

No. 26-5263

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**

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Rule 44.2, Petitioner Diana I. Reismann Sexton respectfully petitions for rehearing of this Court's October 13, 2026 order denying her petition for a writ of certiorari. Rehearing is warranted because Petitioner has filed (and this Court will imminently consider) a petition for a writ of certiorari in *Diana I. Reismann Sexton v. Fort Bend County, Texas, et al.*, No. 26-5482. That petition presents vital questions concerning whether false allegations and the use of excessive force by a court bailiff can validly support the removal of a foreign-born child from parental custody. Those questions are likely to have a substantial or controlling effect on the proper disposition of the orders entered in *Sexton v. Sexton* (505th District Court, Fort Bend County, Texas, cause 19-DCV-264966), because Respondents introduced and relied on the same false allegations and the same conduct of Bailiff Falcon to obtain the custody determinations under review in this case. The Court should grant rehearing and either grant the petition or hold it pending disposition of No. 26-5482.

RELEVANT BACKGROUND

The family-law orders in *Sexton v. Sexton* removed Petitioner's child from her custody, an Argentine national child whose birth was documented by a Consular Report of Birth Abroad issued under the Argentine flag. Those orders rested on false allegations and on the conduct of Bailiff Jose Falcon, who used force against Petitioner in connection with the removal. Petitioner contends that the state court refused to apply the Hague Convention and the Supremacy Clause, and that the proceedings were prolonged for years on the basis of an *ultra vires* order issued by a

visitor federal judge Terence Kern. Petitioner contends that the procedures violated due process and facilitated the retention of a foreign-born child through fraudulent means. Bailiff Falcon is no longer assigned to the 505th District Court; the matter has been reported to Houston FBI agents.

The federal action (No. 26-5482) challenges precisely the same underlying acts: the false allegations, the bailiff's use of force, and the resulting custody orders. Petitioner has filed a petition for a writ of certiorari in that case. It will present the question whether state-court procedures that rely on false allegations and excessive force by court personnel can produce valid custody determinations, particularly when a foreign-born child is involved.

Federal courts have recognized that deliberately or recklessly false statements or omissions used to obtain a child-removal order can violate the Fourteenth Amendment right to familial association and the Fourth Amendment. See, e.g., *Scanlon v. County of Los Angeles*, No. 21-55999 (9th Cir. 2024) (material misrepresentations and omissions by officials in support of removal); *Rieman v. Vazquez*, No. 22-56054 (9th Cir. 2024) (judicial deception claim where officials made material false statements); *Benavidez v. County of San Diego*, 993 F.3d 1134 (9th Cir. 2021); *David v. Kaulukukui*, 38 F.4th 792 (9th Cir. 2022). In *Santosky v. Kramer*, 455 U.S. 745 (1982), this Court held that due process requires the State to prove the facts supporting termination of parental rights by clear and convincing evidence. An Eighth Circuit decision denied immunity where a judge directed court officers to detain children in holding cells after a custody hearing because the children refused to leave with one parent. *Rockett v. Eighmy* (8th Cir. 2026). The European Court of

Human Rights has likewise held that forcible removal of children by a bailiff, based on contested allegations and without less severe alternatives, violated the right to respect for family life.

These authorities confirm that the validity of removal orders obtained through false allegations and the use of force by court personnel is a substantial constitutional question.

The petition denied by this Court concerns the validity of the disposition in the family-law proceedings. Although the precise issues framed in that petition differ, the same false allegations and the same bailiff conduct were introduced and relied upon to support the orders under review. The forthcoming petition in No. 26-5482 will address whether those acts can properly form the basis of the custody determinations. Because the same conduct underlies both matters, the disposition of No. 26-5482 is likely to bear on the proper disposition of the petition previously denied. The questions presented also concern whether orders obtained through false allegations and the use of force by court personnel can be treated as valid when they affect the custody of a foreign-born child.

REASONS FOR GRANTING REHEARING

Rule 44.2 permits rehearing from the denial of certiorari when the petition is limited to intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented. That standard is satisfied here. The forthcoming petition in No. 26-5482 will present questions concerning the validity of custody orders obtained through false allegations and the use of force by a bailiff.

Those questions will bear on the proper disposition of the petition previously denied, because the same allegations and the same conduct were relied upon to produce the orders in *Sexton v. Sexton*. Federal precedent treating material falsehoods used to obtain removal orders as constitutional violations supplies additional support for considering the related questions together.

The forthcoming petition constitutes an intervening circumstance of substantial effect, and the interrelationship between the two cases involves a substantial ground not previously presented. No. 26-5482 is the direct vehicle for the questions concerning the false allegations and the bailiff's conduct. The petition previously denied is the related matter in which those same allegations and that same conduct were used to support the custody orders. Holding the denied petition pending the disposition of No. 26-5482 would permit the Court to dispose of the related matters in an orderly and consistent fashion.

CONCLUSION

For the foregoing reasons, the petition for rehearing should be granted. The Court should vacate its October 13, 2026 order denying certiorari, and either grant the petition for a writ of certiorari, or hold the petition pending the disposition of the forthcoming petition in No. 26-5482, which should be granted.

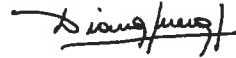
Respectfully submitted,

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CERTIFICATE (Rule 44)

Pursuant to Rule 44.2, I certify that the PETITION FOR REHEARING of Diana I. Reismann Sexton is limited to intervening circumstances of a substantial or controlling effect and to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Dated: October 16, 2026.



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CERTIFICATE OF SERVICE

I, Diana I. Reismann Sexton, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that: On October 16, 2026, I served a true and correct copy of the Petition for Rehearing on the following parties by depositing the same in the UPS Mail service carriers for delivery within 3 days), addressed as follows:

1. Gilbert John Sexton, 10110 Sandhill Pines Ct., Katy, Texas, 77494, Tel: (832) 745-9345. sexton@mindspring.com.
2. Attorney Karleana Farias: State Bar No. 24074565 karleana@fariaslaw.com to Farias Law, PLLC 641 Heights Blvd., Houston, TX 77007 Tel: (713) 226-7999



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