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26-5263

ORIGINAL

No.

Supreme Court, U.S.
FILED
JUL 17 2026
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IN THE
SUPREME COURT OF THE UNITED STATES

DIANA REISMANN SEXTON, *Petitioner*,

*v.*

GILBERT SEXTON, *Respondent.*

**On Petition for Writ of Certiorari to the Court of Appeals of Texas, Fourteenth District. Case 14-25-00331-CV**

**WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1. Whether the issuance of custody and property orders by a visiting United States district judge assigned pursuant to *28 U.S.C. §§294 and 371* and presiding in state family court proceedings constitutes *ultra vires* action that violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment where the judge (1) bypassed mandatory state mediation requirements (Rule 3.a.), (2) deprived the petitioner of her home and awarded her only $1,000 without evidentiary support, and (3) placed the child with the father and required public schooling contrary to the child's expressed preference to live with his mother and to be homeschooled — particularly where those actions followed an international relocation from Argentina and an admitted prior attempt by the father to remove the infant at the airport (as established at trial), resulting in long-term parental separation, economic deprivation, and denial of meaningful access to justice for two Argentine *jus soli* nationals?

2. Whether the Hague Convention on the Civil Aspects of International Child Abduction and its implementing legislation, the International Child Abduction Remedies Act (ICARA), *22 U.S.C. §§9001 et seq.*, prohibits the retention in the United States of a child wrongfully removed or retained from a Contracting State (Argentina) through false pretenses regarding the migratory purpose of the relocation; and whether a child born abroad to an Argentine mother, naturalized as a United States citizen by his father via a Consular Report of Birth Abroad (CRBA) issued at a United States embassy (not on U.S. soil and not seen by the mother), is entitled to the full protections of the Fourteenth Amendment's Citizenship Clause, including the requirement that the person be *"subject to the jurisdiction thereof?"*

3. Whether one spouse's exclusive control and expenditure of community property to retain multiple counsel, while deliberately depriving the other spouse of access to those marital resources and forcing her to litigate *pro se* in a complex jury-trial divorce and custody proceeding,

violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment and renders the resulting property division judgment *voidable ab initio* or subject to other equitable relief?

4. Whether seven years of parental alienation caused by the wrongful retention of a child and systematic indoctrination against the petitioner, carried out by the father, family members, and local government employees who aided fraudulent court proceedings, constitutes a continuing violation of the aggrieved parent's fundamental parental rights under the Due Process Clause of the Fourteenth Amendment even after the child reaches the age of majority, and justifies the imposition of restraining orders against the alienating parties as well as disqualification or removal of the presiding state Court judge from the case?

5. Whether a state trial court violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment by dismissing, on the eve of a scheduled jury trial, a personal injury action asserting claims of assault and battery where the Petitioner had timely filed medical records, X-rays, and an affidavit documenting a Mallet fracture on petitioner hand and other injuries caused by the respondent's violent acts, solely because the Petitioner had filed a separate federal lawsuit against the presiding judge?

## LIST OF PARTIES

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**OPINIONS BELOW**

The Texas Supreme Court denied petition of review for case 26-0445 on 06/12/2026, reported unpublished and is appended. State court opinions from the 505th District Court case 19-DCV-264966 and Forteenth Court of Appeal case 14-25-00331-CV are appended.

**JURISDICTION**

The Honorable Fourteenth Court of Appeals entered its judgment affirming the trial court's orders on March 31, 2026, in Case No. 14-25-00331-CV. The Supreme Court of Texas denied the petition for review in Case No. 26-0445 on June 12, 2026. This Court therefore has jurisdiction under 28 U.S.C. § 1257(a) to review the final judgment of the highest court of a State in which a decision could be had. The Rooker-Feldman doctrine, which bars lower federal courts from reviewing state-court judgments, does not apply to this Court's direct review under § 1257. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005). Nor does it bar Petitioner's separate federal action challenging independent constitutional and treaty violations.

This case originates from a state family-court proceeding, Case No. 19-DCV-264966, in the 505th District Court of Fort Bend County, Texas. Petitioner originally resided with her son in Argentina, where parental rights were governed by Argentine law. The father's relocation of the child to the United States under disputed circumstances—including an admitted attempt to remove the infant at the airport and subsequent retention—triggered obligations under the Hague Convention on the Civil Aspects of International Child Abduction and its implementing legislation, the International Child Abduction Remedies Act (ICARA), 22 U.S.C. §§ 9001 et seq. Substantial federal questions are presented concerning the application of the Fourteenth Amendment's Due Process and Equal Protection Clauses, the validity and enforcement of the Hague Convention, and the proper exercise of federal judicial authority in state proceedings. The petition is timely filed under Supreme Court Rule 13.

## STATEMENT OF THE CASE

**A. Background and Family History** Petitioner Diana I. Reismann Sexton is the natural mother of her son, born in Argentina, where both hold *jus soli* nationality. Respondent impersonated as a *poor person* in Argentina. Petitioner maintained her own home and two jobs supporting the family in Argentina. Respondent Gilbert John Sexton returned to Houston, and respondent manipulated petitioner to sell petitioner house and relocate to U.S. after respondent naturalized the son as a U.S. citizen at the United States Embassy in Argentina. On

06/24/2008 upon arrival at Houston IAH airport, Respondent attempted to remove the infant; security officers intervened and returned the child to Petitioner. Petitioner wired sole $65,000.- on February of 2008 retained by respondent for eighteen years, limiting opportunities to Petitioner.

Respondent filed for divorce on 07/29/2019 five days after Petitioner naturalized as a U.S. citizen, retaining dual nationality. No dominant and effective nationality test has been applied by any U.S. court. Proceedings occurred in the 505th District Court of Fort Bend County, Texas case 19-DCV-264966.

**B. Fraudulent Judicial Procedures, Bias, and Wrongful Removal/Retention**

The initial custody and property orders were obtained through fraudulent and irregular procedures. Visiting federal Judge Terence Kern, assigned pursuant to *28 U.S.C. §§294 and 371,* presided over custody and property hearings, but bypassed State Court mediation requirements per rule 3.a. of local 505th District Court. Judge Kern did not disclose his federal status, issued orders without evidentiary support, awarding Petitioner only $1,000, depriving her of the marital home, and placing the child with Respondent, ordered public schooling contrary to the child's expressed wishes, and ignored the child's Argentine nationality and Petitioner's parental rights.

The 505th District Court Judge Kali Morgan exhibited prejudice during the Writ of Habeas Corpus hearing by lying on the record and preventing Petitioner's mother, a material witness, from testifying. Petitioner promptly moved for recusal. The appellate court's failure to address bias through collateral estoppel perpetuated the tainted proceedings.

These actions as false representations regarding mediation, *ultra vires* action by the visiting federal judge, judicial bias, denial of witness testimony, and economic manipulation, facilitated the removal of Petitioner's son from her custody one month before turning 12 years old in 2019.

The child was retained in the United States despite the circumstances of relocation under false pretenses for migratory purpose. The retention breached Petitioner's custody rights under the law of the child's habitual residence in Argentina and violated the Hague Convention on the Civil Aspects of International Child Abduction and ICARA *22 U.S.C. §§ 9001 et seq.*

**C. Seven Years of Separation, Alienation, and Profound Harm**

For seven years, Petitioner was separated from her son. The fraudulent proceedings caused and perpetuated systematic parental alienation and indoctrination of the child by Respondent, his family members, and with complicity of local government employees. This harm continued after the child reached 18, taken by Respondent secretly to Europe, while Petitioner also endured the recent passing of her mother, her closest supporter and a prior court witness, whose testimony was improperly blocked at the Habeas Corpus hearing but taken into Jury Trial.

**D. Economic Abuse and Denial of Equal Representation** Respondent exercised exclusive control over community property, expending marital assets to retain nine counsels while depriving Petitioner of those resources. This deliberate economic deprivation forced Petitioner to litigate *pro se* in a complex jury-trial divorce and custody proceeding, denying her meaningful access to justice in violation of due process and equal protection.

**E. Subsequent Proceedings and Current Posture** Petitioner pursued habeas corpus relief, for returning her son, state appeal 14-25-00331-CV, review in the Texas Supreme Court case 26-0445, and a separate federal action 4:25-cv-05125 to challenge the fraud on the court, constitutional violations, and international-law breaches.

Issues remain entangled with the tainted orders. Petitioner has preserved all challenges. Seven-years harm demonstrated the ongoing nature of violations and the urgency of this Court's review.

## SUMMARY OF THE ARGUMENT

This petition presents five important questions of constitutional and treaty law arising from a high-conflict Texas divorce and custody case. A visiting federal judge issued *ultra vires* orders in State court that bypassed mandatory mediation, violated due process and equal protection, and facilitated the wrongful retention of Petitioner's Argentine-born son. Systematic parental alienation, economic abuse through control of community assets, and retaliatory dismissal of Petitioner's personal injury action on the eve of trial compounded the violations. The case raises recurring issues regarding the domestic-relations exception, the limits of the Fourteenth Amendment's Citizenship Clause for CRBA citizenship, continuing parental rights post-majority, and state complicity in fraud on the court. Certiorari is warranted to clarify these fundamental rights and ensure uniform application of the Hague Convention and ICARA

## ARGUMENTS

### I. A) Constitutionality in domestic relations proceedings and children adjudications as international compliance.

On 08/13/2019 a Senior U.S. Federal Judge under assigned pursuant to *28 U.S.C. §§294 and 371* presiding in state family court proceedings brings an extension of federalism domestic relations ruling overriding constitutional principles, not in compliance with international treaties.

This action presents an inconsistency with doctrines which barres exceptions on domestic relation, because the authority is not the building of the court house, rather than the Judge's investiture carrying the duty to decide on State Court federal issues.

The extension of federal decisions when is rendered in state family courts by a visiting Federal judge, who is supposed to apply Constitutional principles and the law of the Nation thought the supremacy clause, for determining rightful compliance of signed treaties with the international community, that parents and children would have a fair and equal protection to all matters.

When activist judges, whether state or Federal, pretend under "interpretation" pretexts, that a constitutional right is not what is supposed to be, there is a clear abuse of discretion. This undermines not only the judiciary, but also de stare decisis doctrine, and the logical pursuit of justice clarified by this highest court.

When rulings spoil the pursuit of justice over a human being, whether an adult or a child, the credibility of the system fails, resulting ultimately in a fraud that destroys a person's life, leaving no space for judicial honorability.

Parents are prone to find steady protection from the system, which is the essence of paying taxes to create a better community where our children can grow safely and be loved. However, when the priority is to *"test the local judicial system"* over the best benefit for a child and his happiness, there is a clear failure of the judicial system setting priorities for international compliance.

In this case, visiting federal Judge Terence Kern, a retired judge from Oklahoma, decided to rule against Petitioner without any evidence, but on hearsay and perjurious declarations. Respondent had never been the primary custodian of Petitioner's Argentine son, who was brought to the United States under false promises of migratory purpose. Mr. Sexton admitted attempting to escape with the baby on 06/24/2008, at Houston Bush Airport; security officers intervened and returned the infant to Petitioner.

Respondent kept Petitioner's sole property for eighteen years and reduced her from an optometrist who worked in Antarctica testing military personnel and twenty years at the Ministry of Health in Argentina testing indigent children sponsored by UNICEF, to free house labor. Judge Kern lacked any background in the case, he never specified his investiture to Petitioner, and refused to appoint an attorney for Petitioner.

Judge Kern decided that Petitioner's son, who knew chemistry in kindergarten, would be better off with his father without any evidence, while the child in August 2019 clearly expressed to a Houston FBI agent (while videorecorded) *"I want to live with her"[sic]* as he had since birth. The child was safe and happy with Petitioner, who stimulated his imagination and helped him build engineering projects presented in NASA camps.

Judge Kern, knowing that the Hague Convention sets six weeks to return a child, entered a difficult judicial controversy without asking whether the child was a U.S. citizen or an Argentine citizen, *jus soli or jus sanguinis,* to determine effective and dominant nationality, or how the child appeared in the U.S., no tracing was ever asked. His ruling gave everything to Respondent without evidence, knowing it was unconstitutional and an *ultra vires* action because the federal domestic-relations exemption was brought into state court by his federal investiture. Judge Kern ruled in opposition to constitutional principles and did not follow state court rules.

On 08/20/2019 petitioner consulted Attorney Christian Becerra, actual Fort Bend County administrative judge, who wanted to bring the case to trial and he stated *"I did not care the outcome because the Judge was Republican and I am Democrat" [sic]*

Judge Kern's ruling dragged seven years of litigation, during which Respondent hired nine lawyers with community property. Petitioner had brief representation for five months in 2020 on interim fees, but Respondent refused to continue paying, forcing Petitioner to proceed *pro se.*

Local government employees omitted Judge Kern's order and continued the case without recognizing dual citizenship or constitutional and international rights of Petitioner and her son. This *ultra vires action* clearly violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment, because Federal Judge Kern (1) bypassed 505th Texas District Court rule 3.a requiring mediation before a custody hearing, of former Judge David Perwin.

Judge Kern never verified if "any mediation was completed" not having filed in the case any mediations records by 08/13/2019, completed an independent mediator. Judge Kern ruled on respondent's Attorney Kalen Malone perjurious statement said in court, granting respondent an odd order leaving petitioner with nothing. Thus, Judge Kern created a persistent emotional distress to the child, who was very attached to petitioner and his maternal mother.

Judge Kern (2) deprived petitioner of her home, sole and community property, while awarded petitioner only $1,000.- without evidentiary support, omitting any of this Court rulings about *"preponderance of evidence is not enough to terminate parental rights"* held in Santosky v. Kramer, 455 U.S. 745 (1982), held that *"fair preponderance of the evidence standard prescribed by §622 violates the Due Process Clause of the Fourteenth Amendment."* Pp.455 U. S. 758-768.

Judge Kern not even considered the Eldrige standard cited in *Mathews v. Eldridge, 424 U.S. 319 (1976),* quoting *Morrissey v. Brewer,*408 U. S. 471,408 U. S. 481, for "flexible due process" where "*the resolution of the issue here involving the constitutional sufficiency of administrative procedures prior to the initial termination of benefits and pending review, requires consideration of three factors: (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail." Pp. 424 U. S. 332-335.*

Additionally, in (3) Judge Kern placed the child with the father and required public schooling contrary to the child's expressed preference to live with his mother and to be homeschooled. Judge Kern, completely ignored petitioner parental rights established by this Court in *Pierce v. Society of Sisters, 268 U.S. 510 (1925)* held *"that parents have a fundamental right to choose private or religious schooling for their children."*

Federal Judge Kern ruling, who is supposed to carry constitutional principles, committed an *ultra vires* action which clearly violates petitioner and her son Due Process and Equal Protection Clauses of the Fourteenth Amendment, Stare Decisis doctrine and against several landmarks rulings of this Court, for political activism, of testing the local judicial system.

Particularly in this case, there was an international relocation from Argentina and respondent admitted a prior attempt to remove the infant at the airport (as established at jury trial, fact ignored at trial by Judge Kali Morgan who refused rule anything in the case during five years, resulting a malicious long-term parental separation, economic deprivation, and denial of meaningful access to justice for two Argentine *jus soli* nationals, which also sets original diversity jurisdiction in Argentina for respondent's impersonation to extract the child from Argentina.

On 09/18/2019 the 505th court bailiff Jose Falcon, without any judicial orders, after talking with attorney Christian Becerra, who entered in the courtroom, the bailiff separated the child of petitioner when attending a hearing, petitioner had a motion to confer in chambers written for free by the Dean of Houston Law School, Judge Janet Heppard.

The bailiff Falcon battered petitioner right after petitioner told the Judge *"I went to the FBI"[sic].* The bailiff acted by his own, no orders were issued and later tampered clerk records appeared in the case index. In that incident, the Argentine Consul Alejandro Garcia was recorded in conversations with petitioner, in violation of Article 35 and 36 of the Vienna Convention in Consular Relations.

The Argentine Consulate performed courtesy phone calls to localize Petitioner's son, when the child was concealed by respondent and his family members in 2021 in the States of Michigan, and Florida, and recently in Europe when petitioner son was taken into a trip, before petitioner mother and material witness passed away in Argentina, the child not been available to travel back to Argentina for eighteen years to visit his family. On this last regard, the District Attorney Assistant Chief Mark LaForge informed petitioner that the disappearance of her son was a kidnap and petitioner needed to make a police report, Petitioner reported to Katy and Fulshear police refused take the report.

The area is an extraterritorial jurisdiction of Houston, claimed by Katy and seems under local Government Code Chapter 42, at 42021, only a five miles a radius buffer area, where *"services are not guaranteed" and* the actions or inactions of local government employees overridden every Constitutional principle which guaranteed rights and protection of petitioner and her son.

B) **The lower courts' rulings raise fundamental questions of subject matter jurisdiction that undermine constitutional protections in domestic relations proceedings involving international compliance**.

Subject matter jurisdiction is a question of law that is never presumed, cannot be waived, and can be raised at any time. In this case, the assignment of a senior federal judge pursuant *28 U.S.C. §§294 and 371* created an extension of federal authority into matters traditionally barred by the domestic-relations exception. This triggered federal constitutional obligations under the Supremacy Clause, Due Process, and Equal Protection Clauses, including compliance with the Hague Convention.

Federal Judge Kern's ultra vires ruling bypassing required mediation, ignoring the child's expressed preferences and dual nationality, failing to inquire into the circumstances of the child's entry into the United States, and entering an order based on hearsay without evidentiary support, deprived Petitioner and her son of fundamental parental rights recognized in *Pierce v. Society of Sisters, 268 U.S. 510 (1925)*, and *Santosky v. Kramer, 455 U.S. 745 (1982)*, as well as procedural due process under *Mathews v. Eldridge, 424 U.S. 319 (1976)*.

Standing, as a component of subject matter jurisdiction rooted in the Texas Open Courts provision, *Texas Constitution art. I, §13* and the federal separation-of-powers doctrine, existed here because Petitioner suffered concrete, ongoing injuries from long-term parental separation, economic deprivation, and denial of meaningful access to justice for two Argentine *jus soli* nationals.

The Standing Doctrine landmark was *Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)*, where this Court held *"When Congress authorizes private parties to bring claims based on procedural wrongs, these plaintiffs still must show a concrete and imminent injury to establish standing."* In this case the imminent injury was the alienation of the child, his separation of his mother and Argentine family, petitioner deprivation of property, economic abuse, violation of Constitutional rights of both petitioner and her son.

These defects in subject matter jurisdiction render the rulings *void* and present an important federal question warranting this Court's review to clarify the limits of federal judicial assignments in state domestic relations cases involving international treaty obligations, where lower courts refused to apply Article VI, Section 2 of the U.S. Constitution and Judge Kali Morgan refused to recuse herself, transfer the case to federal court, or apply the Supremacy Clause

## II. A) A Child Born Abroad Who Acquires United States Citizenship Solely Through a Consular Report of Birth Abroad Issued Outside the United States Is Not a Citizen Under the Fourteenth Amendment's Citizenship Clause.

The Citizenship Clause of the Fourteenth Amendment provides: *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."* U.S. Const. Amend. XIV, *§1*, emphasis added. Its plain text, the Clause confers constitutional citizenship only on persons who satisfy *both* of two conjunctive requirements: (1) birth or naturalization *"in the United States"*, and (2) being *"subject to the jurisdiction thereof."*

The child at issue in this case was born in Argentina to an Argentine mother. His claimed United States citizenship rests exclusively on a Consular Report of Birth Abroad (CRBA) issued at a United States embassy *outside* the United States, without the mother's, presence, where a ten days old baby cannot pledge allegiance to United States, and without any naturalization proceedings conducted on United States territory. Petitioner son therefore fails both textual requirements of the Citizenship Clause.

**B) The Child Was Neither "Born" nor "Naturalized" into the United States**

This Court has exactly held that the Citizenship Clause does not reach persons who acquire citizenship by birth abroad to a United States citizen parent. In *Rogers v. Bellei, 401 U.S. 815 (1971)*, the Court explained that the constitutional definition of citizenship under the first sentence of the Fourteenth Amendment is *"restricted to the combination of three factors, each and all significant: birth in the United States, naturalization in the United States, and subjection to the jurisdiction of the United States." Id.* at 827.

The Court was emphatic: *"The central fact, in our weighing of the plaintiff's claim to continuing and therefore current United States citizenship, is that he was born abroad. He was not born in the United States. He was not naturalized in the United States. And he has not been subject to the jurisdiction of the United States. All this being so, it seems indisputable that the first sentence of the Fourteenth Amendment has no application to plaintiff*

*Bellei. He simply is not a Fourteenth-Amendment-first-sentence citizen." Id.* at 827 (emphasis added).

The Court further declared that the Citizenship Clause "obviously did not apply to any acquisition of citizenship by being born abroad of an American parent." *Id.* at 830. Such citizenship is purely statutory, conferred (and regulable) by Congress under its naturalization power, *Art. I, §8,* cl. 4. *See also United States v. Wong Kim Ark, 169 U.S. 649, 688 (1898)* the Citizenship Clause *"has not touched the acquisition of citizenship by being born abroad of American parents; and has left that subject to be regulated, as it had always been, by Congress."*

A CRBA is not naturalization. It is a consular administrative document that merely *records* the statutory acquisition of citizenship at birth under *8 U.S.C. §1401 (INA §301).* See *22 U.S.C. §2705 (giving a CRBA* the same force and effect as a certificate of citizenship or naturalization for *evidentiary* purposes, but not converting the underlying status into constitutional naturalization). Naturalization under the Immigration and Nationality Act requires a process conducted under the authority of United States law, typically involving presence and formal proceedings in the United States. Stated in *8 U.S.C. §§1421–1451*; Wong Kim Ark, *169 U.S. at 702 "Citizenship by naturalization can only be acquired by naturalization under the authority and in the forms of law."* A document issued at a foreign embassy, without the mother's observation and without any naturalization hearing or oath on United States soil, cannot satisfy the *"naturalized in the United States"* prong of the Citizenship Clause.

**C) The Child Was Not "Subject to the Jurisdiction Thereof" at Birth**

Even if the first prong could be stretched, the second prong fails independently. At the moment of birth in Argentina, the child was subject to the jurisdiction of the Argentine Republic as a matter of both international and domestic law. The subsequent unilateral issuance of a CRBA by the father at a United States embassy—without the participation of, the Argentine mother—did not retroactively place the newborn *"subject to the jurisdiction"* of the United States within the meaning of the Citizenship Clause.

This Court has long recognized that *"subject to the jurisdiction thereof"* requires more than mere presence or temporary allegiance; it demands full political jurisdiction and allegiance free from competing foreign sovereign claims of the sort that attach to birth under foreign law. *See Elk v. Wilkins, 112 U.S. 94, 101–02 (1884)*; *Wong Kim Ark, 169 U.S. at 682* (exceptions for children of foreign diplomats and others not fully subject to United States jurisdiction). A child born on foreign territory to a foreign national mother, whose Argentine identity documents and nationality rights were never extinguished, and whose purported United States citizenship was documented only later through an ex parte consular process, does not meet that standard. Additionally, the child Argentine identifications were stolen on 03/08/2020 by and the aid of Fort Bend County Sheriff and respondent Gilbert Sexton as a clear act of retention into United States.

**D) Statutory Citizenship via CRBA Does Not Carry the Full Protections of the Citizenship Clause.**

Because the child's status is statutory rather than constitutional, it does not enjoy the irrevocable, full-measure protections that the Citizenship Clause extends to those *"born or naturalized in the United States."* Congress may condition, regulate, or within constitutional limits modify statutory citizenship acquired by birth abroad. *Bellei, 401 U.S. at 830–36.* While Congress later repealed the specific residence-retention requirements at issue in *Bellei (Act of Oct. 10, 1978, Pub. L. No. 95-432),* the fundamental constitutional distinction remains: such persons are not *"Fourteenth-Amendment-first-sentence citizens."* They are an estimate of 50.2 million people in such status.

The courts below treated the CRBA as if it conferred the full panoply of constitutional citizenship rights sufficient to override the child's Argentine nationality, the mother's parental rights under Argentine and international law, and United States' obligations under the Hague Convention on the Civil Aspects of International Child Abduction, implemented by ICARA, *22 U.S.C. §§9001* et seq. That treatment was legally erroneous and conferred a tremendous burden for both the child and his mother. A purely statutory citizen born abroad and documented via CRBA issued under false pretenses regarding the migratory purpose of relocation is not entitled to the same constitutional immunity from return or the same insulation from foreign sovereign and maternal claims as a person who is a citizen under the Citizenship Clause itself. Therefore, petitioner believes all courts below and intervenient U.S. citizens acted wrongfully on depriving a foreign child of his foreign mother rights and decisions, where their acts of *"justice"* were demonstrated by local brutality and abuse, not by law *per se*.

**E) Application to the Facts and Importance of the Question**

The record establishes that the CRBA was obtained by the father at a United States embassy in Argentina without the mother's presence, and the relocation to United States was procured through false pretenses purpose as to its temporary or permanent character. Under these circumstances, the child never became a constitutional citizen under the Fourteenth Amendment. Treating him as if he were one—thereby insulating the wrongful retention and parental alienation from meaningful Hague/ICARA scrutiny and from the mother's due-process and parental-rights claims—creates a conflict with *Bellei*, distorts the Citizenship Clause, and undermines the United States' treaty obligations and the integrity of consular citizenship documentation which results a setting for local authorities abuses as happened in Fort Bend County, Texas, where the petitioner and her son were tortured by local authorities and paternal family members on the belief that petitioner had no rights over her son, for the past seven years of litigation. The courts below, clearly exposed fraudulent judicial procedures for assignments of children, literally stealing children of foreign parents for the past seven years.

Certiorari should be granted to clarify the limits of the Fourteenth Amendment's Citizenship Clause when citizenship is claimed solely through a CRBA issued outside the United States, and which is the proper process for reporting abusive retentions of dual citizens or foreign parents' children born abroad, whose only claim to United States citizenship is a CRBA issued outside U.S. jurisdiction, the Secretary of State lacks an effective retention reporting system.

**III- A) The Abuse of Judicial Procedure to Test Economic Abuse and Imbalance of Power in State Courts**

The Fourteenth Amendment provides that *"no State shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."* U.S. Constitution Amendment XIV, *§1.* Divorce and custody proceedings imply fundamental liberty interests in family relations, parental rights, and property, *Troxel v. Granville, 530 U.S. 57, 65–66 (2000)* for parental rights; *Boddie v. Connecticut,* 401 *U.S. 371, 376–77 (1971)* access to courts for dissolution of marriage.

When a state court adjudicates such matters, it must afford meaningful notice and opportunity to be heard before depriving a party of protected interests. *Mathews v. Eldridge,* 424 U.S. 319, 333 (1976). Here, the state court's enforcement of a property division judgment—procured after one spouse, the ex-husband, exercised exclusive control over community marital assets, used those funds to retain multiple attorneys, and deliberately deprived the other spouse, petitioner, of any access to those resources—violated these guarantees.

Petitioner rendered indigent and forced to litigate *pro se* in a complex jury-trial divorce and custody case. The resulting judgment, which affected an unfair division of community property, including substantial Chevron ESIP assets, stocks, and $100,000 of joint relocation packages not shared with Petitioner. The judgement is therefore voidable *ab initio* or subject to equitable relief.. Certiorari should be granted to address the deliberate economic abuse, recurrent in family procedures, which forced Petitioner to litigate *pro se* and violated her due process and equal protection rights.

**B)Deliberate Economic Deprivation That Forces One Spouse to Litigate *Pro Se* in a Divorce Proceeding Deprives Her of Meaningful Access to Justice in Violation of Due Process**

Due process requires procedures *"appropriate to the nature of the case"* that minimize the risk of erroneous deprivation of protected interests. *Mathews*, 424 U.S. at 335. In *Boddie v. Connecticut*, this Court held that *"a State cannot condition access to divorce proceedings on the payment of filing fees that indigents cannot afford, because the State monopolizes the means of dissolving the marital status—a matter of 'fundamental' importance involving associational interests." 401 U.S. at 376–83.*

The Court emphasized that when the State provides the *only* forum for resolving such disputes, it must ensure that barriers do not effectively deny a meaningful opportunity to be heard. *Id.* at 382–83.

The principle extends here. Petitioner did not face a mere filing fee; she faced systemic, deliberate economic abuse by which her spouse monopolized community property which were marital assets accumulated during the marriage, to fund aggressive litigation while leaving her without resources to retain counsel. Over eighteen years of marriage and post-filing proceedings, the ex-husband's exclusive control and expenditure of these funds forced petitioner to proceed *pro se* in a complex jury trial involving custody, property division, admission of respondent other woman relationship during marriage, fraud and perjury of opposite part, depriving Petitioner of present her evidence.

This is not mere private inequality; it became state action when the court entered and enforced the judgment without adequate safeguards to level the playing field or remedy the resource deprivation, determined in *Shelley v. Kraemer, 334 U.S. 1 (1948)* where judicial enforcement of private discrimination constitutes state action.

Resulting a fundamentally unfair proceeding which deprived petitioner of protected property and liberty interests, such as parental rights and her share of community assets without due process, specifically when assigned by a visitor Federal Judge against the domestic exemption doctrine, and the lower court failure to recognize economic abuse as a due-process infirmity in family law, creates a clear need for this Court's guidance.

This is not mere private inequality; it became state action when the court entered and enforced the judgment without adequate safeguards to level the playing field or remedy the resource deprivation. *Shelley v. Kraemer, 334 U.S. 1 (1948).*

**C) Such Wealth-Based Disparities in Divorce Litigation Also Implicate Equal Protection Principles**

The Fourteenth Amendment's Equal Protection Clause prohibits States from enforcing classifications that unjustifiably burden indigent or less-resourced litigants in fundamental proceedings, *Griffin v. Illinois, 351 U.S. 12 (1956)* where indigents were entitled to transcripts on appeal; *Douglas v. California, 372 U.S. 353 (1963)* for counsel on first appeal as of right. While there is no general right to appointed counsel in civil cases, *Lassiter v. Dep't of Soc. Servs., 452 U.S. 18 (1981),* the Clause is violated when wealth-based distinctions effectively deny meaningful participation in proceedings where the State has monopolized resolution of core interests such as marriage dissolution and child custody, as in *Boddie, 401 U.S. at 382–83.* The disparity in this case was originally on 08/13/2019 set by Federal Judge Terence Kern order of

$1,000.- to petitioner and all assets to respondent plus the Argentine child custody to his father.

Here, respondent's use of community property—assets to which petitioner had an equal legal claim under Texas law—created an insurmountable wealth disparity. This was not neutral; it was intentional economic coercion and disadvantaged petitioner on the basis of her lack of independent resources. Enforcing the resulting judgment ratifies that disparity and denies equal protection.

Courts in Texas and other jurisdictions treat financial abuse and dissipation of community assets—such as expending marital resources on multiple counsel while depriving the other spouse of access—as marital misconduct that justifies unequal division or equitable remedies like constructive trusts. *Schlueter v. Schlueter, 975 S.W.2d 584 (Tex. 1998)* for fraud on the community property and waste. Cases recognizing financial or economic abuse, breach of fiduciary duty or coercive control as relevant to equity in family proceedings lower courts have begun acknowledging this in domestic violence contexts which fits in this case. Respondent broke a finger to petitioner; Certiorari would clarify the constitutional floor, when joint money is not a subject of one only spouse management while depriving basic needs, hosing, interest of progress, same standard of living and educational purposes of the other spouse or the child.

**D. The Resulting Property Division Judgment Is Voidable *Ab Initio* or Subject to Equitable Relief.**

A judgment procured through proceedings that violate due process and equal protection is subject to collateral attack or equitable set-aside. *United States v. Beggarly, 524 U.S. 38, 46 (1998).* The deliberate withholding of marital resources to cripple petitioner's ability to defend her interests constitutes extrinsic fraud and a due-process defect that taints the entire judgment. Equitable relief redivision, constructive trust on dissipated assets, or vacatur is appropriate to prevent unjust enrichment and vindicate constitutional rights.

When law enforcement refuses to accept reports or investigate the unilateral concealment and disbursement of community assets—including multiple accounts, stock investments, and transfers to third parties—by one spouse, this pattern constitutes economic abuse and fraud on the community. The innocent spouse, unaware of these transactions, cannot be held liable for fraud perpetrated by the managing spouse and is deprived of any meaningful opportunity to protect her interest in the marital estate.

This problem is severely exacerbated for *pro se* litigants, who face insurmountable practical barriers to obtaining critical evidence such as IRS transcripts and Form 1099 reports (via subpoena or Form 4506-T), tools that represented parties can more readily compel. When assets are funneled to third parties, discovery becomes entirely illusory without resources or court intervention. Such concealment may also constitute fraud on the government and the employer such as through misreported income, benefits, or tax filings, further compounding the due process and equal protection violations by rendering the divorce and property proceedings fundamentally unfair.

This case presents a compelling vehicle: an eighteen year pattern of economic abuse in a high-conflict Texas divorce, documented in the record, with direct impact on substantial community property including the respondent alleged approximately $94k Chevron ESIP at issue in related QDRO proceedings, which unilaterally assigned by Judge Morgan without considering petitioner has not 401K and the Judge cannot force petitioner to open a 401k account, which will requires her to cash the money by paying 20% of taxes considered as "income" for a deprivation of distribution profited by respondent for eighteen years, petitioner never decided to be placed into an IRA account or an agreed such type of distribution considered as "income" while be forced free house labor. Petitioner believes such amount of taxes should be paid for respondent for his wrongful investments on accounts which requires certain age and process to be used or inherited as recited by his counsel attorney Karleana Farias.

Additionally, respondent and his lawyers on 07/29/2019 filed the petition of divorce under state rule 190-2 which limits property assets distribution until $250,000.- and during 2021 mediation respondent disclosed $1,554,228.- petitioner believes is entitled to half. Mr. Sexton economic disclosed to court are not quite accurate of what he disclosed in a private setting after the initial custody and property order division.

Review is warranted to prevent States from turning a blind eye to economic abuse that undermines the fairness of family-law adjudications.

**IV- Parental alienation caused by the wrongful retention of a child and systematic indoctrination against the petitioner.**

The Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to the care, custody, and control of their children. *Troxel v. Granville, 530 U.S. 57, 65 (2000)* plurality recognizing this right as *"perhaps the oldest of the fundamental liberty interests"* protected by the Constitution; *Stanley v. Illinois, 405 U.S. 645, 651 (1972); Santosky v. Kramer, 455 U.S. 745, 753 (1982)* heightened procedural protections when the state interferes with parental rights. These rights persist and can be violated even after a child reaches the age of majority when systematic alienation and its harmful effects continue as an ongoing constitutional injury.

In this case, Petitioner endured approximately seven years of severe parental alienation resulting from the father's wrongful retention of the child, systematic indoctrination against Petitioner, and active assistance by family members and local government employees in fraudulent state court proceedings. This included fabricated mediation claims prior first order, *ultra vires judicial actions*, and deliberate interference with Petitioner's parental rights, access and relationship.

The alienation continued and intensified even after the child reached majority, in June of 2026, exemplified by the father taking the child on vacation during the maternal grandmother's passing away. As recently as this past Saturday, Respondent called the sheriff with a false allegation that Petitioner had gone to see her son at the door of the house, claiming *"petitioner was in his property"[sic]*, while the porch, driveway, and sidewalk are common areas, and stating *"he does not want her to come to the house anymore."[sic]* House which was joint property, he changed the lock and deed at his name. Fort Bend County Sheriff deputy Alvarez threatened to arrest Petitioner. These actions further entrench estrangement and cause lasting damage to the parent-child bond.

Even after the child attains adulthood, the alienated parent retains protected interests under the Due Process Clause. These include the right to be free from state-facilitated interference with familial relationships, the right to seek restoration of contact, and the right to be free from the ongoing stigma and emotional harm caused by the alienation. Moreover, as a child born in Argentina with Argentine nationality, petitioner son holds international rights under the Convention on the Rights of the Child (CRC), including the right to preservation of identity stated in Article 8, protection of family relations Article 9–10, and freedom from arbitrary or unlawful interference with his family Article 16. Respondent and Fort Bend County authorities concealed since 03/08/2020 the foreign identifications reassuring the retention.

The United States cannot, consistent with its obligations under the Hague Convention and customary international norms, deprive the child of these protections through state-aided alienation or allow domestic proceedings to permanently sever the maternal bond without due process. The injury is continuing: the adult child remains estranged, Petitioner suffers persistent relational, emotional, and dignitary harm, and the fraudulent orders continue to taint related proceedings in property, QDRO, housing, etc.

Systematic parental alienation achieved through wrongful retention and state-aided fraud, triggers ongoing Due Process obligations. *See Santosky, 455 U.S. at 753–54* state intervention in parent-child relationships demands rigorous due process; also, lower court decisions recognizing severe alienation as a basis for modification or injunctive relief even in post-majority contexts where harm persists ( M.A.B. v. R.B., *134 A.D.3d 1106 (N.Y. App. Div. 2015)* and analogous cases addressing coercive interference with parental bonds.

Petitioner makes no concession of mootness, her son was stolen of her custody by fraudulent judicial procedures, and a persistent violation of fundamental rights resulting a *jus cogens.*

The controversy remains live for purposes of declaratory relief, damages, restraining orders, and other equitable remedies. *Chafin v. Chafin, 568 U.S. 165 (2013),* when lower courts' reluctance to recognize these post-majority continuing violations or to grant equitable remedies—such as restraining orders against alienating parties or disqualification of biased judges as Judge Morgan, creates inconsistency in the application of fundamental rights.

Therefore, Certiorari should be granted to clarify that parental alienation accomplished through wrongful retention and state complicity constitutes a continuing Due Process violation, justifying injunctive relief and judicial disqualification regardless of the child's age.

This Question is inextricably intertwined with Petitioner's related claims regarding the Hague Convention, ICARA, and extrinsic fraud on the court.

**V- A State Court Violates Due Process by Dismissing a Meritorious Civil Action on the Eve of Trial in Retaliation for the Petitioner's Federal Lawsuit Against the Presiding Judge and involved County employees.**

The Due Process Clause of the Fourteenth Amendment guarantees the right to a fair and impartial tribunal and a meaningful opportunity to be heard before the deprivation of any protected liberty or property interest. *Mathews v. Eldridge, 424 U.S. 319, 333 (1976)*; *Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 876–77 (2009)* due process requires an objective probability of actual bias. The Equal Protection Clause prohibits arbitrary and discriminatory treatment, including retaliation for the exercise of federal rights. *Village of Arlington Heights v. Metropolitan Housing Dev. Corp., 429 U.S. 252, 265 (1977)*; *NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 460–61 (1958).*

This case presents a clear violation of both guarantees. Petitioner timely filed a state-court personal injury action asserting claims of assault and battery arising from Respondent's violent acts, supported by medical records, X-rays, and an affidavit documenting a Mallet fracture to Petitioner's hand and other injuries. On the eve of a scheduled jury trial after Petitioner had fully complied with discovery and evidentiary requirements the state trial court dismissed the action solely because Petitioner had filed a separate federal lawsuit against the presiding judge.

Such last-minute dismissals are highly disfavored and constitute an abuse of discretion absent clear prejudice or bad faith. *Link v. Wabash R. Co., 370 U.S. 626 (1962)* "*dismissal for failure to prosecute must be exercised with caution.*" When a dismissal on the eve of trial appears motivated by retaliation for Petitioner's protected federal activity against the judge, it raises profound constitutional concerns. The Petitioner has a protected property interest in a properly filed cause of action that cannot be arbitrarily extinguished. *Logan v. Zimmerman Brush Co., 455 U.S. 422, 428–29 (1982).* Dismissing a meritorious personal injury claim after substantial preparation and evidentiary submission, solely in response to a lawsuit challenging the Judge, deprives Petitioner of an impartial tribunal and a fair hearing. *Caperton, 556 U.S. at 876*; *Liteky v. United States, 510 U.S. 540, 551 (1994)* setting objective evaluation of bias or prejudice.

This retaliatory dismissal also violates equal protection by treating Petitioner differently from similarly situated litigants who have not filed complaints against the presiding judge. *United States v. Armstrong, 517 U.S. 456, 464 (1996)* selective enforcement violates equal protection. The state court's action effectively closed the courthouse doors in retaliation for Petitioner's attempt to vindicate federal rights, echoing the concerns this Court addressed in *Boddie v. Connecticut, 401 U.S. 371 (1971)* where the *access to courts cannot be conditioned on barriers that deny meaningful redress in fundamental matters.*

The dismissal cannot be justified as a legitimate exercise of judicial discretion. Petitioner had presented prima facie evidence of assault and battery. Dismissing the case on the eve of jury trial, without any merits-based determination, deprived Petitioner of her property interest in the cause of action and her liberty interest in vindicating personal injuries inflicted by domestic violence.

This Court should grant certiorari to reaffirm that a state court cannot dismiss a properly filed and substantiated civil action in direct retaliation for a litigant's protected federal lawsuit against the presiding judge. Such conduct violates core guarantees of due process and equal protection, undermines public confidence in the judiciary, and is particularly egregious in the context of domestic violence claims where victims already face systemic barriers. The pattern of judicial bias and retaliation in this high-conflict family litigation, combined with the state court's refusal to apply the Supremacy Clause or Hague/ICARA obligations in related proceedings, makes this an ideal vehicle for review.

## REASONS FOR GRANTING CERTIORARI

This petition presents multiple questions of exceptional importance under Supreme Court Rule 10(c). They involve recurring conflicts in the application of the Due Process and Equal Protection Clauses in high-conflict family proceedings, the proper scope of the domestic-relations exception to federal jurisdiction, the enforcement of the Hague Convention on Civil Aspects of International Child Abduction and ICARA, remedies for systematic parental alienation even after a child reaches majority, and the limits on judicial authority when visiting federal judges sit in state courts. These issues arise from fraud on the court, ultra vires actions, judicial bias, economic abuse, and prolonged harm by wrongful retention of a child through irregular procedures.

First, the petition requires clarification of the domestic-relations exception to federal jurisdiction when is extended exercised in State Courts by visiting Federal judges. While *Ankenbrandt v. Richards, 504 U.S. 689 (1992),* and *Marshall v. Marshall, 547 U.S. 293 (2006),* narrowed the exception and confirmed it does not bar *bona fide* federal question or constitutional claims, lower courts remain inconsistent in its applications, particularly where state proceedings are tainted by bias, ultra vires acts by visiting federal judges, and economic deprivation. Review is necessary to ensure that constitutional claims involving due process violations, fraud, and parental rights are not improperly dismissed.

Second, this case squarely presents novel and important questions of judicial authority, bias, and due process. The involvement of visiting federal judges in state family proceedings, combined with documented prejudice by state Judge Kali Morgan lying on the record, blocking of witness testimony, and refusal to recuse, raises first-impression issues regarding ultra vires actions and the denial to apply the Supremacy Clause.

Third, the petition raises critical issues under the Hague Convention and ICARA *22 U.S.C. §§ 9001 et seq.* The wrongful retention of Petitioner son, procured through false pretenses regarding the migratory purpose of relocation, and the subsequent seven-year alienation, violate the Convention's core protections. *Abbott v. Abbott, 560 U.S. 1 (2010)*; *Monasky v. Taglieri, 589 U.S. 68 (2020).* Petitioner's son Argentine *jus soli* nationality and his rights under Convention on the Rights of the Child (CRC), deprived by U.S. officials, further support review.

Fourth, the seven years of systematic parental alienation, facilitated by the father, family members, and complicit local officials, presents profound questions about the continuing violation of fundamental parental rights even after the child reaches majority. *Troxel v. Granville,* 530 U.S. 57, 65 (2000); *Santosky v. Kramer,* 455 U.S. 745, 753 (1982). The ongoing estrangement, recent false allegations to law enforcement, and refusal to permit contact demonstrate the harm persists. This Court should clarify whether such state-aided alienation justifies restraining orders and other equitable relief post-majority. *Chafin v. Chafin, 568 U.S. 165 (2013).*

Fifth, the deliberate economic abuse of one spouse's exclusive control and expenditure of community property to fund multiple counsel while forcing the other to litigate *pro se* highlights serious due-process and equal-protection concerns. *Boddie v. Connecticut, 401 U.S. 371 (1971); M.L.B. v. S.L.J., 519 U.S. 102 (1996).* When combined with judicial bias and the retaliatory dismissal of Petitioner's personal injury action on the eve of trial, these actions render the proceedings fundamentally unfair. *Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009).*

Finally, this case exposes the absence of a comprehensive national system for tracked children subjected to wrongful retention or alienation. The Department of State's limited mechanisms to abductions proved inadequate. Review would underscore the need for uniform federal standards to enforce the Hague Convention, protect parental rights, and remedy these harms, including local reports.

## CONCLUSION

Petitioner's Writ of Certiorari should be granted. Seven-year separation and emotional suffering inflicted on Petitioner and her son demand correction of the underlying constitutional and treaty violations.

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