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No. _____

In the Supreme Court of the United States

ORIGINAL

In Re: Seth McKee,

Petitioner.

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

PETITION FOR A WRIT OF PROHIBITION
UNDER THE ALL WRITS ACT
28 U.S.C. § 1651(a) AND
SUPREME COURT RULE 20

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JUNE 30, 2026

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SUPREME COURT, U.S.

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QUESTIONS PRESENTED

1. Whether a criminal prosecution may proceed when the allegations underlying that prosecution originate in a judicial proceeding in which jurisdiction was never lawfully established.
2. Whether exhaustion of state remedies is excused where court officials prevented Petitioner from maintaining a state extraordinary-writ proceeding necessary to obtain review of the jurisdictional defect.
3. Whether abstention doctrines such as *Younger v. Harris*, 401 U.S. 37 (1971), apply where the predicate proceeding never acquired jurisdiction in the first instance.

PARTIES TO THE PROCEEDINGS

Petitioner is Seth McKee.

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, Assistant District Attorney (Case No. CF-2025-119); Brenda Nipp, Assistant District Attorney (Case No. JD-2025-16); Sherry DeBord, Children's Attorney (Case No. JD-2025-16); and Oklahoma Human Services.

None of the parties is a nongovernmental corporation with publicly traded stock; the ticker-symbol disclosure required by Rule 14.1(b) is therefore inapplicable.

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- *Seth McKee v. Susan Worthington, et al.*, No. 123567 (Jan. 12, 2026) (petition for writ of mandamus dismissed)

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- *State of Oklahoma v. McKee, Seth Burton*, No. CF-2025-119 (Feb. 23, 2026)

Payne County District Court, Juvenile Division,
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- *In the Matter of: M. L-M., M.N. L-M.*, No. JD-2025-16

OPINIONS BELOW

The decisions of the Payne County District Court are reproduced in the Appendix at App. 114-126. Orders of the Supreme Court of Oklahoma are reproduced in the Appendix at App. 105-113.

STATEMENT UNDER SUPREME COURT RULE 20

This petition seeks extraordinary relief under the All Writs Act, 28 U.S.C. § 1651(a).

Rule 20 provides that extraordinary writs are reserved for exceptional circumstances in which the petitioner demonstrates that the relief sought is not otherwise available and that the writ is appropriate in aid of this Court's jurisdiction.

The circumstances presented here satisfy that standard.

The criminal prosecution currently pending in Payne County District Court Case No. CF-2025-119 proceeds entirely from allegations originating in juvenile proceeding JD-2025-16, in which jurisdiction was never adjudicated or lawfully established.

No court has resolved the jurisdictional question despite repeated attempts by Petitioner to obtain review within the state judicial system.

Unless this Court intervenes, the jurisdictional defect will become embedded within a criminal judgment before any court has determined whether jurisdiction existed in the first instance.

Compliance with Supreme Court Rule 20

This petition satisfies the requirements of Supreme Court Rule 20 governing extraordinary writs.

First, the relief requested is in aid of this Court's appellate jurisdiction under 28 U.S.C. § 1257(a) because the federal constitutional questions presented will ultimately be reviewable by this Court upon entry of a final judgment in the state courts.

Second, exceptional circumstances warrant the exercise of this Court's discretionary power because the criminal prosecution challenged in this petition proceeds despite the absence of any adjudicated jurisdictional foundation in the predicate judicial proceeding from which the allegations arise.

Third, adequate relief cannot be obtained in any other court. The jurisdictional challenge raised by Petitioner has never been adjudicated by any court despite repeated attempts to obtain review within the state judicial system.

Absent intervention, the jurisdictional defect will become embedded within a criminal judgment before meaningful review becomes possible.

NATURE OF THE PROCEEDING

This is a petition for an extraordinary writ under the All Writs Act, 28 U.S.C. § 1651(a), seeking prohibition or other appropriate relief to prevent the continuation of criminal proceedings in Payne County District Court Case No. CF-2025-119 unless and until the jurisdictional defect arising from juvenile proceeding JD-2025-16 is adjudicated.

I. Introduction

This Petition seeks a writ of prohibition under the All Writs Act, 28 U.S.C. § 1651(a), to prevent the continued exercise of judicial power by a state court that never acquired jurisdiction in the first instance. The petition presents a fundamental question concerning the limits of judicial authority: whether a criminal prosecution may proceed where the judicial proceeding that generated the allegations underlying that prosecution never lawfully established jurisdiction as required by law.

Petitioner Seth McKee respectfully petitions this Court for extraordinary relief to restrain the continued exercise of criminal jurisdiction arising from proceedings initiated without the jurisdictional predicates required by governing law. Because the foundational proceeding from which the prosecution derives never lawfully established jurisdiction, the continued exercise of judicial authority threatens to embed a jurisdictional defect within a criminal judgment and thereby frustrate meaningful appellate review.

The exercise of judicial power is lawful only when jurisdiction exists in the first instance. When a tribunal proceeds without jurisdiction, its actions are void, and this Court has long recognized its authority under the All Writs Act to restrain the continued exercise of such unlawful judicial power where necessary to preserve the integrity of the judicial process and the Court's prospective appellate jurisdiction.

As this Court has repeatedly emphasized, jurisdiction is the indispensable prerequisite to the lawful exercise of judicial power. Courts must determine the existence of jurisdiction before proceeding to the merits of any dispute. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998).

The same principle has long governed the exercise of judicial authority:

“Without jurisdiction the court cannot proceed at all in any cause.”

Ex parte McCardle, 74 U.S. (7 Wall.) 506, 514 (1869).

The State of Oklahoma is currently prosecuting Petitioner in Payne County District Court Case No. CF-2025-119 based entirely upon allegations originating in juvenile proceeding JD-2025-16.

Yet the jurisdiction-establishing hearing required by Oklahoma law in that juvenile proceeding never occurred in legally sufficient form, and no court has adjudicated the resulting jurisdictional defect.

Petitioner raised the jurisdictional defect in both the juvenile and criminal proceedings in the courts of Oklahoma. No court adjudicated the jurisdictional challenge.

Petitioner subsequently sought extraordinary relief from the Oklahoma Supreme Court in MA-123567, but the proceeding was dismissed on procedural grounds following clerk obstruction that prevented the filing of required documents.

As a result, the jurisdictional issue remains unresolved while the criminal prosecution continues.

The question presented does not concern the truth or falsity of the allegations against Petitioner. It concerns whether a criminal prosecution may proceed when the court whose proceedings generated those allegations never acquired jurisdiction to adjudicate them.

If the criminal proceedings continue while the jurisdictional defect remains unresolved, the defect will inevitably become embedded within a criminal judgment before meaningful judicial review becomes possible.

The issue therefore concerns the structural limits of judicial authority itself.

Extraordinary relief is warranted because the jurisdictional defect is clear and structural, and the continued exercise of judicial power without a determination of jurisdiction presents precisely the circumstance in which this Court has recognized that a writ may issue.

See *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004); *Will v. United States*, 389 U.S. 90 (1967).

Because the defect concerns the authority of the court to proceed at all, ordinary appellate review following trial would not provide an adequate remedy.

The issue presented concerns the structural limits of judicial authority rather than the merits of any factual dispute. If criminal prosecutions may proceed despite the absence of any adjudicated jurisdictional foundation in the predicate proceeding from which the

allegations arise, the foundational rule that jurisdiction must precede the exercise of judicial power risks becoming unenforceable in practice.

Clarification from this Court is therefore necessary to preserve the integrity of judicial authority and to ensure that courts do not exercise coercive power without first establishing jurisdiction.

II. JURISDICTIONAL STATEMENT

This petition concerns whether a criminal prosecution may proceed when the judicial proceeding that generated the allegations underlying that prosecution never lawfully established jurisdiction.

Petitioner seeks an extraordinary writ under the All Writs Act, 28 U.S.C. § 1651(a) directing the Payne County District Court to cease further proceedings in Case No. CF-2025-119 unless and until the jurisdictional defect originating in juvenile proceeding JD-2025-16 is adjudicated and jurisdiction is lawfully established.

Relief is sought in aid of this Court's eventual appellate jurisdiction over the federal questions presented. The criminal prosecution currently pending in Payne County District Court presents federal constitutional questions concerning the exercise of judicial authority without jurisdiction and the resulting deprivation of liberty without due process of law.

If the criminal proceedings continue before the jurisdictional issue is adjudicated, the defect will become embedded within a criminal judgment before

meaningful review becomes possible. In such circumstances, the structural question presented—whether a criminal prosecution may proceed when the predicate judicial proceeding never lawfully acquired jurisdiction—would reach this Court only after the jurisdictional defect has already produced irreversible consequences.

This Court possesses authority to issue extraordinary writs necessary or appropriate in aid of its jurisdiction pursuant to 28 U.S.C. § 1651(a). The proceedings challenged in this petition present federal constitutional questions that will ultimately be reviewable by this Court upon entry of a final judgment in the state courts under 28 U.S.C. § 1257(a). Extraordinary relief is therefore appropriate to preserve the integrity of this Court's prospective appellate jurisdiction.

III. SUMMARY OF THE ARGUMENT

Petitioner seeks extraordinary relief to prevent the continued exercise of judicial power where the jurisdiction necessary to support that exercise has never been established.

The criminal prosecution presently pending in Payne County District Court Case No. CF-2025-119 rests entirely upon allegations originating in juvenile proceeding JD-2025-16. Under Oklahoma law, the exercise of jurisdiction in such proceedings requires a prompt post-deprivation hearing establishing the statutory predicates for continued proceedings and judicial authority.

The hearing required to establish jurisdiction never occurred in legally sufficient form. As a result, the juvenile court never made the jurisdiction-establishing determination required by statute before the allegations arising from that proceeding were later used to initiate criminal prosecution against Petitioner.

Jurisdiction is the threshold requirement for the lawful exercise of judicial authority. Courts must determine whether jurisdiction exists before addressing the merits of any dispute.

Extraordinary intervention is warranted because ordinary appellate review cannot correct the defect in time. If proceedings continue to judgment before jurisdiction is adjudicated, the structural defect will become embedded in a criminal conviction before meaningful review becomes possible.

This Court has long recognized that extraordinary writs may issue to confine lower tribunals to the lawful exercise of their jurisdiction. Where proceedings continue despite an unresolved jurisdictional defect, extraordinary intervention may be necessary to preserve the integrity of judicial authority and to prevent the challenged exercise of power from proceeding to judgment.

IV. STATEMENT OF RELIEF SOUGHT

Petitioner respectfully requests that this Court issue an extraordinary writ directing the Payne County District Court to cease further proceedings in Case No. CF-2025-119 unless and until the jurisdictional

defect originating in Case No. JD-2025-16 is adjudicated and jurisdiction is lawfully established.

V. REASONS FOR GRANTING THE WRIT

This petition presents an exceptional circumstance warranting the exercise of this Court's extraordinary authority because the criminal prosecution currently pending in Payne County District Court proceeds despite the absence of any adjudicated jurisdictional foundation in the predicate proceeding from which the allegations arise.

The criminal prosecution rests entirely upon allegations originating in juvenile proceeding JD-2025-16. Yet the statutory hearing required to establish jurisdiction in that juvenile proceeding never occurred in legally sufficient form.

Jurisdiction is the foundational prerequisite to the lawful exercise of judicial authority. As this Court explained in *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998), jurisdiction is the first question that must be resolved whenever the authority of a court to act is called into question.

Unless the jurisdictional defect is resolved before the criminal case proceeds to judgment, the defect will become embedded within a criminal conviction before meaningful review becomes possible.

Extraordinary intervention is warranted in these circumstances because ordinary appellate review cannot adequately protect the jurisdictional principle at stake. By the time appellate review becomes available

through the ordinary course of criminal appeals, the prosecution will already have proceeded to trial and the jurisdictional defect will have produced irreversible consequences.

This Court has long recognized that extraordinary writs may be necessary to confine lower tribunals to the lawful exercise of their jurisdiction.

See *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380 (2004); *Will v. United States*, 389 U.S. 90, 95 (1967).

Where a tribunal proceeds despite an unresolved jurisdictional defect, extraordinary intervention may be necessary to preserve the ability of appellate courts, including this Court, to review the jurisdictional question before the challenged exercise of judicial power proceeds to judgment.

Immediate intervention is necessary because the jurisdictional defect presented here concerns the authority of the court to proceed at all. If the criminal prosecution continues while the jurisdictional question remains unresolved, the defect will become embedded within a final criminal judgment before any court has determined whether jurisdiction existed in the predicate proceeding.

Extraordinary relief is therefore necessary to prevent the continued exercise of judicial power where the jurisdiction required to support that exercise has never been established.

VI. JURISDICTION

This Court has authority to issue extraordinary writs in aid of its jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a).

The All Writs Act authorizes this Court to issue writs “in aid of” its jurisdiction where necessary to prevent lower proceedings from frustrating the exercise of that jurisdiction. See *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380 (2004).

The relief requested here is directed to preserving this Court’s eventual appellate jurisdiction over the federal questions presented.

The proceedings in Payne County District Court present federal constitutional questions concerning the exercise of judicial authority without jurisdiction and the resulting deprivation of liberty without due process of law.

Those questions will ultimately be reviewable by this Court upon entry of a final judgment under 28 U.S.C. § 1257(a). If the proceedings continue while the jurisdictional defect remains unresolved, the defect will become embedded in a criminal judgment before meaningful review becomes possible.

The All Writs Act therefore authorizes this Court to act to preserve the integrity of its eventual appellate jurisdiction.

VII. EXCEPTIONAL CIRCUMSTANCES

This Petition presents the exceptional circumstances contemplated by Supreme Court Rule 20

because the state proceedings challenged here continue to exercise judicial power where jurisdiction never lawfully attached. When a court proceeds without jurisdiction, the resulting actions are void, and the continuation of those proceedings threatens to embed a jurisdictional defect within a criminal judgment that would frustrate meaningful appellate review. Because no other procedure exists capable of preventing the continued exercise of jurisdiction alleged to be void, extraordinary relief under the All Writs Act, 28 U.S.C. § 1651(a), is necessary to preserve the integrity of the judicial process and this Court's prospective appellate jurisdiction.

The jurisdictional question presented by this petition has never been adjudicated by any court despite repeated attempts by Petitioner to obtain review. The record reflects that:

- No court has adjudicated the jurisdictional challenge raised in the juvenile proceeding.
- The criminal court has continued proceedings without determining whether jurisdiction was lawfully established in the predicate proceeding.
- State extraordinary relief was rendered effectively unavailable due to clerk obstruction preventing compliance with procedural filing requirements.

- The criminal prosecution continues despite the absence of any judicial determination that jurisdiction exists.

Where a structural jurisdictional defect remains unresolved, the continued exercise of judicial power presents precisely the type of exceptional circumstance that warrants the exercise of this Court's extraordinary writ authority.

VIII. STATEMENT OF RELEVANT FACTS

This petition arises from juvenile proceeding JD-2025-16 in the Payne County District Court.

The allegations underlying the criminal prosecution presently pending in Case No. CF-2025-119 originate entirely from that juvenile proceeding.

On April 18, 2025, the Payne County Juvenile Court issued an emergency custody order initiating juvenile proceeding JD-2025-16.

Oklahoma law establishes a sequential statutory framework governing emergency custody proceedings.

First, Okla. Stat. tit. 10A § 1-4-201 establishes the circumstances under which a child may be taken into emergency custody.

Second, once emergency custody occurs, Okla. Stat. tit. 10A § 1-4-203 requires the court to conduct a prompt hearing to determine whether continued custody and further proceedings are warranted and whether the court will exercise continuing jurisdiction over the matter.

The hearing required by § 1-4-203 functions as the statutory mechanism through which the juvenile court determines whether the statutory predicates for continued proceedings and the exercise of juvenile jurisdiction are satisfied.

The jurisdiction-establishing determination required under Oklahoma law did not occur in legally sufficient form before the allegations arising from JD-2025-16 were later used to initiate criminal prosecution against Petitioner.

Petitioner raised jurisdictional objections in both the juvenile proceeding and the criminal case.

Despite those objections, no court has adjudicated whether jurisdiction was ever lawfully established in the underlying juvenile proceeding.

IX. EXHAUSTION OF REMEDIES

Petitioner has pursued every available avenue of relief within the state judicial system, and no adequate remedy now remains available. Jurisdictional objections were raised in the underlying proceedings, yet the state court has continued to exercise judicial power without adjudicating the threshold jurisdictional defect. Petitioner further sought extraordinary relief from the Oklahoma Supreme Court, which dismissed the petition, thereby leaving the jurisdictional question unresolved while the challenged proceedings continue.

The jurisdictional defect arises from the predicate emergency custody orders that initiated the state

proceedings, allowing those proceedings to continue would embed the constitutional defect within a final judgment and thereby frustrate meaningful review through ordinary appellate channels. Under Supreme Court Rule 20, extraordinary relief is appropriate where the writ is necessary to protect the Court's prospective appellate jurisdiction and where adequate relief cannot be obtained in any other court.

This Court has repeatedly recognized that extraordinary writs are warranted precisely in such circumstances—when waiting for ordinary appellate review would permit an unlawful exercise of judicial power to continue unchecked. *Ex parte Republic of Peru*, 318 U.S. 578 (1943); *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004); *Roche v. Evaporated Milk Assn.*, 319 U.S. 21 (1943).

The state courts have declined to resolve the jurisdictional challenge and no alternative procedure exists capable of preventing the continuing exercise of jurisdiction alleged to be void, this Petition presents the exceptional circumstances contemplated by Rule 20 and therefore warrants the issuance of an extraordinary writ.

The writ sought here therefore falls squarely within the historic function of a writ of prohibition—to restrain a tribunal from continuing to exercise judicial power where jurisdiction is absent—an authority repeatedly recognized by this Court when the continuation of proceedings would otherwise defeat the orderly administration of justice. See, e.g., *Will v. United*

States, 389 U.S. 90 (1967); *Ex parte United States*, 287 U.S. 241 (1932).

Petitioner raised jurisdictional challenges at every available level of the state judicial system.

Jurisdictional challenges were presented in the juvenile proceeding and later in the criminal case. Neither court adjudicated the challenge.

Petitioner subsequently sought extraordinary relief from the Oklahoma Supreme Court, which assigned the matter case number MA-123567.

The proceeding was dismissed on procedural grounds after court officials prevented Petitioner from filing documents necessary to maintain the action.

Where administrative actions by court personnel render a remedy unavailable in practice, exhaustion is excused. See *McCarthy v. Madigan*, 503 U.S. 140 (1992).

Moreover, the ordinary course of criminal appellate review cannot adequately remedy the structural jurisdictional defect presented here. By the time appellate review becomes available following a final judgment, the prosecution will already have proceeded to trial and the jurisdictional defect will have produced irreversible consequences.

X. ARGUMENT

The Supreme Court has repeatedly held that jurisdiction is the indispensable prerequisite to the lawful exercise of judicial power. As this Court explained in *Steel Co. v. Citizens for a Better Environment*, 523

U.S. 83 (1998), “jurisdiction is power to declare the law,” and a court that lacks jurisdiction may not proceed to adjudicate the merits of a dispute. Likewise, in *Arbaugh v. Y & H Corp.*, 546 U.S. 500 (2006), this Court reaffirmed that when jurisdiction is absent, the court’s authority to act is fundamentally lacking. These principles reflect the foundational rule that jurisdiction must be established before judicial power may be exercised. Where jurisdiction is never lawfully obtained in the first instance, any subsequent exercise of judicial authority—including criminal prosecution derived from those proceedings—rests upon a jurisdictional defect that cannot be cured through ordinary appellate review.

Because the state proceedings challenged here derive from a predicate judicial action that failed to establish jurisdiction as required by governing law, the continued exercise of criminal jurisdiction threatens to embed that defect within a final judgment. Under the All Writs Act, 28 U.S.C. §1651(a), this Court possesses the authority to prevent such unlawful exercises of judicial power where necessary to protect its prospective appellate jurisdiction and to preserve the orderly administration of justice.

A. Jurisdiction Must Exist Before Judicial Power May Be Exercised

Jurisdiction is the foundational prerequisite to the lawful exercise of judicial power.

Courts possess no authority to adjudicate the merits of a dispute unless jurisdiction has first been lawfully established.

This principle has long been recognized by this Court.

In *Capron v. Van Noorden*, the Court held that a judgment entered without jurisdiction cannot stand.

In *Ex parte McCardle*, the Court explained that jurisdiction defines the power of a court to act.

Modern decisions continue to emphasize that jurisdiction must be determined before the merits of a dispute may be addressed.

B. The Criminal Prosecution Derives Entirely from the Juvenile Proceeding

The criminal prosecution presently pending against Petitioner derives entirely from allegations originating in juvenile proceeding JD-2025-16.

Because the criminal prosecution derives entirely from that proceeding, the jurisdictional validity of the juvenile case is a threshold issue that must be resolved before the criminal prosecution may lawfully proceed.

C. The Record Reflects Unresolved Defects in the Initiating Affidavit

Statements recorded in Petitioner's contemporaneous notes of the November 12, 2025 hearing reflect that the court acknowledged the absence of a verified initiating affidavit.

Despite those acknowledgments, no court adjudicated whether jurisdiction had ever been lawfully established.

D. Extraordinary Relief Is Necessary to Preserve Appellate Jurisdiction

Petitioner seeks relief in aid of this Court's eventual appellate jurisdiction under the All Writs Act.

If the criminal proceedings continue while the jurisdictional defect remains unresolved, the defect will become embedded within a final criminal judgment before any court has adjudicated whether the predicate proceeding ever lawfully established jurisdiction.

E. Allowing the Prosecution to Proceed Would Embed the Jurisdictional Defect

If the criminal prosecution proceeds before the jurisdictional defect is resolved, the defect will become embedded within the criminal judgment itself.

Such a result would transform a threshold jurisdictional issue into a post-conviction challenge and undermine the fundamental rule that jurisdiction must precede the exercise of judicial power.

XI. CONCLUSION

The criminal prosecution of Seth McKee in Case No. CF-2025-119 rests on a foundation that was never lawfully established.

The allegations forming the basis of the prosecution originate in juvenile proceeding JD-2025-16, in which Judge Susan C. Worthington never conducted the

mandatory post-deprivation hearing required by Okla. Stat. tit. 10A § 1-4-203, never entered written findings establishing the basis for jurisdiction, and never acquired the authority required to adjudicate the underlying allegations.

Judge Worthington acknowledged on the record that the initiating affidavit lacked verification and that the record before the court remained incomplete.

The jurisdictional defect in JD-2025-16 is the foundation of CF-2025-119.

A prosecution built on a void predicate is itself void.

Petitioner raised the jurisdictional defect in both proceedings. Neither court adjudicated the challenge.

The Oklahoma Supreme Court proceeding MA-123567 was rendered inaccessible through clerk obstruction preventing compliance with procedural filing requirements.

State remedies have therefore been exhausted to the extent possible.

Where jurisdiction never attached, abstention cannot legitimize proceedings taken without lawful authority.

Petitioner respectfully requests that this Court issue a writ of prohibition directing the Payne County District Court to cease further proceedings in Case No. CF-2025-119 unless and until the jurisdictional defects originating in Case No. JD-2025-16 are resolved and jurisdiction is lawfully established.

For these reasons, the Petition for a Writ of Prohibition should be granted to prevent the continued

exercise of judicial power where jurisdiction never lawfully attached and to preserve the integrity of this Court's prospective appellate jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a).

Respectfully submitted,

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JUNE 30, 2026

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