

No. 26-533

**IN THE
Supreme Court of the United States**

TONY PING YEW, EXECUTOR OF THE ESTATE
OF JOHN Y. WEI,

and

TONY PING YEW, PRO SE,
Petitioners,

v.

ATTORNEY GENERAL NEW JERSEY; HON.

DENNIS NIEVES, J.S.C.;

HON. JOSEPH REA, J.S.C.; HON. RICHARD J.

GEIGER, J.A.D.;

HON. MARITZA BERDOTE BYRNE, J.A.D.; HON.

PHILLIP PALEY, J.S.C.;

AND RONAN, TUZZIO & GIANNONE, P.C.,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the narrow *Rooker-Feldman* doctrine permits dismissal of Plaintiff No. 1 - the Executor - when the District Court never separately adjudicated that plaintiff and the court of appeals merely stated that the Executor had been "recognized," without identifying any ruling applying the jurisdictional bar to Plaintiff No. 1.
2. Whether, under *Exxon Mobil Corp. v. Saudi Basic Industries Corp.* and *Great Western Mining & Mineral Co. v. Fox Rothschild LLP*, *Rooker-Feldman* Element (2) can be satisfied where the complaint alleged injury-producing conduct that preceded the state judgments.
3. Whether the narrow limits imposed by *Exxon Mobil* and *Great Western* permit a wholesale *Rooker-Feldman* jurisdictional dismissal of independently pleaded allegations against Ronan, Tuzzio & Giannone ("RTG"), a private non-state actor.
4. Whether, once an independently pleaded source of injury defeats Element (2), the *Rooker-Feldman* inquiry should end.

PARTIES TO THE PROCEEDING AND DIRECTLY RELATED PROCEEDINGS

Petitioners are Tony Ping Yew, Executor of the Estate of John Y. Wei, expressly pleaded as Plaintiff No. 1, and Tony Ping Yew, pro se, separately pleaded as Plaintiff No. 2 in the federal complaint. **Pet. App. 31a.** Plaintiff No. 1 is the representative-capacity plaintiff whose separate adjudication cannot be identified in the District Court or panel ruling. Plaintiff No. 2 is the pro se individual to whom the courts applied the *Rooker-Feldman* analysis. The petition also challenges the wholesale jurisdictional disposition of the independently pleaded allegations against private respondent RTG.

Respondents are Attorney General of New Jersey; Hon. Dennis Nieves, J.S.C.; Hon. Joseph Rea, J.S.C.; Hon. Richard J. Geiger, J.A.D.; Hon. Maritza Berdote Byrne, J.A.D.; Hon. Phillip Paley, J.S.C.; and Ronan, Tuzzio & Giannone, P.C. They were appellees below.

Directly related proceedings under Supreme Court Rule 14.1(b)(iii):

- *Yew v. Attorney General New Jersey, et al.*, No. 3:24-cv-06851-ZNQ-JTQ (D.N.J.). Opinion and order entered March 27, 2025; post-judgment text orders entered November 6, 2025. **Pet. App. 13a-27a.**
- *Yew v. Attorney General New Jersey, et al.*, No. 25-3309 (3d Cir.). Opinion and judgment entered June 11, 2026; petition for panel rehearing and rehearing en banc denied July 13, 2026. **Pet. App. 2a-12a.**

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PETITION FOR A WRIT OF CERTIORARI

Petitioners Tony Ping Yew, Executor of the Estate of John Y. Wei, and Tony Ping Yew, pro se, respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Third Circuit is unpublished and is reproduced at **Pet. App. 2a-8a**. The court of appeals' judgment is reproduced at **Pet. App. 9a-10a**, and its order denying panel rehearing and rehearing en banc is reproduced at **Pet. App. 11a-12a**.

The opinion of the United States District Court for the District of New Jersey is unpublished and is reproduced at **Pet. App. 13a-21a**; the District Court's order is reproduced at **Pet. App. 22a-23a**. The November 6, 2025 text orders are reproduced at **Pet. App. 24a-27a**. Relevant reconsideration and recusal excerpts are reproduced at **Pet. App. 28a-30a**. The complaint's two-plaintiff identification is at **Pet. App. 31a**, and the complaint's preserved RTG / Rule 60(b)(3) allegations are at **Pet. App. 32a-33a**.

JURISDICTION

The court of appeals entered judgment on June 11, 2026. **Pet. App. 9a**. A timely petition for panel rehearing and rehearing en banc was denied on July 13, 2026. **Pet. App. 11a**. This petition is filed on October 9, 2026, within 90 days after the denial of rehearing. *See* Sup. Ct. R. 13.3. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS INVOLVED

U.S. Const. amend. V

No person shall ... be deprived of life, liberty, or property, without due process of law.

U.S. Const. amend. XIV, § 1

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

28 U.S.C. § 1254(1)

Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

28 U.S.C. § 2106

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

28 U.S.C. § 1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. § 455(a)

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any

proceeding in which his impartiality might reasonably be questioned.

Fed. R. Civ. P. 52(a)(3)

The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

STATEMENT OF THE CASE

This petition concerns three threshold defects arising from one federal judgment, plus a preserved constitutional issue. Plaintiff No. 1 was Tony Ping Yew, Executor of the Estate of John Y. Wei; Plaintiff No. 2 was Tony Ping Yew, pro se. **Pet. App. 31a**. The District Court's operative reasoning adjudicated the singular pro se Plaintiff and applied Rooker-Feldman to that Plaintiff, **Pet. App. 13a, 17a, 19a, 22a**, but did not separately adjudicate the Executor. The panel addressed Element (2) and affirmed as to the pro se Plaintiff, **Pet. App. 4a-5a**, yet answered the Executor objection only by saying the District Court had "recognized" both capacities. **Pet. App. 7a**. The complaint separately alleged that RTG, a private non-state actor, made misrepresentations causing an unfair dismissal. **C.A. App. A25, A117-A123**. The panel acknowledged the RTG claim but emphasized the absence of damages or "some independent relief." **Pet. App. 5a n.3**. Thus the three defects are: no separate Executor adjudication; Element (2) not established under the pleaded source-and-timing theory; and no defendant-specific source-of-injury treatment of RTG's alleged private-party conduct. A single GVR can address all three without deciding the medical-malpractice merits.

1. The state proceedings did not present one uniform plaintiff in one uniform capacity. The panel itself summarized the state history as including complaints filed "in both an individual capacity and as executor." **Pet. App. 3a**. Petitioner's Third Circuit brief identified MID-L-3502-21 as an individual post-death action, MID-L-3506-21 as a wrongful-death action brought in the Executor capacity, and MID-L-5456-21 as an estate-based action involving the Executor. **C.A. Doc. 7-1 at 18**. The 2018 Paley pleadings were different again: the formal plaintiff was Tony Ping Yew, while the filing block and body used the formulation "Pro Se and as **Legal Representative for Executor** of Estate of John Y. Wei." That formulation is not the same as pleading "Executor" as the party or capacity. Whether the representative formulation was legally cognizable is a separate question; the point here is that the pleadings used materially different capacity formulations.

Petitioner used the phrase **Legal Representative for Executor** as a representative designation - akin, in intended pleading function, to an attorney/filer block reading "XYZ Attorney Firm, Attorneys for Executor" - rather than as a statement that the representative and the Executor were the same party. The appellate record explains the circumstance. Before filing on November 13, 2018, petitioner contacted about a dozen attorneys, but none accepted the case because its contingency value was viewed as insufficient given the decedent's age and the absence of an autopsy. Petitioner therefore filed a pre-suit Verified Petition seeking authority to proceed as Legal Representative for Executor. When that request had not been ruled on and the limitations period was approaching, he filed the

complaint using that representative formulation. **C.A. Doc. 7-1 at 21.** Whether a nonlawyer could lawfully occupy that proposed representative role is a separate legal question. The narrower point is that petitioner was attempting to distinguish a representative role from the Executor itself. By the time of the Third Circuit appeal, he had already been seeking relief for more than seven years. *Id.* The capacity distinctions were therefore part of the record, not labels invented after judgment.

Petitioner later filed the federal complaint with two expressly identified plaintiffs. Its caption states: "TONY PING YEW, EXECUTOR OF ESTATE OF JOHN Y WEI; TONY PING YEW PRO SE, PLAINTIFFS." The next page separately identifies "Plaintiff No 1" as the Executor and "Plaintiff No 2" as Tony Ping Yew, *pro se*. **C.A. App. A23-A24; Pet. App. 31a.** The complaint thus did not leave the party structure implicit. It affirmatively pleaded the Executor as the first plaintiff and the individual *pro se* litigant as the second.

The federal complaint also alleged procedural due-process deprivations in the state proceedings, including asserted failures to afford petitioner a fair opportunity to be heard and to **adjudicate the separately pleaded Executor plaintiff.** Its Rule 11 certification expressly identified the Fourteenth Amendment among the existing law supporting the complaint. **C.A. App. A152.** Petitioner's Third Circuit opening brief then made due process a standalone Point I and expressly invoked the Fourteenth Amendment. **C.A. Br. 20-24.**

2. The District Court adjudicated Plaintiff No. 2, the *pro se* individual, but did not separately adjudicate Plaintiff No. 1, the Executor. The Opinion

and Order are captioned only "TONY PING YEW, Plaintiff." The Opinion described the motion before it as one involving "pro se Plaintiff Tony Ping Yew," and its legal-standard section stated categorically: "Plaintiff in this matter is proceeding pro se." **Pet. App. 13a, 17a, 22a.** The court then stated the four Rooker-Feldman conditions from *Great Western Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 166 (3d Cir. 2010). On the face of the operative reasoning, the singular pro se Plaintiff was adjudicated.

In applying those conditions, the District Court again used only the singular "Plaintiff": "Plaintiff lost in state court," "Plaintiff complains," and "Plaintiff has asked the Court" for review. **Pet. App. 19a.** Although a background sentence referred to petitioner as "pro se and as Executor," no operative paragraph separately identified Plaintiff No. 1, analyzed whether that Executor plaintiff was a state-court loser, identified a judgment against that capacity, or applied Rooker-Feldman, standing, immunity, or any other dispositive doctrine specifically to the Executor. The District Court therefore produced an adjudicated pro se Plaintiff and an unadjudicated Executor plaintiff.

3. The Third Circuit affirmed the Rooker-Feldman disposition but did not supply the missing Executor adjudication. At the outset, it described the state history as five complaints filed "in both an individual capacity and as executor." **Pet. App. 3a.** It then stated that "Yew lost his claims in state court" and that all four Rooker-Feldman conditions were present. **Pet. App. 4a.** The panel separately addressed Element (2), thereby reviewing the jurisdictional adjudication that actually existed below.

Petitioner also expressly argued that the District Court had failed to distinguish the individual and Executor plaintiffs. The panel answered only: "We are satisfied that the District Court recognized that Yew raised claims both individually and as an executor." **Pet. App. 7a.** That sentence is the panel's entire response to the capacity objection. It does not confront the complaint's express designation of two plaintiffs; it does not explain how the District Court's singular pro se analysis adjudicated Plaintiff No. 1; it identifies no state order adjudicating the Executor claim; and it identifies no District Court passage applying a jurisdictional or merits rule separately to the Executor. Thus, the panel adjudicated the Rooker-Feldman issue presented by the operative pro se disposition, but substituted recognition for adjudication as to Plaintiff No. 1.

4. As to Plaintiff No. 2, the panel addressed Element (2), but its reasoning did not establish the required judgment-caused injury under the source-and-timing theory actually pleaded. It acknowledged petitioner's argument that the "source of his injury" was the alleged malpractice associated with RWJUH, but rejected it by quoting complaint language describing the injury as denial of monetary relief and stating that state-court errors caused that denial. **Pet. App. 4a-5a.** It then quoted *Great Western Mining & Mineral Co. v. Fox Rothschild LLP*'s formulation that the injury was "produced by a state-court judgment." This petition does not claim Element (2) was ignored; it claims the panel's stated reasoning did not establish it.

The complaint's dedicated jurisdictional allegations stated that the injury preceded the state judgments, that the adverse judgments were "only a result, not the cause" of injury, and that the source

lay in RTG/RWJUH conduct. **C.A. App. A145-A147.** The panel did not reconcile those allegations with its causation conclusion. It then turned to review and rejection on **Pet. App. 6a**, stating that "It is of no consequence that Yew expressly stated that he did not invite the District Court to review and reject the state judgments," because the requested relief would effectively reverse a state-court decision. Footnote 3 emphasized that petitioner had not sought damages or other independent relief against RTG. **Pet. App. 5a n.3.** Those passages bear directly on remedy and Element (4); they do not themselves establish what caused the injury under Element (2).

5. Petitioner sought panel rehearing and rehearing en banc on the source-of-injury error and the capacity problem. The rehearing argument emphasized *Turner v. Crawford Square Apartments III, L.P.*, 449 F.3d 542, 547-548 (3d Cir. 2006), and the pleaded timing principle: an injury alleged to exist before the state judgment cannot have been caused by that later judgment merely because state litigation followed. The July 13, 2026 order states that the rehearing petition was submitted to the judges who participated in the decision and to all other available active circuit judges; rehearing was denied. **Pet. App. 11a.** Thus, the capacity objection proceeded through panel and en banc rehearing, yet the federal record still identifies no capacity-specific adjudication of Plaintiff No. 1.

6. The November 6 post-judgment orders present a separate reviewability problem. The recusal motion expressly invoked § 455(a)'s objective reasonable-observer inquiry and argued that the asserted selective treatment of the separately pleaded Executor plaintiff made impartiality reasonably questionable. **Pet. App. 30a.** The recusal order

instead characterized petitioner's arguments as equating adverse rulings with bias, quoted *Liteky v. United States*, 510 U.S. 540, 555 (1994), stated that the judge did not harbor bias or prejudice and had no financial interest, cited 28 U.S.C. § 455(b), and denied recusal. **Pet. App. 24a.** The order did not identify or apply the distinct objective appearance inquiry under § 455(a).

The reconsideration motion likewise identified specific alleged errors: misapplication of Rooker-Feldman's source-of-injury requirement, failure to conduct the asserted *Fitchik* arm-of-the-State analysis, and failure to address the separately pleaded Executor plaintiff. **Pet. App. 28a-29a.** The November 6 order recited general reconsideration standards at length, but its case-specific analysis consisted of the conclusion that the motion merely sought to rehash arguments previously raised and rejected. **Pet. App. 25a-26a.** It did not identify which material grounds were deemed repetitive or explain why the asserted errors did not fit any recognized reconsideration ground.

7. The court of appeals correctly stated that reconsideration and recusal denials are reviewed for abuse of discretion. **Pet. App. 4a.** Yet its review repeated the same circular logic and citation-without-application pattern: it said petitioner raised no recognized reconsideration ground and cited *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999), then said displeasure with legal rulings does not establish recusal and cited adverse-ruling cases. **Pet. App. 7a.** When petitioner separately challenged the use of text-order dispositions, the panel cited *Witasick v. Minnesota Mutual Life Insurance Co.*, 803 F.3d 184, 189 (3d Cir. 2015). **Pet. App. 7a.** *Witasick* addresses

whether a CM/ECF text order can constitute a valid order and satisfy Rule 58; it does not hold that citation of general propositions supplies the missing case-specific application necessary for abuse-of-discretion review.

8. Petitioner therefore seeks one narrow GVR for three threshold reasons. Plaintiff No. 1, the Executor, received no separate adjudication. Plaintiff No. 2, the pro se individual, was adjudicated, but Element (2) was not established under the pleaded source-and-timing theory. RTG's separately pleaded private-party misconduct was swept into the same jurisdictional disposition without defendant-specific source-of-injury analysis. **Pet. App. 5a n.3.** Petitioner does not ask this Court to decide the medical-malpractice merits, RTG liability, or to hold that every motion requires formal findings. Rule 52(a)(3) generally provides that findings and conclusions are unnecessary on motions. The separate post-judgment question is whether reconsideration and recusal denials may be affirmed for abuse of discretion when the stated reasons do not reveal resolution of the material grounds necessary for review.

REASONS FOR GRANTING THE PETITION

The petition should be granted because the same federal judgment contains three threshold failures. Plaintiff No. 1 (Executor) was pleaded but never separately adjudicated. Plaintiff No. 2 (pro se) was adjudicated, but the panel's Element (2) analysis did not establish judgment-caused injury under the pleaded source-and-timing theory. **Pet. App. 4a-5a, 7a, 31a.** RTG's private-party misconduct was separately pleaded but swept into the same jurisdictional disposition; footnote 3 addressed

remedy, not whether RTG's conduct was an independent source of injury. **Pet. App. 5a n.3.** The three tracks are distinct: no Executor adjudication; erroneous Element (2) adjudication as to the pro se Plaintiff; and no defendant-specific independent-source analysis as to RTG. The preserved Fourteenth Amendment claim and opaque post-judgment dispositions provide additional reasons for remand.

These questions do not require this Court to decide medical negligence, Executor standing under New Jersey law, RTG liability, preclusion, immunity, or the merits of any defenses. The requested disposition is narrower: vacate and remand for three threshold determinations. Plaintiff No. 1 should receive an actual adjudication identifying whether any state judgment made the Executor a state-court loser and whether the District Court separately disposed of that plaintiff. Plaintiff No. 2 should receive reconsideration of Element (2) under the pleaded pre-judgment source of injury. RTG should receive defendant-specific source-of-injury analysis, leaving ordinary pleading, remedy, and defense questions for remand. A single GVR can accomplish all three without deciding malpractice or RTG liability.

I. PLAINTIFF NO. 1 (EXECUTOR) WAS NEVER SEPARATELY ADJUDICATED; THE PANEL'S "WE ARE SATISFIED" SENTENCE CANNOT SUPPLY THE MISSING ADJUDICATION.

A. The federal complaint pleaded two plaintiffs, but the District Court adjudicated only Plaintiff No. 2, the singular pro se Plaintiff. The complaint caption named "TONY PING YEW, EXECUTOR OF ESTATE OF JOHN Y WEI" and "TONY PING YEW PRO SE" and labeled them collectively "PLAINTIFFS." The next page made the

separation explicit: "Plaintiff No 1" was the Executor; "Plaintiff No 2" was Tony Ping Yew, pro se. **C.A. App. A23-A24; Pet. App. 31a.** This is not a dispute over how to characterize one ambiguous caption. The filed pleading itself expressly numbered two plaintiffs and assigned the Executor and individual pro se litigant separate plaintiff designations.

The District Court changed that party structure in its own decisional documents. Both the Opinion and Order are captioned "TONY PING YEW, Plaintiff"—singular. **Pet. App. 13a, 22a.** The Opinion described the pending cross-motion as belonging to "**pro se Plaintiff Tony Ping Yew**" and later stated: "**Plaintiff in this matter is proceeding pro se.**" **Pet. App. 13a, 17a.** Its Rooker-Feldman application then spoke only of a singular "Plaintiff": "Plaintiff lost in state court," "Plaintiff complains," and "Plaintiff has asked the Court" to obtain review. **Pet. App. 19a.** The court never returned to the complaint's Plaintiff No. 1 designation, never identified a state judgment against that Executor plaintiff, and never supplied a capacity-specific jurisdictional analysis. A passing background reference that petitioner had proceeded "pro se and as Executor" did not adjudicate Plaintiff No. 1.

B. The panel's response did not adjudicate Plaintiff No. 1. Petitioner squarely argued that the District Court had failed to distinguish the individual and Executor plaintiffs. The panel did not answer by pointing to an Executor ruling. It said only: "We are satisfied that the District Court recognized that Yew raised claims both individually and as an executor." **Pet. App. 7a.** But the question was not whether the District Court noticed the word Executor. The question was whether the separately pleaded Executor plaintiff **was ever heard and**

adjudicated. For purposes of the operative adjudication, Plaintiff No. 1 was effectively invisible: the District Court adjudicated the singular *pro se* Plaintiff, and the panel affirmed without identifying a separate Rooker-Feldman adjudication of the Executor. For adjudicative purposes, Plaintiff No. 1 was treated as invisible by both the District Court and the panel: the District Court's operative analysis addressed only a singular *pro se* Plaintiff, and the panel's one-sentence assurance of recognition identified no ruling that disposed of Plaintiff No. 1. The panel identified no state judgment making the Executor a state-court loser, no District Court finding directed to Plaintiff No. 1, no application of Rooker-Feldman to that plaintiff, and no disposition of the Executor's preserved due-process objection.

The same defect reaches back to the state record placed before the federal courts. Petitioner repeatedly maintained that the operative state rulings used singular *pro se* or individual formulations, that the 2021 dockets carried different capacities, and that no capacity-specific adjudication of the Executor claim could be identified. *See C.A. Doc. 7-1 at 18, 21-23; C.A. App. A172-A188.* The Court need not decide that historical question itself. The point for certiorari is that neither the District Court nor the panel identified the judgment that supposedly answered it. Rooker-Feldman cannot rest on an unarticulated assumption that Plaintiff No. 1 lost merely because Plaintiff No. 2, the same natural person, lost claims in an individual or *pro se* posture.

C. Plaintiff No. 1 requires a remand for an actual adjudication; Plaintiff No. 2 presents a separate Element (2) issue. Petitioner does not ask this Court to decide the medical-malpractice

merits or to declare that the Executor must prevail. He asks the Court to vacate a federal judgment that extinguished Plaintiff No. 1 without identifying any adjudication of Plaintiff No. 1. On remand, the Third Circuit should require identification of the operative state judgment, the capacity bound by it, and the District Court ruling applying the jurisdictional bar to that capacity. If no such adjudication exists, the Executor claim should be returned for an actual hearing and adjudication rather than dismissed through the one-plaintiff/pro se analysis applied below. Plaintiff No. 2's distinct Element (2) error is addressed in Part II.

**II. PLAINTIFF NO. 2 (PRO SE) WAS
ADJUDICATED, BUT ROOKER-FELDMAN
ELEMENT (2) WAS NOT ESTABLISHED; ONCE
THAT CONDITION FAILS, THE
JURISDICTIONAL INQUIRY ENDS.**

A. Element (2) is an independent and necessary jurisdictional condition.

Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005), confines *Rooker-Feldman* to state-court losers who complain of injuries **caused by** state-court judgments and invite district-court review and rejection of those judgments. The Third Circuit states the doctrine as four necessary conditions. *Great W. Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 166 (3d Cir. 2010). Its own decision in *Holton v. Henon*, 832 F. App'x 781, 784 (3d Cir. 2020), makes the consequence explicit: dismissal on *Rooker-Feldman* grounds requires fulfillment of **all four** conditions.

That sequencing matters here. Element (2) asks what produced the alleged injury. Element (4) asks

whether the requested federal relief invites review and rejection of a state judgment. They may point in the same direction in some cases, but one cannot substitute for the other. If the injury was not caused by the judgment, the jurisdictional bar fails even if the complaint requests relief that is unavailable or awkwardly framed.

B. The panel conflated denial of a remedy with causation of the injury.

The panel said petitioner's source-of-injury argument was "belied by the content of his complaint" because the introductory Statement of Claim and Injuries said that state rulings "caused [the] denial of monetary relief" and that "[t]he injury is Plaintiff was denied monetary damage relief against" RWJUH. **Pet. App. 5a; C.A. App. A25-A26.** But that reads a downstream **denial of a remedy** as though it answered a different question: the **ORIGIN OR SOURCE OF THE INJURY** under Element (2).

ELEMENT (2) REQUIRES A SOURCE-OF-INJURY ANALYSIS. DENIAL OF A REMEDY IS NOT THE SAME AS CAUSATION OF THE INJURY. A state judgment may deny compensation for an **injury that already existed** without producing that injury. **Thus, even if the introductory language could be read to say that the state orders caused the loss of monetary relief, that does not establish that the state orders caused the injury for purposes of Element (2).**

The complaint answered the source question directly in its dedicated *Rooker-Feldman* Points: "This medical malpractice by RWJUH is the causation of Plaintiff injury. **Plaintiff does not allege state**

court Orders caused his injuries.” It further pleaded that the injury preceded the judgments and that “[t]he adverse state court judgment was only a result, not the cause of Plaintiff injury.” C.A. App. A146-A148. Those allegations were not incidental; they were petitioner’s express Element (2) theory. **The panel never reconciled that pleaded source with its reading of the introductory remedy language.**

That is why *Turner v. Crawford Square Apartments III, L.P.*, 449 F.3d 542, 547-548 (3d Cir. 2006), is central. **Turner is the Third Circuit’s own precedent governing the source-and-timing inquiry under Element (2), yet the panel did not address it.** In *Turner*, the injury was attributable to defendants’ conduct that preceded the state judgment, not to the later judgment itself. Petitioner pleaded the same source/timing distinction here. **Thus, even if the panel could rationally read the introductory remedy language as linking the loss of monetary relief to the state orders, it still had to perform the antecedent source-of-injury inquiry required by *Turner*. It did not.**

The contrast with *McCall v. Glendale Uptown Home/GS Operator LP*, Civ. No. 20-1281, 2020 WL 5602525, at *4 (E.D. Pa. Sept. 18, 2020), and *T.M. v. University of Maryland Medical System Corp.*, 608 U.S. ___, 146 S. Ct. 1739 (2026), neutralizes that overreading. In *McCall*, the plaintiff expressly “attributes the injuries she describes in her Complaint to the state court proceedings and judgments.” In *T.M.*, the federal complaint alleged injuries stemming from the consent order itself and sought to have that order declared unconstitutional

and unenforceable. **Nothing comparable exists here: petitioner expressly pleaded the opposite—that the state orders did not cause the injury.** The panel converted a statement that state orders denied a remedy into a contrary allegation that those orders were the source of the injury. **That inference bypassed the source inquiry required by Element (2).**

C. The panel's reliance on RWJUH's absence from the federal caption was outside the Element (2) source-of-injury inquiry.

The panel reasoned that petitioner could not recover medical-malpractice damages from the appellees because RWJUH “was not named as a defendant.” **Pet. App. 5a.** That may bear on remedy, pleading, or the ultimate merits. It does not identify the historical source of the alleged injury. Element (2) asks whether a state-court judgment caused the injury; it does not ask whether the original alleged tortfeasor is presently an appellee.

The record before the panel expressly alleged the opposite causal sequence: RWJUH's alleged medical conduct occurred first; the state judgments came later; and the adverse judgments were “only a result, not the cause” of the injury. **C.A. App. A145-A147.** RTG was itself an appellee and was identified throughout the record as counsel for RWJUH, but even that relationship is not the jurisdictional test. The identity of the parties presently before the federal court cannot retroactively change what allegedly caused the injury.

D. The panel moved from source of injury to requested relief before resolving that causation dispute.

After discussing Element (2), the panel turned to

the requested “remand” and reasoned that the relief would effectively reverse state-court decisions. **Pet. App. 6a.** Footnote 3 then emphasized that petitioner had not requested damages or “some independent relief” against RTG. **Pet. App. 5a n.3.** Those propositions concern remedy and Element (4), or at most the sufficiency of a claim against RTG. They do not answer the separate question whether the alleged injury was caused by the state judgments in the first place.

The order of analysis cannot be reversed. A court may not infer judgment-caused injury merely because the requested remedy would affect a judgment. Otherwise Element (4) swallows Element (2), and the four-condition test becomes a two-condition test focused on loss below and requested relief above. That is the expansion *Exxon Mobil* rejected.

E. Once Element (2) is unmet, the Rooker-Feldman inquiry stops.

This is the central error requiring vacatur. *Holton* requires all four conditions. If Element (2) fails because the pleaded injury was caused by RWJUH or RTG conduct rather than by a state judgment, the *Rooker-Feldman* jurisdictional inquiry ends. The court need not, and may not, use the form of requested relief under Element (4) to manufacture the missing causal condition. Ordinary questions of pleading, preclusion, immunity, available remedy, or failure to state a claim remain open for ordinary adjudication. This Court need not decide causation itself; a GVR is sufficient for the Third Circuit to perform the Element (2) analysis without allowing Element (4) to backfill it.

III. THE WHOLESALE ROOKER-FELDMAN DISMISSAL IMPROPERLY SWEEPED IN RTG'S SEPARATELY PLEADED PRIVATE-PARTY MISCONDUCT ALLEGATIONS.

A. The federal complaint expressly pleaded RTG misrepresentation and invoked Rule 60(b) (3).

RTG was not merely mentioned as counsel in the background. The federal complaint named Ronan, Tuzzio & Giannone as a defendant for alleged "misrepresentation to the courts." **C.A. App. A23-A25.** More specifically, the complaint contained a separate Point XII captioned: "DEFENDANT RTG MISREPRESENTATION TO THE COURT WARRANT FED. R. CIV. P. 60(B)(3) REMAND RELIEF." It further alleged that RTG committed "fraud on the court" and that its alleged misrepresentation concerning petitioner's capacities distorted the state proceedings. **Pet. App. 32a-33a; C.A. App. A117, A120-A123.**

The panel itself recognized that pleading. Footnote 3 states that "Yew raises a claim that RTG made 'misrepresentations to the court' warranting remand." **Pet. App. 5a n.3.** The RTG issue therefore was not invented at certiorari. It was pleaded, argued on appeal, and expressly passed upon by the panel.

B. Alleged private-party fraud or misrepresentation presents a source-of-injury question distinct from legal error by a state court.

Great Western is especially important because it arose from allegations that lawyers and other private actors procured unfavorable state-court results through fraud, misrepresentation, or conspiracy. The

Third Circuit held that the critical inquiry is the source of injury: where the alleged injury stems from third-party conduct rather than the judgment itself, the federal claim is independent for *Rooker-Feldman* purposes. 615 F.3d at 167-168. *Exxon Mobil* likewise holds that an independent claim is not stripped of federal jurisdiction merely because it contradicts a legal conclusion reached by a state court. 544 U.S. at 293.

Persuasive authority reaches the same point in the fraud-on-court setting. *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140-1142 (9th Cir. 2004), distinguished an allegedly erroneous state decision from an allegedly illegal act by an adverse party and held that fraud on the state court may constitute an independent source of injury. Petitioner does not ask this Court to adopt a categorical “fraud exception.” The narrower proposition is that an allegation of RTG’s own misconduct must be analyzed as alleged third-party conduct under Element (2), not automatically relabeled as injury caused by the judgment.

C. Footnote 3 conflated the remedy requested with the existence of an independently alleged wrong.

The panel reasoned that petitioner had not sought damages or “some independent relief” against RTG and had asked only for relief against the state judgments. **Pet. App. 5a n.3.** But the absence of a damages demand does not erase the complaint’s separate allegation that RTG itself committed misrepresentation and fraud. It may mean the pleaded remedy was defective. It may mean the claim required amendment. It may support a Rule 12(b)(6) disposition. Those are ordinary questions for

the District Court after jurisdiction is established; they are not a substitute for deciding the source of injury.

Petitioner likewise does not ask this Court to hold that Rule 60(b)(3) authorized the District Court to vacate a state judgment. Rule 60(b)(3) was the procedural label petitioner used for the alleged RTG fraud. Whether that rule was the correct vehicle is a remedy question. A mistaken remedy label cannot convert alleged private-party misconduct into an injury “caused by” a state judgment and thereby create a jurisdictional bar that otherwise does not exist.

D. RTG is a private non-state actor; that does not itself decide *Rooker-Feldman*, but it confirms that ordinary RTG-specific defenses remained for merits adjudication.

Petitioner's Third Circuit opening brief separately argued that RTG is a private law firm, not the State, an arm of the State, or a judicial officer, and therefore cannot receive Eleventh Amendment sovereign immunity merely because it represented RWJUH. **C.A. Doc. 7-1 at 54-57.** Sovereign immunity protects States and qualifying arms of the State, not ordinary private parties. See *Northern Insurance Co. of New York v. Chatham County*, 547 U.S. 189, 193 (2006). Nor did the District Court identify judicial immunity as an RTG-specific basis for dismissal.

The procedural consequence is important. The District Court stated that after finding *Rooker-Feldman* dispositive, it was “unnecessary” to reach defendants' other nonjurisdictional grounds, “including judicial immunity.” **Pet. App. 19a.** The panel likewise declined the Eleventh Amendment

issue because it regarded *Rooker-Feldman* as dispositive. **Pet. App. 5a n.2.** Thus, if the jurisdictional premise fails as to RTG, there is no alternative merits holding to affirm. RTG-specific defenses remain for the District Court in the first instance.

E. The complaint's use of the word "remand" cannot cure a missing Element (2).

The complaint did not invoke a statutory removal-and-remand mechanism. It used "remand" as a prose label for equitable procedural correction and simultaneously invoked Rule 60(b). The District Court itself observed that a statutory remand was unavailable because the federal case had not been removed from state court. **Pet. App. 19a.** That observation may show that the requested remedy was unavailable. It does not show that RTG's alleged misrepresentation was committed by a state court or that the state judgment was the source of that alleged wrong.

Even if the panel was correct that the requested relief satisfied Element (4), *Holton* still requires all four conditions. Element (4) cannot do the work of Element (2). The appropriate federal remedy now is not a Supreme Court order directing a state court to act. It is vacatur of the federal appellate judgment and remand to the **federal District Court** for defendant-specific consideration of RTG's allegations and whatever ordinary defenses or pleading issues remain.

IV. THE PANEL TREATED CITATION OF GENERAL RULES AS A SUBSTITUTE FOR THE CASE-SPECIFIC APPLICATION NEEDED FOR MEANINGFUL ABUSE-OF-DISCRETION REVIEW.

A. The defect is not the use of text orders; it is the missing application step.

Petitioner does not contend that every motion requires formal findings or a full opinion. Fed. R. Civ. P. 52(a)(3) generally says otherwise. Nor does petitioner dispute that a CM/ECF text entry can constitute a valid order. The narrower point is that abuse-of-discretion review presupposes an identifiable exercise of judgment. A reviewing court cannot determine whether the correct standard was applied or a material ground overlooked when the disposition gives a general citation and conclusion but does not disclose the case-specific path between them.

B. This Court's reviewability cases reject opaque exercises of judicial judgment.

In *Carter v. Stanton*, 405 U.S. 669, 671-672 (1972) (per curiam), this Court vacated an opaque disposition that did not illuminate the relevant facts or law. *Taylor v. McKeithen*, 407 U.S. 191, 194 (1972) (per curiam), and *Dennison Manufacturing Co. v. Panduit Corp.*, 475 U.S. 809, 811 (1986) (per curiam), likewise reflect the need for enough explanation to permit informed review. *United States v. Taylor*, 487 U.S. 326, 336-337 (1988), makes the same practical point where appellate review depends on whether governing criteria were actually applied.

C. Reconsideration shows the problem concretely.

The reconsideration motion specifically asserted

misapplication of *Rooker-Feldman* Element (2), failure to perform the asserted *Fitchik* analysis, and omission of Plaintiff No. 1. **Pet. App. 28a-29a.** Yet the District Court described the motion as a “rehash,” and the panel said petitioner raised no recognized reconsideration ground. **Pet. App. 7a.** *Max’s Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999), itself recognizes clear error and manifest injustice as reconsideration grounds. The unresolved question was why the specific alleged jurisdictional errors did not fit those categories.

D. Recusal presents the same defect under a distinct objective standard.

Section 455(a) asks whether impartiality “might reasonably be questioned.” *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 858-864 (1988), treats that as an objective appearance inquiry. Petitioner invoked that standard. **Pet. App. 30a.** The District Court instead emphasized its own assurance that it harbored no bias and cited § 455(b); the panel answered with the general rule that adverse rulings ordinarily do not establish recusal. **Pet. App. 7a, 24a.** *Liteky v. United States*, 510 U.S. 540, 555 (1994), is not disputed. The problem is the absence of disclosed application of the objective § 455(a) question that petitioner actually presented.

E. *Witasick* answers form, not reviewability.

The panel cited *Witasick v. Minnesota Mutual Life Insurance Co.*, 803 F.3d 184, 189 (3d Cir. 2015), in response to petitioner’s objection to text-order dispositions. **Pet. App. 7a.** But *Witasick* addresses whether a docket entry can constitute an order and satisfy Rule 58. It does not establish that a formally valid but unexplained exercise of discretion is

automatically reviewable. A narrow GVR would allow the lower courts to state enough case-specific reasoning to permit the abuse-of-discretion review the panel itself said governs.

**V. THE PRESERVED FOURTEENTH
AMENDMENT CLAIM CONCERNING
PLAINTIFF NO. 1 WAS SQUARELY
PRESENTED BUT RECEIVED NO DISCLOSED
ADJUDICATION.**

A. The constitutional issue was preserved below.

The federal complaint identified the Fourteenth Amendment among the existing law supporting the filing. **C.A. App. A152**. On appeal, petitioner devoted Point I to the contention that dismissal without adjudicating the Executor capacity denied due process and expressly invoked the Fourteenth Amendment. **C.A. Br. 20-24**. The issue therefore did not arise for the first time in this Court.

B. Neither federal court disclosed a ruling on that claim.

The complaint expressly identified Plaintiff No. 1 as the Executor and Plaintiff No. 2 as Tony Ping Yew, pro se. **Pet. App. 31a**. The District Court recaptioned the case with one singular Plaintiff and stated that “Plaintiff in this matter is proceeding pro se.” **Pet. App. 13a, 17a**. The panel answered the capacity objection only by saying it was “satisfied” that the District Court recognized claims raised individually and as executor. **Pet. App. 7a**. Recognition is not a disclosed adjudication of the preserved constitutional claim.

C. The requested relief is a reviewable adjudication, not first-instance constitutional merits review.

Petitioner does not ask this Court to decide that the state proceedings violated the Fourteenth Amendment. The narrower request is that the lower federal courts identify what happened to the preserved state-action due-process claim and whether any jurisdictional doctrine actually disposed of Plaintiff No. 1. See *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428-433 (1982); *Nelson v. Adams USA, Inc.*, 529 U.S. 460, 465-468 (2000). That question can be addressed on remand together with the capacity and source-of-injury issues.

VI. A SINGLE GVR IS THE APPROPRIATE NARROW DISPOSITION.

A. Vacatur would permit the lower courts to separate three questions that were collapsed together.

First, Plaintiff No. 1 requires a capacity-specific determination: what state judgment, if any, made the Executor a state-court loser and what District Court ruling separately disposed of that plaintiff. Second, Plaintiff No. 2 requires an Element (2) determination that identifies the pleaded source of injury without using requested relief to substitute for causation. Third, the RTG allegations require defendant-specific treatment: whether the independently pleaded private-party misconduct allegations survive ordinary pleading, preclusion, immunity, or other defenses once *Rooper-Feldman* is not used as a wholesale jurisdictional shortcut.

B. The RTG issue is preserved and was passed upon.

The med-mal complaint separately pleaded RTG

misrepresentation and Rule 60(b)(3). **Pet. App. 32a-33a.** Petitioner's Third Circuit opening brief argued that the District Court had failed to adjudicate RTG-specific issues and that sovereign immunity could not extend to a private law firm. **C.A. Doc. 7-1 at 44-47, 54-57.** The panel expressly acknowledged the RTG misrepresentation claim in footnote 3 but treated the absence of damages or other requested independent relief as a reason to keep the claim within the wholesale *Rooker-Feldman* disposition. **Pet. App. 5a n.3.** The issue is therefore fit for a limited GVR; this Court need not decide RTG liability.

C. Section 2106 permits the Court to require the further proceedings that are just under the circumstances.

Under 28 U.S.C. § 2106, this Court may vacate and remand and require such further proceedings “as may be just under the circumstances.” *Lawrence v. Chater*, 516 U.S. 163, 166-168 (1996) (per curiam), recognizes the Court's broad authority to GVR when further lower-court consideration is the sensible course, while *Wellons v. Hall*, 558 U.S. 220, 225-226 (2010) (per curiam), illustrates the use of vacatur and remand to permit meaningful consideration of an issue the lower court did not adequately address.

This petition does not ask for an advisory ruling that Rule 60(b)(3) supplies a mechanism to overturn a state judgment, or that RTG must be held liable. It asks only that the jurisdictional dismissal not foreclose the District Court from deciding in the first instance whether the RTG allegations state any cognizable independent claim, whether a different remedy or amendment is required, and what defenses apply. Those are ordinary federal

adjudicative tasks.

D. The remand requested here is to the federal District Court, not to a state court.

That distinction removes the principal concern expressed below. The Court need not order any New Jersey court to reopen or redetermine anything. It may simply vacate the Third Circuit judgment and remand the federal case. The Third Circuit can then direct the District Court to perform the capacity-specific and defendant-specific analyses that the existing jurisdictional disposition omitted. Any preclusion, pleading, immunity, statute-of-limitations, Rule 60, or merits issue can be decided in the ordinary course.

E. A GVR avoids premature merits decisions while correcting the jurisdictional sequence.

The central question is not whether petitioner ultimately wins. It is whether a narrow jurisdictional doctrine was allowed to do work that belongs to later doctrines. *Exxon Mobil* cautions that *Rooker-Feldman* does not override ordinary preclusion law or transform federal district courts into appellate courts over state judgments. 544 U.S. at 292-293. A GVR would enforce that boundary: first identify the plaintiff and the source of injury; if the jurisdictional bar fails, proceed to ordinary defenses and merits. That limited disposition serves the interest of justice without disturbing any state judgment itself.

CONCLUSION

The Court should grant the petition, vacate the judgment of the United States Court of Appeals for the Third Circuit, and remand for further proceedings. On remand, the lower courts should separately determine: (1) whether Plaintiff No. 1, the

Executor, was ever adjudicated as a state-court loser for *Rooker-Feldman* purposes; (2) whether Plaintiff No. 2 pleaded an injury caused by pre-judgment RWJUH / RTG conduct rather than by a state judgment, without using Element (4) to backfill Element (2); and (3) whether the separately pleaded RTG misrepresentation / Rule 60(b)(3) allegations require federal District Court consideration under ordinary pleading and defense rules. The requested remand is to the **federal District Court**; petitioner does not ask this Court to direct a state court to reopen any matter.

In the alternative, the Court should grant plenary review of the questions presented.

Respectfully submitted,

/s/ Tony Ping Yew

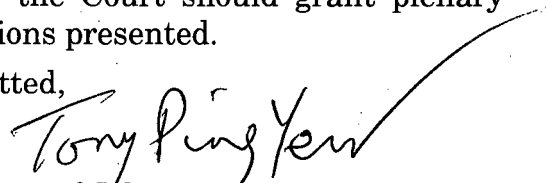
Tony Ping Yew

Executor of the Estate of John Y. Wei

and Pro Se

Petitioners, Self-Represented

Dated: October 9, 2026

A handwritten signature in black ink, reading "Tony Ping Yew", with a long, sweeping horizontal line extending to the right.