may be a necessary prerequisite to judicial recognition of the legal status asserted through that document. It is not, however, a sufficient basis for giving dispositive effect to that status when such recognition determines inheritance rights and affects protected property rights. Authentication begins the inquiry; it does not end it. The Due Process Clause requires more than authentication. It requires adequate process to ensure that disputed foreign-created legal status is not transformed into binding property consequences without meaningful judicial scrutiny.

The constitutional importance of this question extends beyond the circumstances of this case. Modern patterns of international migration increasingly produce disputes involving

foreign adoptions, foreign legitimacy determinations, foreign paternity determinations, foreign family-status decrees, and other foreign governmental acts that may affect inheritance rights and property interests within the United States. As those disputes become more common, courts will continue to confront the constitutional boundary between discretionary recognition under principles of international judicial comity and the mandatory protections guaranteed by due process.

International judicial comity serves important purposes and promotes respect among legal systems. Yet comity remains a doctrine of discretionary judicial recognition. Due process is a constitutional command. The Constitution therefore defines the permissible boundary of international judicial comity whenever recognition of disputed foreign-created legal status is used to determine inheritance rights and affect property protected by the Fourteenth Amendment.

This case presents an appropriate vehicle for clarifying that constitutional boundary.

Reason II

THE QUESTION PRESENTED HAS INCREASING NATIONAL IMPORTANCE IN AN ERA OF TRANSNATIONAL FAMILY RELATIONSHIPS THAT AFFECT PROPERTY RIGHTS WITHIN THE UNITED STATES

The constitutional question presented is not limited to the particular facts of this estate dispute. It arises from broader societal and legal developments that increasingly require American courts to determine the domestic legal consequences of family relationships created, recognized, modified, or documented outside the United States.

The United States has become a nation characterized by extensive international mobility, dual citizenship, multinational families, foreign adoptions, cross-border marriages, foreign legitimacy determinations, foreign paternity determinations, and international ownership of property. As a result, American courts are increasingly asked to determine whether and to what extent foreign-

created family status should affect inheritance rights, property interests, and other legally protected rights within the United States, thereby implicating the constitutional protections guaranteed by the Due Process Clause of the Fourteenth Amendment.

These questions frequently extend beyond matters of personal status. Family-status determinations may directly affect inheritance rights, beneficiary rights, trust distributions, survivorship interests, and other significant property interests protected by American law. As transnational family relationships become more common, disputes concerning the legal effect of foreign-created status upon domestic property rights are likewise becoming increasingly common.

The foundational principles of international judicial comity were developed in a legal environment that differed substantially from the realities of modern transnational life. While those principles continue to serve important purposes, the increasing frequency with which foreign-created family status affects property rights within the United States raises constitutional questions that have growing practical significance for courts, litigants, and families throughout the Nation.

This Court's decision in *Hilton v. Guyot* established enduring principles concerning international judicial comity and the recognition of foreign determinations. Those principles continue to guide courts confronted with foreign governmental acts and foreign legal proceedings. Yet the constitutional question presented here arises in a context that Hilton did not address: the use of disputed foreign-created family status to determine inheritance rights affecting property within the United States. Hilton therefore remains important not because it resolves the question presented, but because it provides the foundation from which this Court may clarify the constitutional safeguards required in an era of increasingly transnational family relationships affecting property rights.

This case illustrates that broader phenomenon. The dispute concerns the process by which foreign-created family status may be transformed into dispositive inheritance rights under American law. The question presented is therefore not confined to probate procedure, nor to a particular foreign jurisdiction. It concerns the constitutional safeguards required when foreign-created family status is invoked to determine property rights protected by the laws of the United States.

The need for guidance is particularly important because the consequences of recognition are often irreversible. Once inheritance rights have been determined, property distributed, trusts administered, and estates closed, later review may be difficult or impossible. Clarification concerning the constitutional boundary between international judicial comity and due process therefore has significance extending well beyond the parties to this litigation.

This Court's review is warranted because the question presented will continue to arise with increasing frequency as transnational family relationships increasingly affect property rights within the United States.

Reason III

THE QUESTION PRESENTED REMAINS UNRESOLVED IN THE MODERN APPLICATION OF INTERNATIONAL JUDICIAL COMITY

This Court's decision in *Hilton v. Guyot* established the foundational principles governing international judicial comity in

the United States. For more than a century, courts have relied upon those principles when determining whether and under what circumstances foreign judgments, decrees, and governmental acts should be recognized within the American legal system.

Hilton remains an essential part of the Nation's jurisprudence because it recognized both the value of international comity and the authority of American courts to determine the domestic legal consequences of foreign governmental acts. The decision established a framework for judicial recognition while preserving the independent responsibility of American courts to protect rights arising under domestic law.

Hilton v. Guyot established foundational principles governing the recognition of foreign governmental acts, including circumstances in which recognition may properly be withheld. The present case raises a distinct constitutional question not resolved by that framework: what scrutiny is required before the legal consequences attributed to a disputed foreign-created family status may determine inheritance rights protected by American law. Clarification of that question would strengthen the constitutional

guardrails that ensure international judicial comity remains consistent with the protections guaranteed by the Due Process Clause of the Fourteenth Amendment.

The present case concerns more than the recognition of foreign governmental documents. It concerns the process by which foreign governmental acts were treated as establishing a legally dispositive family relationship for purposes of determining inheritance rights under American law. The constitutional question arises not from the authenticity of the documents themselves, but from the legal consequences attributed to them and the degree of scrutiny required before those consequences may affect protected property rights.

Petitioner presented substantial legal and factual challenges concerning the origin, legal character, continuing validity, and inheritance consequences of the asserted foreign-created family status. The constitutional question therefore concerns the degree of scrutiny required before such disputed status may be given dispositive effect in determining property rights within the United States.

Modern transnational family relationships increasingly require courts to evaluate foreign adoptions, legitimacy determinations, paternity determinations, and other family-status decisions originating outside the United States. Such determinations frequently affect inheritance rights, beneficiary status, trust interests, and other significant property rights. Yet the constitutional relationship between international judicial comity and due process in this context remains insufficiently defined.

Hilton therefore remains important because the constitutional question presented here has never been fully resolved in the context of modern transnational family relationships affecting property rights. The increasing frequency of such disputes underscores the need for clarification concerning the constitutional safeguards that must accompany recognition when disputed foreign-created family status is invoked to determine domestic property rights.

This case provides the Court with an opportunity to clarify how the principles of international judicial comity articulated in Hilton interact with the protections guaranteed by the Due Process

Clause when disputed foreign-created family status is used to determine inheritance rights within the United States.

Clarification of that constitutional relationship would provide guidance to courts, litigants, and families confronted with similar disputes and would ensure that the important objectives served by international judicial comity remain consistent with the constitutional protections guaranteed by the Fourteenth Amendment.

Reason IV

THIS CASE PRESENTS A SUITABLE VEHICLE FOR RESOLVING THE QUESTION PRESENTED

This case presents a suitable vehicle for addressing the constitutional question presented. The issue arises from a developed factual record, affects concrete property rights, was repeatedly preserved throughout the proceedings below, and is presented following the exhaustion of available state-court review. No further factual development is necessary to resolve the constitutional question concerning the relationship between international judicial comity and the Due Process Clause when disputed foreign-created

family status is used to determine inheritance rights within the United States.

The constitutional question presented was consistently preserved throughout the proceedings below. Petitioner's challenges to the asserted foreign-created family status were repeatedly presented in the Probate Court, the Illinois Appellate Court, a reply brief, a petition for rehearing, and a petition for leave to appeal to the Supreme Court of Illinois. The appeal was dismissed on procedural grounds without a decision on the merits, and the constitutional question presented here was never addressed by the Appellate Court. [A9]. As a result, the constitutional question concerning the relationship between international judicial comity and due process was never resolved through an appellate determination on the merits.

The constitutional question presented was not limited to Petitioner's opening appellate brief. Following Appellees' response, which sought dismissal of the appeal on procedural grounds and did not address the constitutional question presented in Petitioner's brief, Petitioner submitted a reply brief further addressing the legal and constitutional issues arising from the
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asserted foreign-created family

status. After dismissal of the appeal, Petitioner also submitted a petition for rehearing, including additional record citations and a detailed cross-reference matrix identifying the locations within the Common Law Record supporting the factual and legal assertions presented on appeal. Those efforts were undertaken to facilitate appellate review and to ensure that the constitutional issues presented could be considered on a fully developed record.

Petitioner consistently challenged not merely the authenticity of foreign governmental documents, but the legal consequences attributed to those documents for purposes of determining inheritance rights under Illinois law. Throughout the proceedings, Petitioner presented substantial legal and factual challenges concerning the origin, legal character, continuing validity, and inheritance consequences of the asserted foreign-created family status. Those challenges extended both to the asserted family status and to the legal basis upon which foreign governmental acts and foreign judicial rulings were relied upon to establish inheritance rights under Illinois law before independent scrutiny of the asserted status and its legal consequences by an American court.

The constitutional issue is presented in a particularly clear procedural posture. The asserted foreign-created family status was given dispositive effect in determining heirship and inheritance rights affecting property within the United States. Petitioner repeatedly challenged that determination through every available level of state-court review. The resulting constitutional question was preserved throughout the proceedings below, yet no Illinois court addressed the merits of the constitutional question now presented.

State-court review has been exhausted. The Probate Court entered final orders affecting inheritance rights and estate administration. Review was sought in the Illinois Appellate Court, rehearing was requested following dismissal, and a petition for leave to appeal was filed in the Supreme Court of Illinois. The constitutional question is therefore fully preserved and presented in a posture suitable for this Court's review.

This case presents no obstacle to resolution of the question presented. The issue is concrete rather than hypothetical, the factual record is developed, the constitutional question was consistently preserved, and the legal consequences are substantial. This Court

may therefore address the constitutional relationship between international judicial comity and due process on a complete record and in a case where the answer will directly affect property rights within the United States.

CONCLUSION

For the foregoing reasons, the Petition for a Writ of Certiorari should be granted.

Respectfully submitted,



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