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No. _____

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

MATHIEW R. FOX,

Petitioner,

v.

SARAH ANN FOX,

Respondent.

On Petition for a Writ of Certiorari
to the Wisconsin Court of Appeals, District II

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the First Amendment permits a court to enforce through civil contempt a prospective order prohibiting a parent from disseminating on social media "any information concerning this case."

LIST OF PARTIES AND DIRECTLY RELATED PROCEEDINGS

Petitioner Mathiew R. Fox was the respondent-appellant in the Wisconsin Court of Appeals.

Respondent Sarah Ann Fox was the petitioner-respondent in the Wisconsin Court of Appeals.

No corporate disclosure statement is required under Rule 29.6 because both parties are natural persons.

Pursuant to Rule 14.1(b)(iii), the following proceedings arise from Kenosha County Circuit Court Case No. 2021FA000047 and are directly related:

1. In re the Marriage of Sarah Ann Fox and Mathiew Rae Fox, Kenosha County Circuit Court No. 2021FA000047.

The circuit court entered the Order and Finding of Contempt at issue here on August 1, 2025.

2. Sarah Ann Fox v. Mathiew Rae Fox, Wisconsin Court of Appeals No. 2025AP2229. Judgment entered April 8, 2026; reconsideration denied April 13, 2026; discretionary review denied by the Wisconsin Supreme Court August 18, 2026.

3. Sarah Ann Fox v. Mathiew Rae Fox, Wisconsin Court of Appeals No. 2025AP2492. This separate appeal arises from the same Kenosha County family action and remains pending in the Wisconsin Court of Appeals as of September 2026.

4. Sarah Ann Fox v. Mathiew Rae Fox, Wisconsin Court of Appeals No. 2026AP575. This related proceeding arises from the same Kenosha County family action and remains pending as of September 2026.

5. Fox v. Circuit Court for Kenosha County, Wisconsin Supreme Court No. 2026AP586-W. Petition for supervisory writ dismissed April 10, 2026.

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OPINIONS AND ORDERS BELOW

The unpublished decision of the Wisconsin Court of Appeals affirming the civil-contempt judgment is reproduced at Pet. App. 1a-6a. Sarah Ann Fox v. Mathiew Rae Fox, No. 2025AP2229 (Wis. Ct. App. Apr. 8, 2026).

The Wisconsin Court of Appeals' April 13, 2026 order denying reconsideration is reproduced at Pet. App. 7a.

The Wisconsin Supreme Court's August 18, 2026 order denying discretionary review is reproduced at Pet. App. 8a.

The Kenosha County Circuit Court's August 1, 2025 Order and Finding of Contempt is reproduced at Pet. App. 9a-11a.

The Kenosha County Circuit Court's June 9, 2025 written order containing the challenged speech restriction is reproduced at Pet. App. 12a-15a.

JURISDICTION

The Wisconsin Court of Appeals entered judgment affirming the civil contempt order on April 8, 2026. Pet. App. 1a. It denied Petitioner's timely motion for reconsideration on April 13, 2026. Pet. App. 7a.

Petitioner timely sought discretionary review in the Wisconsin Supreme Court. On August 18, 2026, that court denied the petition for review. Pet. App. 8a.

This petition is timely under Rules 13.1 and 13.3 because it is filed within 90 days after the Wisconsin Supreme Court denied discretionary review. This Court has jurisdiction under 28 U.S.C. § 1257(a).

The judgment is final for purposes of § 1257 because the state appellate proceedings conclusively resolved the separately appealed civil-contempt judgment, notwithstanding continuation of other proceedings in the underlying family action. See NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 454-58 (1958); Cox Broadcasting Corp. v. Cohn, 420 U.S. 469, 477-85 (1975).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment provides, in relevant part:

"Congress shall make no law ... abridging the freedom of speech."

U.S. Const. amend. I.

The Fourteenth Amendment provides, in relevant part:

"No State shall ... deprive any person of life, liberty, or property, without due process of law."

U.S. Const. amend. XIV, § 1.

The First Amendment applies to the States through the Fourteenth Amendment.

STATEMENT OF THE CASE

A. The circuit court initially restricted social-media posts about the children.

This petition arises from a civil contempt proceeding within an ongoing Wisconsin family action. The petition does not ask this Court to determine custody, physical placement, child support, or the best interests of Petitioner's children.

At the May 29, 2025 hearing, the circuit court framed its social-media ruling in terms of material about the children. The court stated: "I will enter a couple orders that neither party is to post anything about the children on Facebook. That includes videos, photos, audios, anything. The children are off limits when it comes to Facebook or social media of any type, both parties." R.156:13:15-18; Pet. App. 17a.

The court then extended that restriction across platforms and required existing material to be removed. It stated: "YouTube as well. Take it down, both parties. No social media. No web pages. No YouTube." R.156:13:21-22. It continued: "So no social media. No YouTube. No web pages. Any form of that variety. No X. No Instagram. No anything for both parties. If there's any up now, they are to be taken down within 48 hours for both parties." R.156:14:2-5; Pet. App. 18a.

Separately, the court continued its directive that neither party "shall discuss this case with the children." R.156:14:14-16; Pet. App. 18a.

The distinction is precise: the May 29 social-media restriction was stated as a prohibition on posts about the children, while the separate case-discussion rule governed communications with the children. The June 9 written order then used materially broader language.

B. The June 9 written order materially broadened the subject of prohibited speech.

On June 9, 2025, the circuit court entered the written order prepared after the May 29 hearing. Paragraph 10 provided:

"neither party shall disseminate on any form of social media any information concerning this case or pictures and/or information concerning the minor children. This shall include Facebook, YouTube, X, Twitter, Snapchat, and all other forms of social media."

R.112:3 ¶10; Pet. App. 14a.

Paragraph 11 required both parties to take down "any such pictures or information" from social media within forty-eight hours. R.112:3 ¶11. Paragraph 12 separately continued the directive that the parties refrain from discussing anything related to the case with the minor children. R.112:3 ¶12.

The written order therefore did something the May 29 oral ruling had not done: it made the subject of the social-media restriction the case itself. Pet. App. 14a. The Wisconsin Court of Appeals later reproduced that language verbatim. Pet. App. 3a ¶4.

The phrase "any information concerning this case" is not textually limited to child-identifying information, sealed material, information obtained through compelled discovery, threats, harassment, or speech shown to threaten the fairness of a proceeding. It reaches an entire subject of otherwise protected expression.

C. The contempt proceeding imposed a broader prospective speech regime backed by a stayed 180-day jail sanction.

Sarah Ann Fox moved for contempt on June 2, 2025, before entry of the broader June 9 written order. The circuit court held the contempt hearing on June 11. The chronology is important: the alleged posting conduct arose under the May 29 oral

directive, while the broader written language existed by the time the court adjudicated contempt and fashioned the purge.

The hearing record also identified the audience and purpose of some challenged online communications. Petitioner testified that some videos had been made private or shared with identified recipients, including governmental, legal, and professional-oversight recipients. R.157:14:15-24; 15:4-24; 19:9-18.

The circuit court expressly found: "This Court does find a willful and knowing disregard of court orders with respect to posting proceedings involving matters of the children." R.157:31:4-6; Pet. App. 20a.

That finding tracked the May 29 subject matter: postings involving the children. But in describing the scope of the governing restriction and purge at the same hearing, the court invoked the broader June 9 formulation.

The court stated that there was "no delineation between public and private," then recited the written order prohibiting dissemination of "any information concerning this case." R.157:31:7-13; Pet. App. 20a.

The court imposed 180 days in the Kenosha County Jail, stayed subject to purge conditions. It ordered removal of "all content of any type" on social media or the Internet involving the court proceedings or the children, required a sworn affidavit of compliance, and imposed additional school and location restrictions. R.157:31:14-24; 33:1-24; Pet. App. 20a-22a.

The same oral ruling expressly declined to find contempt concerning the school incident. R.157:31:1-

3; Pet. App. 20a. That mismatch is not independently presented as a federal Question Presented here, but it illustrates the breadth of the remedial package attached to the speech contempt.

The August 1, 2025 written Order and Finding of Contempt memorialized the ruling. It found no contempt for the school-gift incident, found contempt for social-media posting, imposed the stayed 180-day jail sentence, required removal of all social-media content concerning the case within twenty-four hours, and required an affidavit stating both that the posts had been removed and that Petitioner "will continue to not have any social media posts whatsoever concerning this case." R.151 ¶¶2-4(b); Pet. App. 10a.

The written contempt judgment thus made the speech restraint expressly prospective. It did not end with removal of past posts; it required continuing abstention from case-related social-media speech.

D. Petitioner expressly presented the First Amendment challenge to the circuit court.

After entry of the written contempt order, Petitioner moved to dismiss the contempt judgment and vacate its sanctions.

The motion contained a section entitled "Due Process and Protected Speech Violations" and expressly invoked "U.S. Const. Amend. I (Free Speech)." R.153:2.

The motion specifically described the challenged speech as privately shared to a limited audience and directed toward oversight entities including the Wisconsin Supreme Court and the Office of Lawyer Regulation. R.153:2.

At the August 13, 2025 hearing, Petitioner expressly stated that "the findings of contempt violated my first amendment rights" and explained that the disputed communications included efforts to communicate about the family-court proceeding with governmental or professional oversight recipients. R.193:31:3-18.

The circuit court declined to vacate the contempt judgment and stated that "the order stands." R.193:32:1-14.

The federal claim was therefore not first invented on appeal.

E. The opening appellate brief separately presented and developed the First Amendment question.

Petitioner's November 10, 2025 opening brief separately presented the First Amendment issue. Its Question Presented asked whether the blanket "any information concerning this case" language, enforced through a broad takedown purge, was an unconstitutional prior restraint and facially overbroad. Opening Br. 4; Pet. App. 24a.

Argument II was separately captioned: "The global 'any information concerning this case' restraint is an unconstitutional prior restraint and overbroad compared to the May 29 child-privacy limit." Opening Br. 10; Pet. App. 26a.

The Statement of the Case supplied the record anchors for the May 29 oral ruling, the June 9 written order, the June 11 contempt hearing, and the sanctions. Opening Br. 7; Pet. App. 25a.

Argument II then applied First Amendment doctrine to the written restraint. It argued that the

June 9 order reached non-identifying commentary, criticism of court actors, and oversight communications; characterized the order as content based and prospective; cited *Kindschy v. Aish*, *Packingham v. North Carolina*, *Counterman v. Colorado*, and other authority; and argued that the blanket restriction was not narrowly tailored to child protection. Opening Br. 10-11; Pet. App. 26a-27a.

The requested remedy was equally explicit: "Vacate the 'any information concerning this case' restraint and all purge provisions based on it." Opening Br. 11; Pet. App. 27a.

F. The Wisconsin Court of Appeals expressly recognized the federal claim but refused to decide it.

The Court of Appeals decided Petitioner's first issue on the merits. It held that the particular video underlying the historical contempt finding included the guardian ad litem's placement recommendation and therefore "clearly pertained to the children" within the May 29 oral restriction. Pet. App. 5a ¶¶9-10. That fact-specific determination is not the Question Presented here.

The court then identified the First Amendment claim with precision:

"He claims the circuit court's order banning him from posting 'any information concerning th[e] case' is overbroad and violates his First Amendment right to free speech."

Pet. App. 5a ¶11.

The Court of Appeals did not decide whether the restraint was content based, whether it constituted a prior restraint, what constitutional standard

governed, whether sufficiently concrete child-protection findings supported the restriction, or whether the order was narrowly tailored.

Instead, citing *State v. Jackson*, *Dieck v. Unified School District of Antigo*, and *State v. Pettit*, the court declined merits review of Petitioner's remaining claims as insufficiently developed and insufficiently supported by record citations. Pet. App. 5a-6a ¶¶11-13.

The Wisconsin Supreme Court denied discretionary review on August 18, 2026. Pet. App. 8a.

REASONS FOR GRANTING THE PETITION

I. THE STATE PROCEDURAL GROUND IS NOT ADEQUATE AS APPLIED TO THE FEDERAL CLAIM PRESENTED HERE.

The adequacy of the state procedural ground is antecedent to the First Amendment merits.

An independent and adequate state-law ground ordinarily forecloses this Court's review of a federal question. *Coleman v. Thompson*, 501 U.S. 722, 729 (1991). Wisconsin unquestionably may enforce rules requiring developed argument and record support. The federal question is whether the particular application of those rules is adequate to bar review here.

In *Lee v. Kemna*, 534 U.S. 362, 376, 381-87 (2002), this Court recognized the narrow class of exceptional cases in which an "exorbitant application of a generally sound rule" is inadequate to foreclose federal review. The inquiry is functional and as applied: whether the circumstances show substantial

compliance with the rule's purposes and whether rigid enforcement meaningfully advanced the State's legitimate procedural interests.

A. The filed opening brief supplied the constitutional claim, record anchors, governing authority, application, and remedy.

The First Amendment issue was not a passing reference buried in a factual narrative. It had its own Question Presented and its own separately captioned Argument II.

The brief quoted the exact language challenged: "any information concerning this case." It identified prior restraint, overbreadth, content discrimination, and lack of narrow tailoring. It cited federal and Wisconsin constitutional authority. It applied those doctrines to the challenged order. And it requested a specific disposition: vacatur of the restraint and purge provisions based upon it.

The brief also supplied record citations. The Statement of the Case immediately preceding the argument cited R.156:13-14 for the May 29 oral ruling, R.112 for the June 9 written order, and R.157 for the contempt hearing and sanctions. Opening Br. 7-8. The court did not need to guess what order was challenged or scour an unindexed record to locate the operative events.

The filed brief therefore left no constitutional theory for the appellate court to invent. The issue, legal standard, operative language, factual predicate, record anchors, and requested remedy were all before it.

B. Flowers and Lee do not permit a federal claim to be defeated by a briefing rule applied with pointless severity.

NAACP v. Alabama ex rel. Flowers, 377 U.S. 288 (1964), is particularly instructive. There, the state court invoked briefing rules to avoid federal claims. This Court examined the brief itself, found the assignments tied to the relevant arguments, and held that constitutional rights could not be thwarted by application of the rule with "pointless severity." *Id.* at 297-98.

James v. Kentucky, 466 U.S. 341, 349-51 (1984), likewise refused to allow an unmistakably invoked federal right to turn on an asserted defect of form. And Lee confirms that even a sound, regularly followed rule can be inadequate in the exceptional case when its application is exorbitant. 534 U.S. at 376.

The same problem is present here. The Court of Appeals' procedural description cannot be evaluated in the abstract; adequacy turns on what the filed brief actually contained.

C. The purposes of Pettit, Dieck, and Jackson were substantially satisfied.

Pettit allows Wisconsin appellate courts to decline undeveloped legal theories rather than become advocates for a party. Dieck permits rejection of factual assertions unsupported by the record. Jackson likewise prevents a litigant from leaving the court to assemble disconnected propositions into a viable theory.

Those legitimate interests do not describe Petitioner's First Amendment presentation. He

identified the constitutional provision, quoted the challenged language, named the doctrines, supplied authority, applied the law, identified the key record locations, and requested precise relief.

The record-citation concern is especially revealing. The principal record citations appeared in the Statement of the Case rather than being repeated after every factual sentence in Argument II. But those citations were in the same opening brief and immediately preceded the constitutional argument. Treating their location as a complete bar to federal merits review did not relieve the court of the need to construct an argument; the argument was already there.

D. The procedural disposition left a substantial federal restraint without merits review.

The consequence was not correction of a minor formatting defect. It was complete appellate avoidance of the merits of an order prohibiting dissemination of "any information concerning this case," enforced through a civil-contempt judgment containing an expressly continuing no-post command.

This Court need not weaken Wisconsin's ordinary briefing rules. It need hold only that those rules are not adequate, as applied to this record, to insulate the expressly presented federal question from review.

At minimum, the Court may grant the petition, vacate the judgment insofar as it rests on the asserted procedural ground, and remand for merits consideration of the First Amendment claim.

II. THE UNDERLYING FIRST AMENDMENT QUESTION IS IMPORTANT, RECURRING, AND UNSETTLED.

The First Amendment question is not whether family courts may protect children from genuinely harmful disclosures; they plainly may. It is whether that legitimate interest permits a court to suppress an entire subject of otherwise protected speech: "any information concerning this case."

That question recurs at the intersection of child protection, judicial process, and modern public communication.

A. Social media is central to modern public communication and can be a vehicle for legal, governmental, and institutional review.

This Court has recognized social media as among the most important places for the exchange of views in the modern public square. *Packingham v. North Carolina*, 582 U.S. 98, 104-07 (2017). A restraint on social-media speech therefore cannot be dismissed as a regulation of trivial or purely personal communication.

The record here gives that principle concrete form. Petitioner testified that some online videos were restricted rather than publicly available and were directed to identified recipients including state representatives, law firms, the Office of Lawyer Regulation, the Wisconsin Supreme Court, support groups, state senators, and lawmakers. R.157:14:15-24; 15:4-24; 19:9-18.

The constitutional significance is not that every communication to every recipient is categorically immune from regulation. It is that a textual

prohibition on disseminating "any information concerning this case" sweeps beyond child-identifying disclosures and into online speech assertedly used to seek legal guidance, governmental review, professional oversight, advocacy, and public accountability.

B. Family-court and child-protection speech restraints recur, and state high courts have applied materially different constitutional frameworks.

In *Johanson v. Eighth Judicial District Court*, 124 Nev. 245, 182 P.3d 94 (2008), the Nevada Supreme Court confronted a divorce-case order preventing parties and counsel from discussing the case or disclosing information about it. The court treated the order as a prior restraint, required a serious and imminent threat, narrow tailoring, and the absence of less restrictive alternatives, and directed that the sweeping gag order be vacated.

In *Shak v. Shak*, 484 Mass. 658, 144 N.E.3d 274 (2020), the Massachusetts Supreme Judicial Court likewise treated nondisparagement orders imposed during divorce and custody litigation as prior restraints and vacated the orders before it absent the required showing of grave harm.

Care & Protection of Edith, 421 Mass. 703, 705-07, 659 N.E.2d 1174 (1996), is especially relevant to the institutional-review dimension. A parent sought to criticize both the judicial proceeding and the government's handling of his children's case. The court vacated the speech restriction because the necessary findings and consideration of less restrictive alternatives were absent.

Other high courts have sustained narrower restrictions on materially different records. In *S.B. v. S.S.*, 243 A.3d 90 (Pa. 2020), the Pennsylvania Supreme Court upheld a custody-related order after construing it as a narrower manner-and-identity restriction and relying on a substantial, child-specific record of harm.

These decisions do not involve identical order language. They do show materially different constitutional frameworks and outcomes that turn on breadth, individualized findings of harm, and tailoring.

The Wisconsin order is unusually stark. It is not textually limited to disparagement, disclosure of the children's identities, sealed records, compelled-discovery material, or speech creating a defined threat to adjudication. Its operative subject is the case itself.

This Court has not squarely defined the constitutional standard governing a family-court injunction of that breadth. Rule 10(c) recognizes review where an important federal question has not been, but should be, settled by this Court. The constitutional boundary between protecting children and prohibiting discussion of an entire judicial proceeding is such a question.

The stakes reinforce the need for a clear rule. Contempt-backed restraints can chill protected speech through the threat of incarceration while operating inside proceedings that profoundly affect family relationships. Because such restraints are backed by coercive sanctions, uncertainty over the governing constitutional standard can itself chill protected speech.

III. THE ORDER IMPLICATES CORE FIRST AMENDMENT PRINCIPLES GOVERNING CONTENT-BASED RESTRAINTS AND SPEECH INJUNCTIONS.

The merits question requires no novel constitutional theory. It asks how settled First Amendment principles apply to an injunction whose trigger is the subject of the speech itself.

A. "Any information concerning this case" is a facially subject-matter-based restriction.

A restriction is content based when it applies to speech because of the topic discussed or the idea or message expressed. *Reed v. Town of Gilbert*, 576 U.S. 155, 163-64 (2015). *City of Austin v. Reagan National Advertising of Austin, LLC*, 596 U.S. 61, 69 (2022), cautions that not every rule requiring reference to communicative content is automatically content based, but it reaffirmed *Reed*'s core rule.

Here, the restriction expressly turns on subject matter. A social-media communication is prohibited if it conveys "information concerning this case." Determining whether the order applies therefore requires asking what the speaker is talking about.

Wisconsin's own Supreme Court recently applied strict scrutiny to a content-based speech injunction and invalidated it because it was not narrowly tailored. *Kindschy v. Aish*, 2024 WI 27, ¶¶2, 12, 24-25. The Court of Appeals never applied that framework to the restraint here.

B. The order directly restrains future dissemination.

Judicial commands forbidding future dissemination of protected speech carry a heavy constitutional burden. *Organization for a Better Austin v. Keefe*, 402 U.S. 415, 418-20 (1971), invalidated an injunction restraining future distribution of informational literature and emphasized the heavy presumption against prior restraints.

The August 1 contempt judgment is expressly prospective. It required an affidavit not only confirming removal of prior posts but promising that Petitioner "will continue to not have any social media posts whatsoever concerning this case." R.151 ¶4(b). The challenged restraint therefore governs future speech, not merely completed conduct.

C. Even the standard for content-neutral speech injunctions exposes the tailoring problem.

Madsen v. Women's Health Center, Inc., 512 U.S. 753, 765 (1994), required a content-neutral injunction to "burden no more speech than necessary" to serve a significant governmental interest. *Madsen* thus supplies a useful minimum: an injunction may not sweep materially beyond the governmental interest that justifies it.

The order here is broader than measures directed to child-identifying information, sealed records, threats, harassment, or speech shown to create concrete harm. It prohibits all social-media information concerning the case, regardless of whether the communication identifies a child,

discloses confidential material, or threatens an adjudicative interest.

D. The order is materially different from specialized restraints this Court has sustained.

Seattle Times Co. v. Rhinehart, 467 U.S. 20 (1984), involved information obtained through compelled civil discovery. Independently acquired information remained outside the protective order. The Wisconsin order contains no comparable source limitation.

Gentile v. State Bar of Nevada, 501 U.S. 1030 (1991), involved professional restrictions on an attorney's extrajudicial statements tied to the danger of materially prejudicing a proceeding. Petitioner is not challenging an attorney-disciplinary rule, and the order here contains no substantial-likelihood-of-material-prejudice threshold.

The State's interest in protecting children is substantial. But a substantial interest does not define its own constitutional boundaries. The unresolved question is how far that interest may justify a prospective, subject-wide injunction on a parent's otherwise protected speech.

IV. THIS CASE IS A SUITABLE VEHICLE FOR RESOLVING THE QUESTION PRESENTED.

The relevant facts are fixed in orders, transcripts, and filed briefs. The Court need not determine custody, weigh disputed family evidence, or decide the children's best interests to resolve the federal question.

The challenged language is undisputed; the circuit-court First Amendment presentation is

documented; the opening appellate brief separately developed the constitutional claim; and the Court of Appeals expressly identified that claim before disposing of it under state briefing rules.

Petitioner does not ask this Court to adjudicate allegations of judicial misconduct, review later custody or placement rulings, or award damages against any judicial officer. The question is narrower: whether the contempt-enforced prospective speech restraint may remain insulated from First Amendment merits review.

A. The Court of Appeals expressly passed on the federal claim notwithstanding the later narrowing of discretionary review.

The April 17, 2026 petition for discretionary review narrowed the question presented to the school-and-location purge issue under Wisconsin contempt law. It did not separately renew the First Amendment question.

The later narrowing presents a vehicle objection, but it does not erase what the Wisconsin Court of Appeals itself did. The judgment sought to be reviewed is the Court of Appeals judgment, and that court expressly identified Petitioner's First Amendment claim in paragraph 11 and disposed of it in paragraphs 11 through 13 on a state procedural ground.

This Court has stated that it has "almost unfailingly refused" a federal challenge unless the claim was "either addressed by or properly presented to the state court that rendered the decision we have been asked to review." *Hemphill v. New York*, 595 U.S. 140, 148 (2022) (quoting *Howell v. Mississippi*,

543 U.S. 440, 443 (2005), and *Adams v. Robertson*, 520 U.S. 83, 86 (1997)). Here the intermediate appellate court did not remain silent: it expressly addressed the First Amendment claim by invoking the state procedural ground that is itself challenged as inadequate.

Petitioner does not contend that the Wisconsin Supreme Court's discretionary denial decided the First Amendment merits. The federal presentation and adequacy questions arise from the Court of Appeals' own disposition.

B. The Court need not disturb the separate fact-specific ruling concerning the particular video.

The Court of Appeals held that the particular video supporting the historical contempt adjudication concerned the children and therefore fell within the narrower May 29 oral directive. Pet. App. 5a ¶¶9-10.

The Question Presented does not ask this Court to reweigh that determination. It concerns the broader prospective command forbidding all case-related social-media speech and the state procedural ruling that prevented merits review of the First Amendment challenge to that command.

C. Walker does not convert direct review of the continuing restraint into a forbidden collateral attack.

Walker v. City of Birmingham, 388 U.S. 307 (1967), does not create a general entitlement to disobey an injunction and later attack it through contempt. Petitioner seeks no such rule.

After the contempt judgment was entered, Petitioner asked the issuing court to vacate it on First Amendment grounds. The court refused. Petitioner then pursued appellate review and separately briefed the constitutional issue. This petition therefore seeks direct review through the ordinary appellate process, not a free-standing defense of disobedience.

To the extent the historical contempt finding independently rests on the narrower May 29 directive, the broader June 9 language need not retroactively erase that predicate determination for this Court to resolve whether the continuing prospective restraint is constitutional.

D. The contempt judgment itself carries forward the restraint, so meaningful prospective relief remains available.

The August 1 judgment did not merely punish completed speech. Its purge condition required a sworn affidavit that Petitioner had removed prior posts and "will continue to not have any social media posts whatsoever concerning this case." R.151 ¶4(b).

That language makes the restraint prospective on the face of the judgment under review. A disposition requiring First Amendment merits review can therefore provide meaningful relief from an ongoing command, independent of whether past takedown requirements were satisfied.

E. The unpublished status of the decision does not eliminate the Rule 10(c) question.

The Court of Appeals decision is unpublished, but the constitutional issue does not depend on that

opinion's precedential force. It arises from an operative judicial restraint and a procedural disposition that left the federal merits undecided.

The recurrence shown by decisions from other jurisdictions likewise does not depend on publication of this particular Wisconsin opinion.

F. The Court can grant narrow relief.

If the Court concludes that the state procedural ground is inadequate but prefers not to decide the First Amendment merits in the first instance, it may vacate the judgment insofar as it rejected the First Amendment claim on that ground and remand for merits consideration.

Alternatively, because the operative language is fixed and the constitutional issue is legal, the Court may grant plenary review of the Question Presented.

Either disposition leaves custody, placement, and other family-law issues where they belong: outside this petition.

CONCLUSION

The petition for a writ of certiorari should be granted. If the Court first concludes that the Wisconsin procedural ground is inadequate as applied, it should vacate the judgment insofar as it rejected Petitioner's First Amendment claim on that ground and remand for merits consideration.

Alternatively, the Court should grant plenary review and resolve the Question Presented.

Respectfully submitted,



Mathiew Rae Fox

Petitioner, Pro Se

September 15th, 2026