

No. 26-5461

In the
Supreme Court of the United States

MARIA FABIA SIMONETTI,

Petitioner,

v.

GERARD ANTHONY SIMONETTI, *et al.*,

Respondents.

**On Petition for Writ of Certiorari to
The United States Court of Appeals for the Second Circuit**

REPLY BRIEF FOR PETITIONER

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STATEMENT OF THE CASE

INTRODUCTION

Petitioner is a pro se litigant and a cooperating federal witness who provided vital evidence, including Skype organized crime members' communications fooling the FBI, to federal investigators and the FBI regarding an international \$3 million Ponzi and money laundering scheme involving Thomas Franklyn Tarbutto (in California jail) and the Beacon Hill Exchange in New York. Respondent has executed a severe and continuous pattern of criminal witness retaliation under 18 U.S.C. § 1512. To punish Petitioner for her cooperation and to evade federal investigators, Respondent explicitly used my daughter to tort, neglected her health, and disobeyed an apostilled custody order at Brooklyn courts and Lower Court @appendix SA-06, which this apostilled Mandate legally ordered him to return the U.S. minor child to Petitioner.

Petitioner, a pro se litigant and cooperating federal witness, brought this bona fide civil rights action under 42 U.S.C. § 1983 and the Fourteenth Amendment to remedy severe, systemic violations of her due process and equal protection rights.

Respondent's, Mr. Gerard A. Simonetti, while fleeing from the FBI, provided a statement to a federal police investigation in 2011, when he abandoned me with a newborn baby, and I found his statement for a federal police investigation in Brazil. He affirmed that all the money sent to him to support us while he was not working came from the Simonetti family company in New York (Mr. Joseph's father and son were the family company managers, and both should not stop paying the health plan and support for us after my in-laws died; they stopped sending money after the federal investigation about the \$3M scheme, Beacon Hill Exchange in NY). I brought this civil rights action against Mr. Simonetti, my daughters' father, because I suffered financial injuries after collaborating with the investigation of a Ponzi scheme. My father-in-law

loved me like a daughter and undoubtedly left a will, yet I never received anything, for Respondents are doing fraud on courts. Instead, I was left unable to work, caring for two minors, one disable, and the father, Respondent Gerard did fraud in Brazil that Judge evicted my daughters from our house in Brazil, facing homelessness in Brazil. For it I filed a case for help, and instead, the Judge in Brooklyn granted custody to the father, wrongly, induced an error by Respondents Lawyer, or another John Doe friend.

In 1998, when my first daughter was born in New York, Mr. Gerard worked at a newspaper in New City, New York. His manager, Mr. Richard Bruce Gutwillig, gave him a list of John Does, some of his friends on this scheme were involved in pedophilia. For what reason did the FBI not investigate him? This inaction occurred even after I turned over all Skype conversations between them to Interpol, to Hon. Vargas in Brooklyn family court, and the federal police in Brazil. Mr. Gerard uses John Does A–Z within the government to help him even financially retaliate against me because I discovered their scheme, which fooled the FBI in Brazil.

Mr. Joseph is also involved in supporting Mr. Gerard, as he said to federal police in Brazil and stopped support me with my daughters. There is no statement or affidavit by Respondent Joseph, I tried to talk with him, before I filed. He even stopped paying for the health insurance plan, leaving two minors, one of whom is autistic, and both of whom are U.S. citizens, without support since 2011. That was the year Gerard left the house to hide from federal criminal charges. In 2019, he took my daughter to hurt me because I collaborated with the FBI.

I provided 300 pages of this Skype evidence to the Honorable Judge Vargas, Family Court. I did go to request to correct the mistake he did on custody, I was not heard at hearing, they changed the Judge; In another words, no due process; as I have always held legal custody of the two U.S. citizen, one is neglect health child. In Brazil, a

parent facing criminal charges is not allowed to have child custody. How is he fleeing from the FBI with my daughter? This is fraud upon the court systems against woman. I should have had legal aid or a prosecutor to help me at the U.S. District Court for the Southern District of New York (SDNY). If I selected the wrong federal questions on the forms, I did what I was instructed to do by the front desk clerk, and all this it is proof that I never received the proper support required for a witness of a crime to protect me or my daughter. When I filed a complaint with the SDNY, I first went to White Plains to finally open a case. The prosecutor complained that I sent a letter I wrote to New York City, it was sent to Philadelphia instead, even the letter for a prosecutor officer get in a prosecutor hands, stop right with securities officer (another John Doe) at Federal Plaza.

Furthermore, when I went to file a certified domestic violence petition at the Brooklyn Family Court, they changed the subject matter of my case to child custody, thereby violating my due process rights.

All this is because Mr. Simonetti uses John Does A-Z friends, list of names in the police in New City, NY, as well; see the police report #2020-00002732, from when I went search my daughter, at the our house in New York, the police officer put his address, of our house, wrong (which I have a right to, valued at \$6M), and put the incorrect address for the respondent, from the location where he worked, where he had the beloved manager who provided him with the list of pedophiles friends John Does A-Z, who work in the government and commit fraud. How is it that I have never had a protective order to me after I came running for help, from my country and asked to permit to I filed a U.S. passport for my daughters, and I never had a help for? Why FBI never caught him and his friends? When I showed all the fraud that he has committed since the first time I sought help at U.S. Embassy and here in New York? It

is the John Doe A-Z pedophiles who are helping him. I am not asking to sue the government, a 100 Jonh Does discriminating a brazilian woman, I am here to kindly request the \$6 Million dollares, and protection for me and my family, my daughter is in danger on her father's hands, missing, there is no prove of address, with Respondent has actively fleeing federal investigators, and concealing the minor, to hurt a witness, a disabled U.S. citizen who is autistic, medically neglect, and suffers from heart and gastric diseases, and no proof of her health, nor address, with an excuse of jurisdiction, when I was having heard time to have a representation or due proccess. I am doing this case while I still learning English, is not because I want to do myself, as a pro se. My daughter has her basic rights violated. Even a dog, to sale the puppy, the vet wait for the puppy get older to take a way from the mother, how my daughter is given to a man who left her with nothing when she born with heart disease, and he is responding a \$3M ponzi crime?

As your Honor may see, on page 32a. on Respondents Brief to opposition, this attached is a document that I filed, a proof from Prosecutor that he did not found Mr. Simonetti, who lied his address continuously; Prosecutor in Brazil send a summon in December 2023, for search my daughter three times, never found him, on case in Brazil; there is the 5th address he lied at Courts in the U.S., and the attached document is a statement from the prosecutor officer that they did not found the father with my daughter, and she is not there neither. He has a International child trafic Mandate already filed in Brazil, scaping from jail. Respondent Lawyer did not prove or rebutted with document all my statements with a excuse sheld of jurisdiction.

Respondent's Brief in Opposition fails to provide a single piece of documentary evidence to support its assertions, leaving Petitioner's substantive claims entirely

unopposed. Instead, Respondent relies on a history of manipulating physical and business addresses to evade justice and mask the ongoing illegal isolation and severe medical neglect of Petitioner's minor daughter.

This case fundamentally concerns egregious constitutional violations and a calculated pattern of federal witness retaliation under 18 U.S.C. § 1512. Respondent has weaponized the complete isolation of an autistic, medically fragile U.S. citizen child to obstruct justice and evade federal investigators. By affirming a threshold dismissal for lack of subject-matter jurisdiction based solely on the family-law context, the Second Circuit directly conflicted with this Court's foundational precedents in *Ankenbrandt v. Richards* and *Marshall v. Marshall*. Supreme Court review is urgently required to correct this dangerous expansion of the domestic relations exception and ensure that a domestic context cannot be used as a fraudulent shield to immunize federal civil rights violations and witness retaliation.

Furthermore, Respondent's technical jurisdictional objections ignore foundational federal law and controlling precedent of this Court. Under 28 U.S.C. § 1331, federal-question jurisdiction over civil rights actions contains no amount-in-controversy or stipulated value requirement, rendering Respondent's defense legally irrelevant. As a pro se litigant and cooperating federal witness, Petitioner's pleadings are entitled to liberal construction and must be held to less stringent standards than formal pleadings drafted by lawyers (*Haines v. Kerner*, 404 U.S. 519). Respondent cannot exploit Petitioner's pro se status to evade justice or trick the Court into ignoring substantial constitutional torts and documented federal crimes. Congress explicitly eliminated the amount-in-controversy requirement for all Section 1331 cases. Furthermore, under the *Twombly/Iqbal* Notice Pleading standards, my subsequent

\$6M calculation is the minimum damage I had, an evidentiary issue for factual discovery.

By failing to answer and rebut or even address Petitioner's federal claims under 18 U.S.C. § 1512, Civil RICO (18 U.S.C. § 1962), and 42 U.S.C. § 1983, including documented witness retaliation, fraud on the court of Appeal by mischaracterizing foreign mandates filed at their own Appendix, and the deliberate concealment of a medically fragile child to evade federal investigators, Respondent effectively concedes the merits of these claims.

ARGUMENT

PART I: The Jurisdictional Substantive Frame

1. Independent Constitutional Torts vs. A Domestic Exception

The Respondent argues that because my civil rights claims touch on topics like "my autistic daughter missing, assets \$6M damage and never received my right on in-laws inheritance, and child custody was fraudulent granted to the father, another Jonh Does friend at Kings family Court, while I have the legal custody done in Brazil and apostiled in NY," they do not implicate any constitutional provision, Federal law or treaty. They Lawyers lie and Judge do not read to confirm, even lied saying Mr. Gerard was exonerated from a \$3M FBI ponzi crime investigation to the Honorable Court of Appeal, at NY, successfully convinced the lower courts to mistakly weaponize the domestic relations exception to throw my entire case out at the threshold stage. The Constitutional Reality in My Statement is that my lawsuit is a bona fide civil rights action under **42 U.S.C. § 1983** and the **Fourteenth Amendment**. I am seeking the \$6M damages for the absolute, state-sponsored deprivation of my 14th Amandament, fundamental parental liberty interests, massive property fraud and a little girl autistic without her rights for his Lawyers misleading Judges and they even

do not read the translations that Respondent distorted. I am not asking a federal judge to rewrite a custody order, I tried to writ and have my daughters rights in Family Court, and I was not even able to be heard; I am seeking severe constitutional violations and my daughters psych and health injuries for I collaborated with FBI and they never filed or punish him or at least protect me and my daughter. I am seeking compensation, damages indemnity, and referral for protect my daughter for being used to hurt and silence me.

The lower courts committed a flagrant error of law by treating the domestic relations exception as a categorical bar. Under long-standing Supreme Court precedents, specifically *Ankenbrandt v. Richards* and *Marshall v. Marshall*, this exception is strictly narrow. It *never* strips a federal court of its mandatory obligation under **28 U.S.C. § 1331** to adjudicate properly pleaded constitutional claims, regardless of a familial background context.

2. The Diversity Jurisdiction Red Herring

In the Respondent's Defensive Frame: The Respondent spends nearly his entire brief arguing that **28 U.S.C. § 1332** destroys my case because both you and co-defendant Joseph Simonetti are listed with New York addresses, which breaks complete diversity, and because you failed to explicitly state the \$75,000 threshold inside your initial complaint text.

However, my case enters the federal judiciary through the front door of **Federal Question Jurisdiction (28 U.S.C. § 1331)**. That I explicitly invoked multiple federal civil rights statutes (§§ 1981, 1982, 1983, 1985), Civil RICO, and federal witness protection laws. This diversity defense is a complete designed to distract the Justices. Where a federal question is active **under § 1331**, complete diversity of citizenship is entirely unnecessary. Furthermore, as an unrepresented *pro se* litigant, my initial

pleadings must be held to "less stringent standards" (*Haines v. Kerner*). The true \$6M dollar valuation of my rights and constitutional losses was fully clarified at SDNY, and before the Circuit Court.

PART II: THE DOMESTIC RELATIONS EXCEPTION DOES NOT BAR INDEPENDENT CIVIL RICO AND FRAUD DAMAGES CLAIMS.

The Domestic Relations Exception is an exceedingly narrow limitation on federal jurisdiction. It applies only to the issuance or modification of decrees for divorce, alimony, or child custody. *Ankenbrandt v. Richards*, 504 U.S. 689 (2002).

Petitioner's claims under the Civil RICO Act (18 U.S.C. § 1964(c)) arise from an international enterprise utilizing cross-border wire fraud, extortion, and systemic subversion of the U.S. Consulate and federal networks to misappropriate minimum \$6,000,000 in assets in NY, this is the minimum of damage that I had it for I collaborated with FBI, and he has a friend FBI leaking info, he is involved with organized crime, that helped him to financially damage me, and even keep my daughter; no where in the world, a father that is fleeing a federal investigation will be allowed to keep an U.S. child neglecting her health for 8 years and never took her to her pediatrics doctors specialist for heart and gastric diseases.

Suing a private tortfeasor for the financial destruction of property and life-threatening retaliation against a federal witness falls squarely within the baseline adjudicative mandate of the United States District Courts. The fact that the parties were once married does not grant Respondent Mr. Gerard a permanent shield against federal liability for organized crime and constitutional conspiracies.

PART III:/ RESPONDENT FAILS TO REBUT PETITIONER'S SUBSTANTIAL FEDERAL AND CONSTITUTIONAL CLAIMS, EFFECTIVELY CONCEDED THE MERITS

Respondent's Brief in Opposition is completely silent regarding Petitioner's core federal claims under 18 U.S.C. § 1512, Civil RICO (18 U.S.C. § 1962), and 42 U.S.C. § 1983. By failing to address these independent federal violations, Respondent effectively concedes that this case involves severe constitutional torts and federal

crimes that extend far beyond a mere domestic relations matter. A jurisdictional defense does not grant counsel a license to mislead the Court or ignore independent federal causes of action. Respondent has waived any counterarguments regarding the following critical points:

1. Federal Witness Tampering and Retaliation (18 U.S.C. § 1512)

Petitioner explicitly pleaded that she and her minor daughter were subjected to severe retaliation and psychological harm because Petitioner cooperated as a federal witness with the FBI and federal authorities regarding a \$3 million Ponzi and money laundering scheme. In the lower courts, Respondent's counsel misleadingly asserted that Respondent was "exonerated" by a prosecutor in Brazil. However, Respondent provided zero documentary evidence of exoneration. Official records demonstrate the investigation was actually forwarded to a prosecutor for action. Respondent's silence in his Opposition confirms he has no legal defense to these witness retaliation claims.

2. Civil RICO Act Violations (18 U.S.C. § 1962)

Petitioner properly invoked federal-question jurisdiction by alleging a structured, ongoing pattern of fraud, concealment, and racketeering. Respondent completely bypassed the RICO statute in his opposition, choosing instead to submerge this Court in hundreds of pages of irrelevant family court records. Respondent uses the family-law context as a smokescreen to hide a multi-million dollar international financial scheme and evade federal investigators.

3. Documented Fraud on the Court by Respondent's Counsel

Respondent's counsel actively induced the lower courts into error by mischaracterizing translated foreign mandates and legal documents. Counsel falsely claimed Respondent

was cleared of the FBI-related investigation, whereas the documentary evidence explicitly shows the Federal Police forwarded the case to a prosecutor (Appendix SA-96 to 108). Respondent does not deny the falsity of his prior statements, nor does he address the evidence showing he is using a medically fragile, autistic child to silence a federal witness.

4. Civil Rights Violations Under Color of State Law (42 U.S.C. § 1983)

Petitioner detailed systemic, severe procedural irregularities in the lower courts, including misdirected correspondence, lack of notice, alteration of docket sheets, and the physical blockage of her access to the courthouse by security personnel.

Respondent's counsel failed to address these Fourteenth Amendment Due Process and Equal Protection violations, relying entirely on the threshold dismissal to avoid answering for the misconduct of state actors acting in concert with Respondent.

5. Apostilled Custody Order

Respondent filed a Mandate lied he has custody of the child (SA-06, @appendix, case#25-117) and explicitly disobeyed, neglect her health, a valid, apostilled custody order filed in the Brooklyn courts, which the reality says Mother, Appellant is the guardian, and required the return of the disabled U.S. citizen minor to Petitioner.

Respondent admitted to moving the child to a remote area of Brazil without disclosure, actively depriving a medically fragile child of essential autism and cardiac treatments to punish Petitioner for her federal cooperation. This is not a domestic custody dispute; it is a coordinated effort to flee federal investigators with my daughter to punish me for learn their fraud, and the domestic relations exception cannot be weaponized to shield such unlawful conduct.

PART IV: Defeated the "Private Actor" argument

Respondent, Mr. Simonetti actively conspired with a New York Jonh Does officer's and others, retaliate me for I learn all the scheme.

Because an official police officer acted under color of law to help my ex ruin me financially as part of this scheme, Mr. Simonetti becomes a state actor by extension under **42 U.S.C. § 1985(3)**. The SDNY cannot claim it lacks a constitutional hook. I know even names of Jonh Doe U.S. Embassy who helped him, I am not able to give more details, my daughter is being used to hurt and silence me.

CONCLUSION

For the foregoing reasons, and those stated in the Petition for a Writ of Certiorari, the Petition should be granted, and Respondent's arguments should be entirely denied and rejected. May your Honor please, expedite this on consideration of the Petition for a Writ of Certiorari, and exercise the Honorable U.S. Court inherent equitable powers to issue an emergency protective referral to the U.S. Department of State and relevant federal authorities to locate, protect the U.S. neglected disable minor, writ the order filed by Respondent on Lower Court, @appendix SA-06, that he should give my daughter back to me, Appellant.

Dated: October 13, 2026

Brooklyn, NY.

Respectfully submitted,



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