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SUPREME COURT, U.S.

In the Supreme Court of the United States

In Re: Ann Lutnes,
Petitioner.

ON PETITION FOR AN EXTRAORDINARY WRIT
TO THE PAYNE COUNTY DISTRICT COURT,
STATE OF OKLAHOMA

PETITION FOR A WRIT OF MANDAMUS
UNDER THE ALL WRITS ACT
28 U.S.C. § 1651(a)

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JUNE 30, 2026

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment prohibits a state court from exercising continuing jurisdiction over fundamental parental liberty interests when the mandatory post-deprivation hearing required by statute to establish that jurisdiction never lawfully occurred.
2. Whether a writ of mandamus lies to compel a state court to conduct the post-deprivation hearing required by statute and to rule upon a timely jurisdictional challenge before adjudicating fundamental parental rights, where the trial court refused to rule on that challenge and the state's highest court dismissed the only available extraordinary remedy on procedural grounds caused by clerk obstruction.
3. Whether exhaustion of state remedies is excused under *McCarthy v. Madigan*, 503 U.S. 140 (1992), when court personnel prevented compliance with the procedural conditions required to maintain the state extraordinary writ proceeding.

PARTIES TO THE PROCEEDINGS

Petitioner is Ann Lutnes.

Respondents are Jill Ochs, Special Judge, Payne County District Court, in her official capacity as successor to the Honorable Susan Worthington, Special Judge, who retired from the bench in 2025 and is substituted as the proper party respondent pursuant to Supreme Court Rule 35.3; Payne County District Court ex rel. State of Oklahoma; Payne County District Attorney's Office; John Cleveland and Brenda Nipp; Sherry DeBord; and Oklahoma Human Services. No party to the proceeding is a publicly held corporation, and no party has a stock ticker symbol.

PROCEEDINGS BELOW

Supreme Court of Oklahoma: No. MA-123568

Ann Lutnes v. Susan Worthington, et al., No. 123568 (Jan. 12, 2026) (petition for writ of mandamus dismissed).

Payne County District Court, Juvenile Division, Oklahoma:

In the Matter of: M. L-M., M.N. L-M., No. JD-2025-16.

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The orders of the Payne County District Court are reproduced in the Appendix at App. 89–101. The orders of the Supreme Court of Oklahoma are reproduced in the Appendix at App. 81–84.

STATEMENT UNDER SUPREME COURT RULE 20

This petition seeks extraordinary relief under the All Writs Act, 28 U.S.C. § 1651(a), and Supreme Court Rule 20. The writ requested is a writ of mandamus directed to the Payne County District Court, Juvenile Division, State of Oklahoma, in Case No. JD-2025-16, commanding that court to conduct the post-deprivation hearing required by Okla. Stat. tit. 10A § 1-4-203(A) and to rule upon the pending jurisdictional challenge before adjudicating Petitioner's parental rights. The petition satisfies the three requirements for extraordinary relief under Rule 20.1. First, the writ is in aid of this Court's appellate jurisdiction because the proceedings below present federal constitutional questions—the deprivation of fundamental parental liberty interests without due process—that will ultimately be reviewable under 28 U.S.C. § 1257(a). Second, exceptional circumstances warrant this Court's intervention because the Payne County District Court continues to exercise jurisdiction over the parental rights of Petitioner even though the statutory post-deprivation hearing required to establish that jurisdiction under Okla. Stat. tit. 10A § 1-4-203(A) was never lawfully conducted. Third, no adequate relief is available in any other court because the trial court refused to adjudicate the jurisdictional defect and the Oklahoma Supreme Court proceeding was procedurally foreclosed by clerk obstruction.

The ongoing separation of Petitioner from her minor children constitutes a continuing constitutional injury that cannot be remedied through ordinary appellate review. Extraordinary writs issue only in exceptional circumstances where the petitioner demonstrates a clear and indisputable right to relief and no other adequate remedy exists. *Ex parte Fahey*, 332 U.S. 258, 259–60 (1947).

I. INTRODUCTION

Petitioner Ann Lutnes respectfully petitions this Court for a writ of mandamus under the All Writs Act, 28 U.S.C. § 1651(a). This petition presents a threshold structural defect: the Payne County District Court has exercised continuing jurisdiction over the parental rights of Petitioner—including the ongoing separation of Petitioner from her

minor children, M.L-M. and M.N.L-M.—without ever satisfying the statutory condition required to establish that jurisdiction.

Under Oklahoma law, emergency removal of a child authorizes only temporary state action pending prompt judicial review. Okla. Stat. tit. 10A § 1-4-203(A) mandates a post-deprivation hearing at which sworn evidence is presented and written findings are entered establishing the legal basis for continued custody. That hearing is the jurisdictional predicate for any exercise of continuing authority over the parent-child relationship. In this case, the mandatory hearing never lawfully occurred. No sworn affidavits of injury were submitted at removal. No written judicial findings of abuse or neglect were entered. No legally sufficient adjudication establishing the basis for continued custody was ever conducted.

Despite the absence of this jurisdictional foundation, proceedings in Case No. JD-2025-16 have continued for more than fourteen months. Petitioner raised the jurisdictional defect at every available level: through multiple motions in the trial court, none of which were adjudicated; through a mandamus petition in the Oklahoma Supreme Court, which was dismissed on procedural grounds after clerk obstruction prevented compliance with a filing deadline; and now before this Court. The same allegations arising from the jurisdictionally defective juvenile proceeding were also used as the factual predicate for a criminal prosecution against Seth McKee in Case No. CF-2025-119, compounding the constitutional injury.

This petition does not seek review of disputed factual findings or discretionary rulings. It presents the antecedent question: whether the Payne County District Court ever lawfully acquired jurisdiction to adjudicate the parental rights of Ann Lutnes in the absence of the statutorily required post-deprivation proceeding. Because the answer is no, a writ of mandamus is necessary to compel the tribunal to perform the jurisdiction-establishing hearing the law requires before it may proceed.

II. BASIS FOR JURISDICTION

This Court possesses authority to issue extraordinary writs in aid of its jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a). A writ of mandamus lies to compel an inferior court to perform a duty owed under law, including the duty to determine its own jurisdiction and to conduct the statutory proceedings on which that jurisdiction depends. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380 (2004); *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943).

The exercise of that authority is warranted where a court proceeds without jurisdiction and no other court can provide timely or effective relief. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380–81 (2004). The extraordinary writ power prevents lower courts from exceeding the lawful bounds of their jurisdiction where ordinary review would be inadequate. *Ex parte United States*, 287 U.S. 241, 250 (1932); *Ex parte Fahey*, 332 U.S. 258, 259–60 (1947).

Because the proceedings below present federal constitutional questions concerning the deprivation of fundamental parental liberty interests without due process, the issue is one that will ultimately fall within this Court’s appellate jurisdiction under 28 U.S.C. § 1257(a). The writ is therefore in aid of this Court’s prospective jurisdiction. Where a lower tribunal proceeds without jurisdiction and ordinary review would come too late to prevent the continued exercise of unauthorized judicial power, the All Writs Act authorizes this Court to intervene. *See Ex parte Republic of Peru*, 318 U.S. at 583; *Cheney*, 542 U.S. at 380–81.

III. STATEMENT OF RELEVANT FACTS

A. The Emergency Removal

On April 18, 2025, minor children M.L-M. and M.N.L-M. were taken into emergency custody pursuant to an order signed in Case No. JD-2025-16. The removal was based on an unsworn petition and an application to take minor children into emergency custody. No sworn DHS affidavit of abuse or neglect was filed at the time of removal as required by Okla. Stat. tit. 10A § 1-4-201. (Appendix F at App.89-92.)

A Payne County Sheriff’s Office welfare check conducted on March 17, 2025, found no medical distress, no neglect, and no danger to the children. No DHS referral followed that welfare check.

B. The April 22, 2025 Hearing

On April 22, 2025, an Emergency Custody Hearing Order was entered reflecting a verbal ruling by Judge Susan C. Worthington. The order contains a notation that the parents waived the hearing. Ann Lutnes was represented by attorney Edward Lindsey at that appearance. (Appendix G at App.93-101.)

The record contains no colloquy establishing that Ann Lutnes knowingly waived the court’s obligation to enter written findings establishing jurisdiction. Even if the hearing itself was waived, no written findings establishing probable cause, necessity,

or statutory compliance were ever entered. A waiver of a hearing does not relieve the court of its independent obligation to enter jurisdictional findings before exercising continuing authority over the parent-child relationship.

C. Jurisdictional Motions Filed and Ignored

On April 28, 2025, Seth McKee filed a Motion to Dismiss Proceedings Due to Unlawful Removal in JD-2025-16, directly challenging the lawfulness of the removal and the court's jurisdiction to proceed. The motion was docketed. Judge Worthington never entered an order granting or denying it.

Between October and December 2025, Ann Lutnes filed the following motions directly challenging jurisdiction: Motion to Dismiss for Lack of Jurisdiction; Motion Objecting to Verbal Removal; Motion to Compel Written Order; Motion to Correct Transcript; Motion for Hearing under 10A § 1-4-203; and Motion to Compel Audio/Transcript. Under 12 O.S. § 2005, written motions filed in a pending action must be served and entered into the record. Judge Worthington entered no order granting or denying any of these motions. Proceedings continued as though jurisdiction had fully attached. (Appendix A at App.1-77.)

D. Record Evidence of Unresolved Jurisdictional Motions

The OCIS docket for JD-2025-16 contains no orders granting or denying the jurisdictional motions filed by Ann Lutnes or Seth McKee. The docket reflects that proceedings continued without adjudication of those motions. The absence of any ruling is reflected in the certified docket pages included in Appendix A (App.1-77) and is further described under oath in the Declaration of Ann Lutnes. (Appendix A at App.1-77; Appendix H at App.102-110.)

E. The November 12, 2025 Hearing

On November 12, 2025, counsel for both Ann Lutnes and Seth McKee withdrew from JD-2025-16. Following withdrawal, neither parent had legal representation during the remainder of the proceeding. The parents were not permitted to address the court or present argument after the withdrawal of their attorneys.

During the hearing, ADA Brenda Nipp requested that one parent sign a medical consent form for a surgical procedure involving M.L-M. The parents indicated willingness to sign with a reservation-of-rights notation under U.C.C. § 1-308. ADA Nipp stated that a signature containing such a reservation would not be accepted and

indicated she would request a court order if the document were signed in that manner.

Statements made during the hearing were memorialized in contemporaneous notes taken by Ann Lutnes. Those notes reflect the following statements: ADA Brenda Nipp stated: "not in a position to have thoroughly reviewed every document." Children's Attorney Sherry DeBord stated: "They sued all of us. Visitation should be stopped." The statement reflects that the proposed suspension of visitation was discussed in connection with Petitioner's exercise of her constitutional right to petition the courts. Judge Susan C. Worthington stated that she had been "under constant attack." (Appendix B at App.78-80.)

The proceeding continued without counsel present for the parents and without any ruling addressing the jurisdictional challenges previously filed in the case. The statements reflected in Appendix B (App.78-80) were made during the same proceeding in which the court declined to address the jurisdictional motions pending before it.

F. The December 10, 2025 Recusal

On December 10, 2025, Judge Worthington announced on the record that she could not continue to preside over JD-2025-16 because litigation had been filed against her. The court stated: "I cannot continue to hear your case because you're suing me. So I will recuse from this case." The court directed that the case be reassigned and stated that all previously entered orders would remain in effect until modified by a successor judge.

The recusal occurred without any ruling on the jurisdictional challenges previously filed by Ann Lutnes. Those challenges therefore remained unresolved at the time the case was reassigned, while the orders separating Petitioner from her children continued in force.

G. Continuing Jurisdictional Defect After Recusal

The reassignment of JD-2025-16 to a successor judge did not cure the jurisdictional defect. Because the mandatory post-deprivation hearing required by § 1-4-203(A) had never been conducted with sworn evidence and written findings, the jurisdictional void existed from the inception of the proceedings. A successor judge inherits the case in the same jurisdictional posture in which it was transferred. The reassignment

therefore moved an unauthorized proceeding from one judge to another without supplying the statutory predicate that would make it authorized.

IV. EXHAUSTION OF STATE REMEDIES

A. Trial Court Level

Petitioner presented the jurisdictional defect to Judge Worthington through multiple motions filed between October and December 2025, each directly challenging the court's authority to proceed in the absence of the statutory post-deprivation hearing. Judge Worthington declined to adjudicate any of them. The jurisdictional challenge remains technically pending and unresolved on the docket of JD-2025-16 while proceedings continue. (Appendix A at App.1-77.)

B. Oklahoma Supreme Court Level

On November 20, 2025, Ann Lutnes filed a Petition for Writ of Mandamus with the Oklahoma Supreme Court. The court received it and assigned Case No. MA-123568. The court issued an administrative order requiring submission of a Rule 1.191(e) notice by December 3, 2025. (Appendix C at App.81-82.)

Ann Lutnes attempted in good faith to comply with that directive by preparing the Rule 1.191(e) notice and presenting the required materials for filing. As reflected in the Declaration of Ann Lutnes and the contemporaneous notes attached as Appendix H (App.102-110), the filing process involved interactions with clerk personnel concerning the handling of the filing materials and the processing of the mandamus submission. During that process, statements were made regarding the handling of filing documents and certain materials presented for filing were discarded during the stamping process. (Appendix H at App.102-110.) As documented in the declaration and exhibit notes, the filing fee for the mandamus petition was collected and the petition was accepted and processed through the clerk's office, yet the procedural steps necessary to preserve the state remedy were not completed and the public docket does not reflect a merits determination of the jurisdictional issues presented. (Appendix H at App.102-110.)

Where the mechanism required to preserve a state remedy is controlled by the same actor whose misconduct renders the remedy inadequate, exhaustion is excused. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992). Requiring Petitioner to produce documented proof of a rejected filing as a condition of relief—when the obstruction at issue arises from the failure to create or preserve documentation of the filing

interactions—would render the remedy illusory and reward the obstruction it purports to address.

The Oklahoma Supreme Court's January 12, 2026 dismissal of MA-123568 was procedural and did not adjudicate the constitutional claims presented in that petition. (Appendix D at App.83-84.) The jurisdictional issues presented in that filing therefore remain unresolved.

C. No Adequate Alternative Remedy Exists

No interlocutory appeal lies as of right from the trial court's refusal to adjudicate a jurisdictional motion. Discretionary state extraordinary relief has been rendered inaccessible as described above. Post-judgment review is inadequate for two independent reasons. First, the ongoing separation of Petitioner from M.L-M. and M.N.L-M. accrues irreversible harm each day that JD-2025-16 continues without a lawful jurisdictional foundation. Second, a record structurally compromised through document removal and transcript alteration will not accurately reflect what occurred when appellate review arrives. Waiting for final judgment would permit the continued operation of a void proceeding while the constitutional injury compounds daily.

V. SUMMARY OF THE ARGUMENT

Oklahoma law authorizes emergency removal of a child only as a temporary measure pending prompt judicial review. The post-deprivation hearing required by Okla. Stat. tit. 10A § 1-4-203(A) is the statutory mechanism through which the court determines whether it may exercise continuing jurisdiction over the parent-child relationship. Where that hearing never occurs with sworn evidence and written judicial findings, the court's authority never ripens beyond the emergency phase. The Payne County District Court therefore never acquired lawful jurisdiction to continue exercising authority over the parental rights of Ann Lutnes in Case No. JD-2025-16.

The parent-child relationship is a fundamental liberty interest protected by the Due Process Clause. *Santosky v. Kramer*, 455 U.S. 745 (1982). All three *Mathews v. Eldridge* factors weigh heavily in Petitioner's favor: the private interest is among the most significant the Constitution protects; the risk of erroneous deprivation is extraordinarily high when no jurisdiction-establishing hearing occurred; and the government's interest does not justify bypassing the statutory procedures required to establish jurisdiction.

The record further reflects irregularities in the handling of filings, including clerk instructions requiring removal of documents from the filing packet and the discarding of certain materials during the stamping process, as documented in the Declaration of Ann Lutnes and the contemporaneous notes reproduced in Appendix H at App.102-110.

The record also reflects statements by state officials referencing Petitioner's litigation activity, as reproduced in Appendix B at App.78-80. These circumstances independently trigger the bad-faith exception to Younger abstention. Because jurisdiction never attached, because the record has been structurally compromised, and because no adequate alternative remedy exists, issuance of a writ of mandamus is necessary under the All Writs Act, 28 U.S.C. § 1651(a), to compel the Payne County District Court to conduct the post-deprivation hearing required by statute and to rule on the pending jurisdictional challenge before further adjudicating Petitioner's parental rights.

VI. ARGUMENT

A. Jurisdiction Never Attached

Jurisdiction is the indispensable prerequisite to the exercise of judicial power. A court must determine the existence of jurisdiction before proceeding to adjudicate the rights of any person. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998); *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999). "Without jurisdiction the court cannot proceed at all in any cause." *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1869).

In this case, the statutory conditions required to establish jurisdiction were never satisfied. The post-deprivation hearing mandated by Okla. Stat. tit. 10A § 1-4-203(A) never occurred with sworn evidence and written judicial findings establishing probable cause, necessity, or statutory compliance. No sworn DHS affidavit of abuse or neglect was filed at the time of removal as required by § 1-4-201. No written judicial findings were ever entered establishing the basis for continued custody. Because these statutory prerequisites were not met, the Payne County District Court's authority never ripened beyond the temporary emergency phase, and it has exercised continuing jurisdiction over the parental rights of Petitioner for more than fourteen months without lawful authority to do so.

B. The Post-Deprivation Hearing Is the Jurisdictional Predicate

Emergency custody statutes authorize only temporary state action pending prompt judicial review. Okla. Stat. tit. 10A § 1-4-201 permits emergency removal upon allegations of immediate danger. Section 1-4-203(A) then requires a prompt post-deprivation hearing to determine whether continued custody is legally justified. This hearing is not merely procedural—it is the mechanism through which the court determines whether it may exercise continuing authority over the parent-child relationship. It converts the emergency action into a lawful exercise of jurisdiction by requiring the State to demonstrate, through sworn evidence, that the statutory basis for continuing intervention exists.

Where the hearing never occurs in legally sufficient form, the statutory prerequisites remain unsatisfied and the court's authority remains limited to the emergency removal itself. Every subsequent exercise of jurisdiction—every hearing, every order, every day of separation—proceeds without the statutory foundation required by law.

C. The Hearing Was Not Lawfully Waived

The record contains a notation that the parents waived the April 22, 2025, hearing. However, a waiver of constitutional rights must constitute a knowing and voluntary relinquishment of a known right. *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938). Courts must indulge every reasonable presumption against waiver of fundamental rights.

The record contains no colloquy or written findings demonstrating that Ann Lutnes knowingly relinquished the protections of the post-deprivation hearing. More critically, even where a party indicates that a hearing may be waived, the court retains an independent obligation to ensure that the jurisdictional prerequisites required by statute and due process are satisfied before continuing to exercise authority. A waiver of the hearing is not a waiver of the court's obligation to enter written findings establishing the basis for jurisdiction. Because the record contains no such findings, the statutory jurisdictional predicate remains unsatisfied regardless of the waiver notation.

D. Parental Rights Are a Fundamental Liberty Interest

The right of parents to care, custody, and control of their children is among the oldest liberty interests recognized by the Constitution. *Troxel v. Granville*, 530 U.S. 57 (2000); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Stanley v. Illinois*, 405 U.S. 645 (1972). Because the parent-child relationship occupies this unique constitutional position, the State may not interfere with it except through procedures that satisfy

the requirements of due process and lawful jurisdiction. When a court exercises authority over the parent-child relationship without first acquiring jurisdiction through the procedures required by statute and due process, the resulting interference constitutes an unconstitutional deprivation of a fundamental liberty interest.

E. Mathews v. Eldridge Due Process Analysis

Due process claims concerning deprivation of protected liberty interests are evaluated under *Mathews v. Eldridge*, 424 U.S. 319 (1976), which requires courts to balance (1) the private interest affected; (2) the risk of erroneous deprivation through the procedures used and the probable value of additional safeguards; and (3) the governmental interest involved.

First, the private interest at stake—the right of a parent to maintain the care, custody, and control of her children—is among the most significant liberty interests the Constitution protects. Second, the risk of erroneous deprivation is extraordinarily high when the statutory jurisdiction-establishing hearing never occurs. The post-deprivation hearing required by § 1-4-203(A) exists precisely to guard against continued state custody in the absence of a lawful basis. Without it, there is no judicial determination that the statutory standard for continued custody has been met. Third, the governmental interest does not justify bypassing the statutory procedures. Emergency removal is designed to be temporary. The government's interest in child protection is served—not undermined—by requiring compliance with the statutory framework that ensures custody is continued only where legally justified.

All three factors weigh heavily in Petitioner's favor. The absence of the statutory hearing resulted in the continued deprivation of fundamental parental rights without the process the Constitution requires.

F. Proceedings Without Jurisdiction Are Void Ab Initio

When a court acts in the absence of jurisdiction, its orders are not merely erroneous—they are legally null. The traditional function of the extraordinary writ is to confine inferior courts to the lawful exercise of their jurisdiction. *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943). Where a court proceeds in excess of its jurisdiction, supervisory writs may issue to restrain that exercise of power. *Ex parte United States*, 287 U.S. 241, 250 (1932); *Ex parte Republic of Peru*, 318 U.S. 578, 583 (1943).

Supervisory writs are particularly appropriate where structural defects threaten the orderly administration of justice. *La Buy v. Howes Leather Co.*, 352 U.S. 249, 256 (1957); *Will v. United States*, 389 U.S. 90, 95 (1967).

Because the jurisdictional predicate required by law was never satisfied, every order entered in JD-2025-16 after the emergency removal—including the orders governing custody of M.L-M. and M.N.L-M. that remain in effect today—was issued without lawful authority.

G. Structural Record Defects

The integrity of the judicial record is a prerequisite to the lawful exercise of judicial authority because appellate and supervisory review depend upon an accurate and complete record. Structural defects affecting the framework within which judicial proceedings occur are not subject to harmless-error analysis because they affect the fundamental structure of the proceeding rather than a discrete evidentiary ruling. *Arizona v. Fulminante*, 499 U.S. 279, 309–310 (1991).

The record in JD-2025-16 reflects irregularities affecting filings required to be maintained under 12 O.S. § 2005. As described in the Declaration of Ann Lutnes and the contemporaneous notes attached as Appendix H at App.102-110, Petitioner attempted to file materials in connection with jurisdictional proceedings, including a Petition for Writ of Mandamus in the Supreme Court of Oklahoma. During the filing process, clerk personnel made statements regarding the handling of filing materials and certain documents were discarded during the stamping process. See Appendix H at App.102-110 (Declaration ¶¶ 7–15; Exhibit E notes ¶¶ 1–12). To the best of Petitioner's knowledge, the mandamus filing was accepted and processed by the clerk's office, yet no order addressing jurisdiction has been entered on the public docket. See Appendix H at App.102-110 (Declaration ¶¶ 16–18). Where filings required to be maintained by statute are not reflected in the record and the procedural history cannot be reconstructed from the docket, the reliability of the judicial record is undermined, warranting supervisory review.

H. Retaliatory Motive and the Younger Bad-Faith Exception

Government retaliation against an individual for exercising constitutional rights is impermissible. The record reflects statements by state officials indicating that the proceedings were influenced by hostility toward Petitioner's litigation activity. The children's attorney, DeBord, stated in open court: "They sued all of us. Visitation

should be stopped.” This statement directly linked the proposed suspension of parental visitation to Petitioner’s exercise of her First Amendment right to petition the courts. Judge Worthington stated she had been “under constant attack.” ADA Brenda Nipp acknowledged that she had not reviewed the evidentiary filings prior to the hearing, stating: “Not in a position to have thoroughly reviewed every document.” (Appendix B at App.78-80.)

These statements are significant not merely as evidence of bias but as an independent basis for overcoming *Younger* abstention. The *Younger* doctrine itself recognizes exceptions where state proceedings are conducted in bad faith or for purposes of harassment. *Younger v. Harris*, 401 U.S. 37, 53–54 (1971).

Where a court official’s own statements reveal that adverse action against a party is motivated by that party’s exercise of legal rights, the proceedings cannot be characterized as good-faith enforcement of state law entitled to comity and deference.

I. *Younger* Abstention Does Not Apply

Younger abstention presumes the existence of a valid, ongoing state judicial proceeding exercising lawful jurisdiction. *Younger v. Harris*, 401 U.S. 37 (1971). That presumption collapses where the state proceeding itself lacks a lawful jurisdictional foundation. A proceeding conducted without jurisdiction is not a valid state proceeding entitled to deference. Because the Payne County District Court never acquired lawful jurisdiction over the parental rights of Ann Lutnes, the proceedings in JD-2025-16 cannot serve as the basis for abstention.

Moreover, even if *Younger* applied in principle, the bad-faith exception overcomes it. As set forth above, the record reflects statements demonstrating that adverse governmental action was motivated by Petitioner’s exercise of her right to petition the courts. *Younger*, 401 U.S. at 53–54. Where both the jurisdictional foundation is absent and the proceedings reflect retaliatory motive, abstention principles present no barrier to this Court’s supervisory intervention.

J. Reassignment Does Not Cure the Jurisdictional Void

Judge Worthington recused from JD-2025-16 on December 10, 2025. Her recusal did not cure the jurisdictional defect identified in this petition. The defect arose at the inception of the proceedings when the mandatory post-deprivation hearing was never conducted. A successor judge inherits the case in the same jurisdictional posture in which it was transferred. The reassignment moved an unauthorized proceeding from

one judicial officer to another without supplying the statutory predicate that would make it authorized.

Because jurisdiction must exist before a court may exercise authority, and because no post-deprivation hearing has been conducted to date, the jurisdictional void persists regardless of which judge presides. The relief sought in this petition is therefore directed to the Payne County District Court and any successor judicial officer assigned to JD-2025-16.

K. Derivative Proceedings Are Tainted

The allegations arising from JD-2025-16 were used as the factual predicate for the criminal prosecution of Ann Lutnes in Payne County District Court Case No. CF-2025-120. If the juvenile proceeding's jurisdiction is void because the statutory prerequisites were never satisfied, then the evidentiary and factual foundation upon which the criminal prosecution rests is derived from proceedings conducted without lawful authority.

This derivative relationship compounds the urgency of supervisory intervention. Allowing a jurisdictionally void juvenile proceeding to continue generating consequences—including criminal prosecution—multiplies the constitutional injury and demonstrates why ordinary post-judgment review is inadequate. Each day the underlying proceeding continues without jurisdiction, it provides the factual predicate for further governmental action affecting the liberty interests of multiple individuals.

L. Mandamus Is the Correct Remedy

Extraordinary writ relief is appropriate where the petitioner demonstrates (1) that no other adequate means exist to obtain relief, (2) that the right to issuance of the writ is clear and indisputable, and (3) that issuance of the writ is appropriate under the circumstances. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380–81 (2004); *Kerr v. United States Dist. Court*, 426 U.S. 394, 403 (1976).

All three conditions are satisfied. First, no adequate alternative remedy exists for the reasons set forth in Section IV. Second, Petitioner's right to relief is clear and indisputable because the statutory conditions required to establish jurisdiction were demonstrably never satisfied. Third, issuance of the writ is appropriate because the parent-child relationship is a fundamental liberty interest, the ongoing separation

accrues irreversible harm daily, and the derivative criminal prosecution multiplies the consequences of the jurisdictional void.

A writ of mandamus is the historically correct remedy for compelling a court to perform a mandatory duty the law requires, including the duty to determine its jurisdiction and to conduct the statutory proceedings on which jurisdiction depends before exercising further authority. *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943); *Will v. United States*, 389 U.S. 90, 95 (1967). Where state officials act in excess of lawful authority, they are stripped of official immunity and may be restrained by judicial intervention. *Ex parte Young*, 209 U.S. 123, 159–160 (1908). State sovereign immunity therefore presents no barrier to the issuance of a writ confining the Payne County District Court to the lawful bounds of its authority.

VII. C ONCLUSION

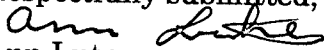
The Payne County District Court never acquired lawful jurisdiction over the parental rights of Ann Lutnes. The statutory post-deprivation hearing required by Okla. Stat. tit. 10A § 1-4-203(A)—the proceeding through which the court could lawfully acquire continuing jurisdiction over the parent-child relationship—never occurred with sworn evidence and written judicial findings establishing the basis for continued custody. The jurisdictional predicate was never satisfied. Jurisdiction therefore never attached.

Despite the absence of that foundation, the Payne County District Court has exercised authority over Petitioner's parental rights for more than fourteen months. The orders separating Petitioner from her minor children remain in effect. The allegations arising from the jurisdictionally void proceeding have been used as the factual predicate for a criminal prosecution. The record has been structurally compromised. State officials have made statements in open court reflecting retaliatory motive toward Petitioner's exercise of her constitutional right to petition the courts. No adequate state remedy remains available.

Petitioner therefore respectfully requests that this Court issue a Writ of Mandamus directing the Payne County District Court, Juvenile Division, and any successor judicial officer assigned to Case No. JD-2025-16, to conduct the post-deprivation hearing required by Okla. Stat. tit. 10A § 1-4-203(A) and to rule upon the pending jurisdictional challenge before further adjudicating the parental rights of Ann Lutnes.

This petition is submitted in compliance with Supreme Court Rules 20, 29, 33.2, and 39.

Respectfully submitted,



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Pro Se Petitioner