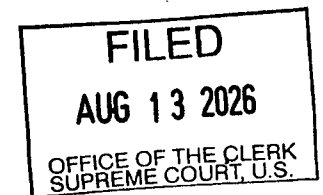


No. 26-5647



IN THE SUPREME COURT OF THE UNITED STATES

KENNETH R. TALLEY,
KRISTINA KAREN TALLEY,
AND KURT R. COSTELLO,
Petitioners,

v.

STATE OF DELAWARE,
LEGAL SERVICES CORPORATION OF DELAWARE, INC.,
AND RIVERDALE PARK, LLC,
Respondents.

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

No. 26-1847

KENNETH R. TALLEY, *Pro Se*
28467 Pocahontas Avenue
Millsboro, DE 19966

KRISTINA KAREN TALLEY, *Pro Se*
2353 E. Cumberland Street
Philadelphia, PA 19125

KURT R. COSTELLO, *Pro Se*
28467 Pocahontas Avenue
Millsboro, DE 19966

Petitioners

Submitted: September 14, 2026



QUESTION(S) PRESENTED

Ken's case presents a clear, novel question: Does the Due Process Clause require courts to provide ADA Title II accommodations and legal counsel to indigent and/or illiterate civil litigants facing loss of property?

Is the granting of *in forma pauperis* status by state and federal courts located in Pennsylvania, in conjunction with the denial of *in forma pauperis* status by state and federal courts located in Delaware, in concurrent related cases, a controlling question of law?

Does the Third Circuit's refusal to compel recusal of the district judge, despite proof of judicial bias demonstrated by public, URL-verified entries constituting valid circumstantial evidence of ex parte communications, violate the Due Process Clause, 28 U.S.C. § 455, and the Delaware Judges' Code of Judicial Conduct Rule 2.9?

Under the Due Process Clauses of the Fifth and Fourteenth Amendments, are state and federal judicial officers permitted to preside over and affirm the judgment of a civil case involving an elderly, indigent, and illiterate litigant after receiving forensic medical evidence of his incompetence — a first-to-second-grade reading level — without appointing a guardian or counsel, where judicial immunity operates to conceal criminal conspiracy, and ex parte communications, proven by public, URL-verified entries as valid circumstantial evidence, mandate recusal under 28 U.S.C. § 455 and the Delaware Judges' Code of Judicial Conduct Rule 2.9?



LIST OF PARTIES

All parties appear in the caption on the cover page. All parties to the proceeding whose judgment is sought to be reviewed shall be deemed parties in this Court, and all parties other than the petitioners shall be respondents as per Rule 12.6. A corporate disclosure statement is not required, see Rule 29.6.

(1) Kenneth R. Talley is an individual who cannot proceed pro se without counsel and a guardian, with residence located at 28467 Pocahontas Avenue, Millsboro, Delaware 19966. Petitioner Kenneth R. Talley is hereinafter referred to as "Kenneth R. Talley," "Ken," "Kenneth," "Mr. Talley," or "petitioner."

(2) Kristina Karen Talley is an individual representing herself pro se, with residence located at 2353 East Cumberland Street, Philadelphia, Pennsylvania 19125, and 28467 Pocahontas Avenue, Millsboro, Delaware 19966. Kristina Talley is serving as Durable Power of Attorney for Kenneth Talley. Petitioner Kristina Talley is hereinafter referred to as "Kristina Talley," "Kristina," or "petitioner."

(3) Kurt R. Costello is an individual representing himself pro se, with residence located at 28467 Pocahontas Avenue, Millsboro, Delaware 19966. Petitioner Kurt R. Costello is hereinafter referred to as "Kurt Costello," "Kurt," "Mr. Costello," or "petitioner."

(4) State of Delaware, represented by and through its Attorney General, is a sovereign state of the United States of America, where it may be served via the State of Delaware, Secretary of State, via Attorney Bryan Smith, Esq., Swartz Campbell, LLC, Suite 1410, 300 Delaware Avenue, Wilmington, DE 19801, and via the State of

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Delaware, Attorney General, via Attorney Bryan Smith, Esq., Swartz Campbell, LLC, Suite 1410, 300 Delaware Avenue, Wilmington, DE 19801. Respondent State of Delaware is hereinafter referred to as "State of Delaware," "Delaware," "state employee(s)," "state," "judicial officer," "judicial officer(s)," "officer(s)," "court," "clerk," or "respondent." Attorney General Kathleen Jennings is the chief legal officer of the State of Delaware and has the authority to file civil actions to protect Delaware's rights and the rights of Delaware citizens — Kenneth Talley, Kurt Costello, and Kristina Talley — under 29 Del. C. § 2504. The Governor is responsible for overseeing the operations of the State of Delaware and is required to take care that Delaware's laws be faithfully executed, see Del. Const., Art. III, §§ 1, 8.

(5) Legal Services Corporation of Delaware, Inc. is a corporation providing free legal services in Delaware. Respondent Legal Services Corporation of Delaware, Inc. may be served via Marshall Dennehey, P.C., Aaron E. Moore, Esq., 1 Righter Parkway, Suite 301, Wilmington, DE 19803. Respondent Legal Services Corporation of Delaware, Inc. is hereinafter referred to as "Legal Services Corporation of Delaware, Inc.," "the public legal aid corporation," "LSCD, Inc.," or "respondent."

(6) Riverdale Park, LLC is a corporation located in Millsboro, Delaware, at 28301 Chief Road, Millsboro, DE 19966. Respondent Riverdale Park, LLC may be served at 113 South Race Street, Georgetown, Delaware 19947. Respondent Riverdale Park, LLC is hereinafter referred to as "Riverdale Park, LLC," "Landlord," "Riverdale Park," or "respondent."



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The appendix contains orders on rehearing, the judgments sought to be reviewed if its entry date differs from the opinion or order, material required by Rule 14.1(f) or Rule 14.1(g)(i), and any other material the petitioners believe essential to understand this application.



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PETITION FOR WRIT OF CERTIORARI

1. Petitioners Kenneth R. Talley, pro se, Kurt R. Costello, pro se, and Kristina Karen Talley, pro se, respectfully petition this Court for a writ of certiorari from the lower court, with a corresponding Motion for Leave to Proceed *In Forma Pauperis*. Petitioner Kenneth Talley was evaluated by a forensic doctor who determined he lacks the legal capacity to represent himself. Petitioners argue that jurisdiction over a person requires that the person be competent to participate, and that Dr. Laura Cooney-Koss's evaluation proves Ken could not read pleadings or understand proceedings. (App. D.) Ken claims due process was denied by Respondent, State of Delaware, in all state court proceedings, see C.A. No. 25-662. This petition does not ask this Court to review the correctness of the property judgment, a legal error made by the state. Petitioners ask this Court to remedy the constitutional void created when courts bind an incompetent man without counsel or guardian, despite medical proof of incapacity. Petitioners have the right to petition this Court asserting that Ken is being denied due process. The Constitution guarantees the right to petition the government for a redress of grievances, see U.S. Const. amend. I. Petitioners respectfully request that a writ of certiorari be granted to review the judgments below.



OPINIONS BELOW

2. For cases from federal court, the opinions of the highest federal appellate court appear at Appendix A and the federal district court opinions appear at Appendix B to this petition, and are reported or have been designated for publication but not yet reported, or are unpublished. As per Rule 14.1(a)(3) and Rule 34, petitioners include a reprint of the lower court opinions in the appendix.

Appendix A: Third Circuit Order(s)/Reargument(s) for C.A. No. 26-1847, see R. 11 and R. 22 in the Third Circuit. Includes the Third Circuit Opinion issued on June 8, 2026, where this disposition is not an opinion of the full Court and, pursuant to Third Circuit L.O.P. 5.7, does not constitute binding precedent. Includes the rehearing/en banc Order denial issued on August 3, 2026. (App. A.)

Appendix B: Federal District Court Order(s)/Reargument(s) for C.A. No. 25-662, see R. 56 and R. 74 in the District Court. Includes the Federal District Court Order denying IFP issued January 23, 2026, and the Motion for Reconsideration of R. 62, Order Denying *In Forma Pauperis*. (App. B.)

Appendix C: Neuropsychological Evaluation, Robert L. Mapou, Ph.D., Pl.'s Ap. G [SEALED] in support of R. 81 Amended Complaint, R. 82 in District Court. (App. C.)

Appendix D: Psychological Evaluation, Laura Cooney-Koss, Psy.D., Pl.'s Ap. F [SEALED] in support of R. 81 Amended Complaint, R. 82 in District Court. (App. D.)

Appendix E: Declarations of Indigency; see also *Talley v. State of Delaware*, C.A. No. 26-8014, Appellant's Mot. for IFP in Third Circuit, R. 3; C.A. No. 26-1847, Appellant's Mot. for IFP in Third Circuit, where the Court previously addressed this issue in a sealed order entered prior to June 24, 2026; Order June 8, 2026, IFP sealed docket



entries; Pl.'s Mot. for IFP in District Court at R. 1, R. 8, R. 9, Pl.'s Aff. of Ind. Kristina R. 8, denied R. 13, Pl.'s Aff. of Ind. Ken R. 8, granted R. 13. (App. E.)

Appendix F: Federal and State *In Forma Pauperis* Orders Granted/Denied, including: Third Circuit IFP (App. E, p. 1–2), Talley v. State of Delaware, C.A. No. 26-1847, IFP Order R. 2, Appellant's Amended Mandamus in Third Circuit R. 4, Appellant Ken Mot. for IFP in Third Circuit R. 5, Appellant Kristina Mot. for IFP in Third Circuit R. 6, Appellant Kurt Mot. for IFP in Third Circuit R. 7, IFP granted R. 10; Third Circuit IFP (App. E, p. 3), Talley v. Horn, C.A. No. 24-1917, Appellant's Mot. for IFP in Third Circuit R. 4, granted R. 12; Third Circuit IFP (App. E, p. 4–5), Talley v. Horn, C.A. No. 24-2358, Appellant's Mot. for IFP in Third Circuit R. 4, R. 8, R. 9, granted R. 11; State Court in Pennsylvania, Philadelphia County Court of Common Pleas IFP (App. E, p. 6), Mullan v. Talley, January Term 2025, C.A. No. 250102631, Def.'s Mot. for IFP in Phl. Cty. CCP R. 83-25017283, granted R. 85-25017285; Delaware Supreme Court IFP (App. E, p. 7), Talley v. Horn, C.A. No. 429,2024, Appellant's Mot. for IFP in DESC R. 1, R. 3, granted R. 24; Delaware Court of Chancery IFP (App. E, p. 8–11), Talley v. Horn, C.A. No. 2021-0011-BWD, Pl.'s Mot. for IFP in COC R. 80, denied R. 80; Pl.'s Mot. for IFP in COC R. 118, denied R. 115; Pl.'s Mot. for IFP in COC R. 128, denied R. 131. (App. F.)

Appendix G: Financial Affidavit, Pl.'s Ap. C in support of R. 81 Amended Complaint, R. 81 in the District Court. (App. G, p. 2, lines 13–14.)

Appendix H: Statement of Related Cases, Pl.'s Ap. B in support of R. 81 Amended Complaint, R. 81 in the District Court. (App. H.)

Appendix I: Evidence of Ex Parte Communications, Appellant's Mandamus in Third

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Circuit R. 1, IFP Order R. 2, Appellant's Amended Mandamus in Third Circuit R. 4, Appellant Ken Mot. for IFP in Third Circuit R. 5, Appellant Kristina Mot. for IFP in Third Circuit R. 6, Appellant Kurt Mot. for IFP in Third Circuit R. 7, Order to Serve Mandamus R. 8, IFP granted R. 10; Appellant's Rehearing-En Banc in Third Circuit, where the Court previously addressed this issue in a sealed order entered prior to June 24, 2026; pp. 6–9, 14, Appendix B, sealed docket entries. (App. I.)

JURISDICTION

3. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1). This petition seeks review of the judgment of the United States Court of Appeals for the Third Circuit entered June 8, 2026, in C.A. No. 26-1847, for which a timely petition for rehearing was denied on August 3, 2026. (App. A.) Under Rule 13.1, petitioners file this petition within 90 days of the Third Circuit's order denying the last rehearing petition. This Court may assess reasonableness based on factors including judicial misconduct, the respondent's assertion of the right to receive due process, and any resulting prejudice based on the related cases. Ken, an indigent-illiterate elderly citizen, cannot act as a lawyer in his own defense, as per a forensic doctor. (App. D.) Petitioners challenge the ruling by arguing that the officers failed to adhere to an administrative process, which violated Ken's constitutional right to receive due process. Petitioners filed additional formal complaints with the Third Circuit Executive after the federal officers named herein engaged in misconduct. Judicial officers exonerate themselves by rejecting investigations into their own misconduct. The petitioners' case history reveals a pattern of continuous and simultaneous eviction and ejectment legal actions in Delaware and Pennsylvania, where the petitioners are suffering from the ongoing



denial of due process. Petitioners submit that the right to a fair trial must remain a fundamental human right. The right to a fair legal proceeding is recognized internationally and is protected by treaties such as the International Covenant on Civil and Political Rights. Officers named herein refuse to allow due process with an ongoing pattern of negligence and misconduct. This Court may review expert forensic and neurologist medical reports and issue subpoenas for more information, as stated in Article III. This Court is the final expositor of the Constitution, exercising its role as per Article III. Petitioners invoke the Judiciary Act of 1789 as the final word on federal law and the U.S. Constitution. The petitioners' motion to proceed *in forma pauperis* and corresponding declarations of indigency are in compliance with Rule 39.1, Rule 39.2, Rule 21, and Rule 33.2, formatting and content standards. (App. E.)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4. Judicial officers violated 10 Del. C. § 146 by failing to recognize Ken's incompetency, despite medical evidence. Ken was forced to proceed without counsel and without a guardian, thereby triggering the indefinite tolling of all appeal deadlines. Under Delaware Code Title 12, Section 3901, referenced alongside 10 Del. C. § 146 for guardianship, Ken is a person with a disability by reason of mental incapacity and was/is unable to manage his property. Ken submits that all fifteen federal officers failed to uphold 10 Del. C. § 146. These statutes are designed specifically to prevent scenarios like Ken's, where an incapacitated person loses property via ejectment because they cannot navigate complex legal agreements or court procedures. The law presumes that without a guardian, such a person cannot validly waive rights or agree to judgments, rendering legal proceedings against Ken void. Court dismissals of Ken's

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appeals are statutorily impossible, as he is incompetent and unrepresented based on the neurological and forensic medical reports. (App. C; App. D.) This statutory framework supports the petitioners' legal argument that the officers named herein acted in clear absence of jurisdiction, as they lacked the authority to bind an incompetent person who was not properly represented under Delaware law. Petitioners request a fair trial and cite the 7th Amendment, the Fourteenth Amendment, and 28 U.S.C. § 455. Specific laws and constitutional principles prevent the same judicial officers from participating in the investigations of their own alleged criminal acts. Petitioners submit that there is a constitutional prohibition where "no man shall be a judge in his own case." This is a foundational legal principle preventing self-investigation, rooted in the Due Process Clauses of the Fifth and Fourteenth Amendments. The principle that no one shall be a judge in their own cause is supported in case law, see *In re Oliver*, 333 U.S. 257 (1948). Petitioners submit that there is a conflict in the structure of the judiciary, where justices investigate their peers and/or themselves, as the complaints are systemic. As the petitioners' complaints allege acts of negligence by officers, those same individuals and/or their direct colleagues who share administrative responsibility cannot ethically review the judicial complaints without violating the rules. Petitioners submit that the act of officers investigating their own misconduct related to the denial of due process for Ken has resulted in the ongoing and further denial of due process. Petitioners cite 28 U.S.C. § 455, Disqualification. While this statute explicitly governs federal judges, it also sets the standard for impartiality that state courts must meet under the Fourteenth Amendment. Under the Full Faith and Credit Clause, U.S. Const. Art. IV,



§ 1, states must respect the judicial proceedings of other states. As civil litigants facing eviction and disability issues, petitioners argue they cannot be denied IFP under the standard civil statute 28 U.S.C. § 1915(e)(2). Under 28 U.S.C. § 1915(a), there is a mandatory *in forma pauperis* status for indigency, where the petitioners are civil litigants who each submitted an affidavit showing they cannot pay fees, and thus must be allowed to proceed IFP. Petitioners submit that there is another controlling question of law where Judge Noreika cannot arbitrarily deny IFP in C.A. No. 25-662, (App. B.) while granting it in another, see Talley v. Donald John Trump, C.A. No. 25-732, Pl.'s Mot. for IFP in District Court R. 1, IFP Order R. 4, Pl.'s Aff. of Ind. Ken R. 5, granted de facto R. 12, Pl.'s Aff. of Ind. Kristina R. 6, granted de facto R. 12; and Talley v. State of Delaware, C.A. No. 25-662, Pl.'s Mot. for IFP in District Court at R. 1, R. 8, R. 9, Pl.'s Aff. of Ind. Kristina R. 8, denied R. 13, Pl.'s Aff. of Ind. Ken R. 8, granted R. 13. This occurred where the petitioners are the same indigent parties in two different federal cases filed almost at the same time, using the exact same declarations of indigency. Petitioners ask this Court to recognize the opposite IFP outcomes. Judge Noreika approved IFP applications for the petitioners in Talley v. Donald John Trump, C.A. No. 25-732, Pl.'s Mot. for IFP in District Court R. 1, IFP Order R. 4, Pl.'s Aff. of Ind. Ken R. 5, granted de facto R. 12, Pl.'s Aff. of Ind. Kristina R. 6, granted de facto R. 12, while at the same time the officer denied the IFP application for Kristina in Talley v. State of Delaware, C.A. No. 25-662, Pl.'s Mot. for IFP in District Court at R. 1, R. 8, R. 9, Pl.'s Aff. of Ind. Kristina R. 8, denied R. 13, Pl.'s Aff. of Ind. Ken R. 8, granted R. 13. The petitioners paid the docketing fee in C.A. No. 25-662 on February 17, 2026. This contradictory application of IFP rules between

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courts in Pennsylvania granting IFP, and courts in Delaware denying IFP, as well as granting IFP in one federal case but not granting it in the second federal case — actions by the same officer — constitutes ongoing violations of the Fifth Amendment's Due Process Clause. This Court has established that indigent litigants cannot be denied access to courts in civil matters involving fundamental rights based on arbitrary financial barriers. Petitioners submit that this is a due process violation: denying IFP to the disabled and/or indigent civil litigants effectively bars them from multiple courts, violating the Fifth Amendment's Due Process Clause, which states: "nor shall any person be deprived of life, liberty, or property, without due process of law." This clause is part of the Bill of Rights and applies specifically to the federal government. It guarantees both procedural due process — fair procedures before deprivation — and substantive due process, which includes protection of fundamental rights from government interference. This Court has long held that courts cannot impose financial barriers that deny access to justice for indigent parties in civil matters involving fundamental rights. Petitioners cite errors in the application of law and procedure as their constitutional basis, and federal subject-matter jurisdiction is found in Article III of the U.S. Constitution and 28 U.S.C. § 1331.

STATEMENT OF THE CASE

5. As per Rule 14.1(g), review of a judgment of the U.S. Court of Appeals is sought, and the basis for federal jurisdiction in the court of first instance includes constitutional violations. Despite the presentation of expert forensic evidence, officers blame the controversy on Ken, falsely claiming that he acted with "wanton negligence." These acts constitute a violation of the Due Process Clause, which guarantees a "meaningful



opportunity to be heard," *In re Oliver*, 333 U.S. 257, 273 (1948), and a violation of 28 U.S.C. § 455(a), which prohibits a judge from presiding where "impartiality might reasonably be questioned." Petitioners contend that the refusal of officers to accommodate Ken's documented indigency and illiteracy, in the continued acts of denying counsel, and specifically denying Ken a guardian — all of these violations combined are decidedly acts of wanton negligence that constitute violations of the Fifth Amendment and the Fourteenth Amendment under the Due Process Clause. Petitioners assert that officers ignore procedural failures and ignore Ken's inability to read complex legal documents, which creates an unconstitutional barrier to justice that officers have failed to remedy due to jurisdictional dismissals under the Rooker-Feldman doctrine. Petitioners submit that Judge Noreika's conduct constitutes judicial misconduct under the Code of Conduct for United States Judges, and list the specific grounds for recusal to the best of their ability under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 351 et seq. Petitioners note there are inconsistencies with regard to Judge Noreika's IFP rulings, granting a *de facto* IFP ruling in C.A. No. 25-732, while denying IFP in C.A. No. 25-662 against Respondent, State of Delaware, for the same civil litigants, when these cases were filed in the same time frame. (App. B.) This was the primary basis for the petitioners' writ of mandamus seeking the recusal of Judge Noreika. This specific contradiction of granting IFP in one federal civil case while denying it in another for the same parties is a controlling question of law. As per the Third Circuit Order, June 8, 2026, in C.A. No. 26-1847, officers from the appellate court denied the petitioners' request for a writ of mandamus, but did so without addressing the core conflict of the IFP denial itself.

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(App. A.) Petitioners submit that these acts of negligence by officers leave the underlying IFP conflict between state and federal courts an unresolved legal controversy. Pennsylvania state and federal courts granted IFP, while at the same time state and federal courts in Delaware are mixed, granting and denying IFP, presenting controlling questions of law for this Court. Petitioners submit that the inconsistency of denials regarding IFP to legally disabled persons, Ken and Kristina, who have already been deemed indigent by other courts, violates the Americans with Disabilities Act (ADA) and the Fifth and Fourteenth Amendment's Due Process Clauses, as it effectively bars access to the state and federal courts that denied IFP, see U.S. Const. amend. XIV, § 1. Ken, a 90-year-old indigent man with a verified first-to-second-grade reading level, see Dr. Cooney-Koss Forensic Evaluation, (App. D.), was forcibly removed from his home by law enforcement via Respondent, State of Delaware, on October 3, 2023, and removed again by law enforcement on August 26, 2025, without a trial prior to the ejectment by force, where a trial is required prior to ejectment under Delaware law, see Del. R. Civ. P. Super. Ct. 81, Ejectment. Federal officers of the Third Circuit and District Court are bound by state-specific laws and the Delaware Constitution, see Del. Const., Art. I, § 4, and Del. Const., Art. I, § 9. The officers mentioned herein must adhere to federal constitutional due process requirements. Petitioners submit that by denying ADA Title II access, these officers are effectively helping Respondent, State of Delaware. Judicial officers continually force Ken to represent himself despite the neurological and forensic medical reports, where Respondent, State of Delaware, denied Ken's request for a guardian, see Talley v. Clark, C.A. No. S24C-10-022-CLS, S24C-10-022-CAK, Delaware Superior Court.

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The officers, in their denial of the petitioners' rehearing for a writ of mandamus on August 3, 2026, ignored the petitioners' submission of verified circumstantial evidence of ex parte communications found in a public forum. (App. I.) Judicial officers failed to disclose ex parte communications, which may be considered a structural error, which may lead to an automatic reversal on appeal without needing to prove specific prejudice to the outcome, see evidence of ex parte communications. (App. I.) The refusal of these officers to address this evidence is a departure from the accepted course of judicial proceedings, leaving Ken homeless and without due process. This petition highlights the direct contradiction in IFP orders where a federal court in Pennsylvania, and a state court in Pennsylvania, granted orders for IFP. Judicial officers in two states have inconsistent rulings, granting and denying IFP. Petitioners maintain that the infringement is not merely a procedural issue but a violation of federal due process and ADA Title II disability rights, where the federal officers, and state courts, ignored courts in Pennsylvania including the Philadelphia Court granting IFP.

REASONS FOR GRANTING THE PETITION

6. The issues presented in this petition are extraordinary and require this Court's prompt resolution as per Rule 10 and Rule 14.1(c). Petitioners argue there is a structural error, where ex parte communications occurred between judges making decisions in cases related to Ken; these acts constitute a structural defect that voids the related judgments. Petitioners argue that forcing Ken, an indigent-illiterate litigant, to proceed *pro se* while judicial officers communicate secretly denies a meaningful opportunity to be heard. The officers stated that petitioners offered no



factual support of ex parte communications; this is false. Petitioners did submit authenticated screenshots, but the officers failed to recognize the public, URL-verified entries as valid circumstantial evidence, constituting a clear error in evaluating the refusal. Petitioners explicitly state this Court is not being asked to correct an error in the Third Circuit's application of law to facts. This Court is being asked to resolve a fundamental constitutional ambiguity regarding the rights of the incompetent poor. The judiciary has the power to strip Ken, the indigent and disabled/illiterate citizen, of his property and his right to receive due process by simply ignoring irrefutable forensic medical evidence. Judges collectively ignored the forensic evidence of Ken's incompetence without consequence, which renders the Due Process Clause meaningless and sets a precedent for millions of indigent and/or illiterate citizens. Under Rule 10(b), this Court grants review when a federal court decides an important federal question in a way that conflicts with a decision of this Court, and/or another federal court's decision. This Court may grant review where a Delaware state court decides an important federal question regarding indigency and access to courts, in a way that conflicts with a federal court, the Third Circuit/District Court, and another state court in Pennsylvania. The petitioners' case presents a clear example of a due process violation, where conflicting IFP rulings deny the petitioners meaningful access to state and federal courts. Pennsylvania state and federal courts granted IFP based on affidavits of income, acknowledging the petitioners' poverty. Respondent, State of Delaware, IFP decisions are inconsistent with the state Supreme Court granting IFP. The state Supreme Court did not require fees, granting IFP *de facto*, see Delaware Supreme Court IFP, Talley v. Horn, C.A. No. 175,2024, Appellant's Mot. for IFP R. 5,

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R. 8, granted R. 11. The state Supreme Court then granted indigency, Delaware Supreme Court IFP, Talley v. Horn, C.A. No. 429,2024, Appellant's Mot. for IFP R. 1, R. 3, granted R. 24, which was then ignored by other state courts. (App. F.) The Court of Chancery and Justice of the Peace Court continually deny IFP, see Talley v. Clark, C.A. No. JP17-25-005616, Def.'s Mot. for IFP in JP-17, R. 28 (AUG 2025, 03:17 PM), denied R. 02 (SEP 2025, 11:25 AM). The federal court IFP decisions are inconsistent, granting IFP in one case and denying IFP in another case filed at the same time. Petitioners argue there is judicial estoppel: the Third Circuit's IFP approvals, the Philadelphia County CCP IFP approval, and the District Court's approval of *de facto* IFP in C.A. No. 25-732 arguably bind the other state and federal courts under principles of judicial estoppel, preventing the contradicting state and federal courts from making inconsistent findings on the same facts. Petitioners argue that the decision of these officers was not just wrong, but a departure from the accepted and usual course of judicial proceedings. Petitioners submit that there is a departure from judicial norms as per Rule 10(a), and assert that no federal court has ever sanctioned the ongoing ejection of an elderly, indigent, and illiterate person, without a trial, while simultaneously denying the elderly citizen counsel and IFP status. Petitioners argue there is an exception based on newly discovered forensic evidence, and submit that the proof of ex parte communications, and the formal admission by the Court of Chancery of "staff error," are facts that change the case. The Judicial Conduct and Disability Act empowers the Chief Justice to investigate and resolve complaints after federal officers have engaged in conduct prejudicial to the effective administration of justice. Forensic medical reports demonstrate "Mr. Talley's reading, spelling, and



writing skills were found to be far lower than his intellectual abilities and were only at the first to second-grade level," see App. D, p. 8, line 2, thus Ken objects to the denial of counsel and a guardian at all legal proceedings. Petitioners provide evidence of incompetency after a forensic doctor determined *"he was not competent to represent himself during his past legal proceedings,"* see App. D, p. 13, line 20 and App. C. The appellate court has decided an important federal question in a way that conflicts with a decision by a state court of last resort; and the appellate court has departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure as to call for an exercise of this Court's supervisory power. Petitioners highlight that the Third Circuit's actions conflict with this Court's precedents in *Boddie v. Connecticut*, 401 U.S. 371 (1971), regarding access to courts, and *Ford v. Wainwright*, 477 U.S. 399 (1986), where incompetency bars proceedings, thus creating a circuit split on whether medical evidence of illiteracy triggers a mandatory duty to appoint counsel. After Ken and Kristina have been arrested during ejectment(s) by police, the Criminal Justice Act, 18 U.S.C. § 3006A (CJA), is applicable. The CJA requires federal courts to place in operation a plan for providing representation to any financially eligible person. A person is "financially unable to obtain counsel" within the meaning of 18 U.S.C. § 3006A(b) if the person's net financial resources and income are insufficient to obtain qualified counsel, see Guide to Judiciary Policy, Vol. 7A, Chapter 2, § 210.40.30(a). (App. G.) The CJA 23 Financial Affidavit gives guidance to all courts regarding how to resolve conflicts between an individual's Fifth Amendment and Sixth Amendment rights, including limited civil exceptions, see (App. G, p. 2, lines 13–14). Petitioners argue there is a gap between Ken's Fifth Amendment and Sixth Amendment rights.



Petitioners submit that these officers demonstrate personal bias, even after seeing the forensic medical report, the officers continue to deny ADA Title II accommodations.

Judge Noreika failed to act regarding the petitioners' Motion for Preliminary Injunction and Temporary Restraining Order in the District Court (R. 27). This failure to act led to another unlawful ejection by police on August 26, 2025, in a state case where petitioners were not allowed to participate in a hearing or trial prior to ejection, see Judicial Officer Kenneth S. Clark, Jr. v. Ashley Moore, C.A. No. JP17-25-003717. Petitioners submit that this is a violation, as per 28 U.S.C. § 144, and 28 U.S.C. § 455(b)(1). Petitioners have compelling evidence that convinces a reasonable person bias exists. Petitioners include the public Uniform Resource Locators (URLs) with attestation as authentication of the screenshot evidence under Federal Rule of Evidence 901. (App. I.) The URLs allow any person to independently visit the public website and confirm the text exists exactly as shown in the screenshot. Petitioners maintain that the screenshots and URLs are part of an immutable record. Petitioners argue that the public nature of each URL serves as a timestamped, immutable ledger that prevents the evidence from being altered or denied. Petitioners have submitted a notarized declaration authenticating the URLs and the content displayed at each URL as of the date of the declaration, together with printed copies of each page referenced. (App. I.) The evidence of ex parte communications was provided to the Third Circuit in the Appellant's Rehearing-En Banc, see pp. 6–9, 14, Appendix B, sealed docket entries, but the significance of verifiable public data was overlooked. Delaware Judges' Code of Judicial Conduct Rule 2.9 strictly forbids judges from initiating or considering ex parte communications (secret communications with one side) concerning Ken's pending legal

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matters. (App. I.) Petitioners explicitly direct this Court to the URLs to cure any ambiguity about the evidence's public nature. Petitioners explain why the URLs matter: unlike a private note, the data is on a public, searchable ledger accessible to all, serving as objective corroboration of the Petitioners' claims regarding ex parte communications. These federal officers failed to recognize the public, URL-verified entries as valid circumstantial evidence. Petitioners submit that the lower courts' failure to address verified ex parte communications creates a conflict with established due process precedents, see *Liteky v. United States*, 510 U.S. 540 (1994), and *In re Murchison*, 349 U.S. 133 (1955). Petitioners attended a hearing in the federal district court where Judge Noreika was screaming, openly voicing anger over the remand order. As per Rule 12.7, petitioners may cite from the record even if the record has not been transmitted. This behavior is not allowed under the rules of judicial conduct. Petitioners submit that it is entirely possible, and legally arguable, that the Rooker-Feldman doctrine is failing to serve its intended purpose in this specific legal controversy, especially given the history of more than fifty (50) related cases for a single underlying dispute. (App. H.) This is highly abnormal and suggests a breakdown in the judicial process rather than malice. (App. H.) Judge Noreika's 15-month delay after remand in C.A. No. 23-982 substantiates allegations of judicial bias, including ignoring Ken's competency based on forensic evidence. Petitioners submit that there is an appearance of impropriety, see 28 U.S.C. § 455(a). Petitioners maintain that any reasonable person would question Judge Noreika's impartiality. Petitioners argue that judges accused of misconduct have a direct personal financial interest in the outcome of any inquiry into those acts. The impartiality of these officers



is inherently questionable, and their personal knowledge of their own alleged criminal intent makes them statutorily ineligible to judge their own matters of alleged misconduct. Under 28 U.S.C. § 455, a federal officer is prohibited from presiding over a proceeding in which their impartiality might reasonably be questioned, including cases where they have personal bias or knowledge of disputed facts, where the statute itself governs recusal. This Court has long held that due process is violated when a judge adjudicates a case in which they have a direct personal interest or are effectively investigating their own conduct. This principle is known as "no one shall be a judge in their own cause," which was upheld in the decisions of *In re Oliver*, 333 U.S. 257 (1948), and *Rippo v. Baker*, 137 S. Ct. 905 (2017). Petitioners submit that there is proof of a relationship within the third degree, see 28 U.S.C. § 455(b)(5). As the petitioners' complaints filed in August of 2026 allege criminal acts by officers, those same officers and/or their direct colleagues who share administrative responsibility cannot ethically review the judicial complaints without violating the rules, see Delaware Judges' Code of Judicial Conduct, Rule 2.11, for recusal in a criminal investigation. Petitioners argue federal intelligence agencies fail to come forward and disclose investigations after the DOJ's DE Local Area Network (naled) voice over internet protocol (VOIP) data shows Honorable Stephanos Bibas engaged in ex parte communications with Attorney, Kenneth Wan, Esq., investigation by Darryl Goss, FBI. As per the Delaware Judges' Code of Judicial Conduct, Rule 2.11, federal officers ruling on cases in the District Court are bound by the Delaware Judges' Code of Judicial Conduct, which mirrors the federal standard and explicitly mandates recusal in situations of self-interest, see Delaware Judges' Code of Judicial Conduct, Rule



2.11(A). This rule states that a judge shall disqualify themselves in any proceeding in which the judge's impartiality might reasonably be questioned, including Delaware Judges' Code of Judicial Conduct, Rule 2.11(A)(1), which specifically lists this type of situation, where the judge has a personal bias or prejudice and/or personal knowledge of disputed evidentiary facts. Judge Noreika was appointed by Respondent, State of Delaware, to a court-appointed position in the Family Court. As a federal judge and former private practitioner in Delaware for 25 years, Judge Noreika interacts regularly with state officials, where from 2002 until her federal appointment, she served the state as a guardian ad litem. This position was court-appointed by Respondent, State of Delaware, in the Family Court, with direct collaboration of state judges and court officials. During Judge Noreika's tenure at Morris, Nichols, Arsht & Tunnell, LLP., involved frequent litigation in state courts, necessitating professional relationships with state attorneys and judiciary members, including Honorable Judge Jon E. Abramczyk, appointed to the Superior Court, and a prior law clerk at the Delaware Supreme Court. Petitioners show proof of relationship within the third degree, indicating there are relationships with other lawyers and judicial officers employed by the state, which mandate recusal. Petitioners submit that there is an issue with prior participation, see 28 U.S.C. § 455(b)(2)/(3). Petitioners maintain that the rule of necessity exception does not apply, as it cannot override the constitutional due process right of the petitioners or the public interest to have allegations against a judge reviewed by an impartial tribunal. Allowing judicial officers to investigate and exonerate themselves renders the Due Process Clause meaningless. The conduct described in this petition is of such severity that, if willful, it would constitute a

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violation of 18 U.S.C. § 242, Deprivation of Rights Under Color of Law. The existence of this criminal statute underscores the gravity of the due process deprivation at issue: the officers named herein, acting under color of state and federal law, have subjected a 90-year-old, indigent, and illiterate man to the ongoing denial of his fundamental right to access the courts. The fact that Congress has criminalized this category of conduct reinforces that the due process violations described in this petition are not mere procedural errors but deprivations of constitutional rights of the most fundamental kind. Judge Noreika held a hearing on July 29, 2026, 15 months after remand, where she violated § 455(a). Petitioners submit that the officer screamed at the top of her lungs at the hearing, and the behavior was so extreme that it indicates a closed mind or prejudgment of their case, not mere frustration. Judge Noreika's conduct undermined the appearance of a fair process at the hearing. A trial has been denied for several years by Judge Noreika and Respondent, State of Delaware, and petitioners argue that all of these denials have prejudiced Ken's ability to mount a proper defense, especially after the death of his wife, Janice, a primary witness. Petitioners submit that there is an order of operations, where application of the law is sequential. When a judicial officer applies the law out of sequence, it may be classified as an abuse of discretion or judicial misconduct. This is particularly egregious where judicial bias resulted in the denial of a hearing for Ken. Petitioners argue that the law is numbered and ordered for a reason and must be applied sequentially. A fundamental principle of procedural due process is the prohibition against arbitrary and selective enforcement of rules. Petitioners maintain that federal officers departed from the established sequence of procedural rules, applying them arbitrarily to achieve



a predetermined outcome (denial) rather than following the numbered and ordered process required by state law. In addition to the laws cited herein, petitioners cite state laws that have been misinterpreted or misapplied by federal judicial officers: Adequate remedy in other courts, Article I, § 4 of the Delaware Constitution, 10 Del. C. § 369, 10 Del. C. § 342; Power of courts, 10 Del. C. § 6501; Construction of contract, 10 Del. C. § 6503; Statute of Limitations, 10 Del. C. § 7901, Right of Entry; Del. R. Civ. P. Super. Ct. 126; Del. R. Civ. P. Super. Ct. 19; Del. R. Ch. Ct. 21; Del. R. Ch. Ct. 136; Del. R. Ch. Ct. 137; Del. R. Ch. Ct. 144; Del. R. Civ. P. Super. Ct. 26; Del. R. Civ. P. Super. Ct. 26(b); Production of documents, Del. R. Civ. P. Super. Ct. 34; Requests for admission, Del. R. Civ. P. Super. Ct. 36; Rules of the Supreme Court of the State of Delaware, Rule 26(b); Del. R. Civ. P. Super. Ct. 81, Ejectment; Del. R. Sup. Ct. 42; Del. R. Sup. Ct. 42(f); Delaware Code 1852, § 1933; Delaware Code 1915, § 3844; Delaware Code 1935, § 4367.

Legal Significance of Unruled In Forma Pauperis Applications

7. In connection to all of this is the judicial officer's failure to issue a formal ruling on IFP applications, while simultaneously accepting filings without fees. This creates a critical procedural contradiction that strengthens this petition. Under Fed. R. App. P. 24 and 28 U.S.C. § 1915, the acceptance of documents without prepayment of fees constitutes a *de facto* grant of IFP status. Petitioners submit that there is a *de facto* recognition of indigence: by docketing and processing court documents without demanding the filing fee, the lower court effectively acknowledged indigency. This administrative practice confirms that the lower courts recognized the financial barrier but failed to provide the corresponding legal protections and accommodations required



for Ken, an illiterate-indigent litigant proceeding pro se. Petitioners have legal grounds where the inconsistencies support the argument that the lower courts engaged in arbitrary administration, violating the Due Process Clause by creating a contradicting IFP status. Petitioners address the waiver of fees as an admission of jurisdictional prerequisites, where the acceptance of filings without fees implies the Court waived the financial prerequisite for jurisdiction. There is specific evidence of actual injury: the loss of property rights due to the inability to read or pay, where the officers erred in dismissing, as the injury stems from the process — the denial of accommodation — not the state court judgment.

Connection to Judicial Immunity and Wanton Negligence

8. Procedural failures reinforce the petitioners' claims. Under *Mireles v. Waco*, 502 U.S. 9, 11 (1991), judicial immunity "can be overcome only if a judge's actions are nonjudicial or were taken in the complete absence of all jurisdiction." The courts below acted in the complete absence of all jurisdiction: they proceeded to judgment against a party they knew to be incompetent to represent himself, without appointing a guardian, in violation of 10 Del. C. § 146 and 12 Del. C. § 3901. A court that lacks the authority to bind an incompetent party without a guardian acts outside its jurisdiction entirely. No immunity protects a judgment entered in the complete absence of jurisdiction. *Mireles*, 502 U.S. at 11. The petitioners' legal argument is that managing fee collection and IFP status are administrative functions. By accepting filings without fees, while at the same time refusing to formalize the IFP status, these officers acted with wanton negligence toward the petitioners' known disabilities and/or indigency. This administrative function is not a "judicial act" protected by immunity, but instead



a clerical and systemic failure that directly harms the petitioners' ability to prosecute their appeal effectively. Petitioners emphasize that the refusal to rule by these federal officers was not a discretionary judicial decision but an administrative abdication of duty, removing immunity for this specific failure. Wanton negligence in this violation is a non-judicial act: the refusal to accommodate Ken's illiteracy is not a "judicial decision" but an administrative failure, amounting to wanton negligence. Petitioners argue that managing court access and ensuring a litigant can read is an administrative function, not a discretionary judicial one. Under *Butz v. Economou*, 438 U.S. 478 (1978), and *Cleavinger v. Saxner*, 474 U.S. 193 (1985), absolute immunity only covers functions normally performed by a judge. Enforcing financial barriers against a medically certified illiterate person is not a normal judicial function but rather an administrative violation of due process.

Judicial Misconduct and Due Process Violations

9. The judicial misconduct in Ken's case centers on the wanton negligence of officers who, despite possessing a forensic evaluation by Dr. Cooney-Koss confirming Ken's first-to-second-grade literacy and incompetence to represent himself, continue to force Ken to proceed *pro se* in complex litigation without counsel and without a guardian. These acts of wanton negligence constitute violations of the Due Process Clause because a court lacks fundamental jurisdiction to bind an incompetent party without a guardian. The misconduct is compounded by a clear absence of jurisdiction, and by ignoring medical proof of incapacity and/or indigency, these officers acted outside their jurisdiction, see *Stump v. Sparkman*, 435 U.S. 349 (1978). Petitioners maintain that there is an administrative abdication, where officers engaged in non-judicial



administrative misconduct by accepting filings without fees — a *de facto* indigence recognition — while refusing to formally rule on the IFP applications, creating a "phantom status" that denied Petitioner Kenneth access to necessary accommodations like counsel. Petitioners submit that there is a self-investigation conflict: the judiciary is composed of the accused judges themselves, as well as their lifelong peers. Judicial officers systematically dismiss Ken's claims as "legal errors" rather than ethical breaches, shielding themselves, and other judicial officers, from accountability and perpetuating the denial of due process for Ken. Judicial officers cannot legally adjudicate the rights of Ken, a person they know is incapable of understanding the proceedings, based on forensic medical evidence. Petitioners contend that jurisdiction requires a legally competent person, and officers cannot proceed against Ken without appointing counsel and a guardian.

Laws Judicial Officers Must Follow

10. Judicial officers are legally mandated to follow specific federal and state laws protecting elderly, illiterate litigants, including Ken. The failure of officers to adhere to these statutes constitutes the basis for petitioners' claims of wanton negligence and due process violations based on the Americans with Disabilities Act (ADA) Title II, where 42 U.S.C. § 12131 et seq. prohibits discrimination by public entities, including state courts, against qualified individuals with disabilities. Petitioners submit that there is a requirement where courts must provide reasonable accommodations to ensure a litigant with a disability, such as illiteracy/learning disability confirmed by Dr. Cooney-Koss, has an equal opportunity to participate in proceedings. (App. D.) Petitioners submit that the violation occurred by forcing Ken, with a first-to-second-



grade reading level, to navigate complex court procedures without assistance, including appointed counsel and a guardian ad litem, which violated the mandate to make "reasonable modifications" to policies and practices. The lower courts cannot claim "undue burden" when the accommodation is fundamental to the litigant's ability to understand the legal proceedings, see ADA Title II regarding court accommodations for illiteracy and/or a learning disability. Petitioners claim acts of wanton negligence and due process violations based on the Rehabilitation Act of 1973, Section 504, where 29 U.S.C. § 794 prohibits discrimination in any program receiving federal financial assistance, which includes the Delaware court system. Petitioners submit that there are requirements similar to the ADA Title II: the Rehabilitation Act of 1973, Section 504, requires courts to ensure that no qualified individual with a disability is excluded from participation or denied benefits solely due to their disability. Petitioners submit that the violation occurred by ignoring the forensic evaluation of Ken's incapacity; the court effectively excluded him from the "benefit" of a fair legal proceeding. The law requires an interactive process to determine necessary accommodations. Ignoring the medical evidence entirely is a direct violation of this statutory duty. Petitioners claim acts of wanton negligence and due process violations based on 28 U.S.C. § 1915, where this federal statute governs proceedings for indigent litigants in federal courts and sets the standard for access that state courts must meet under the Fourteenth Amendment. The statute implies a duty to ensure that financial barriers do not block access to justice for those unable to read or understand fee requirements. Petitioners submit that the violation occurred in the officer's failure to formally rule on the IFP application while accepting filings, which creates a procedural void. Under § 1915 and

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related case law, *Boddie v. Connecticut*, 401 U.S. 371 (1971), courts cannot impose financial barriers, like fees, that effectively deny a "meaningful opportunity to be heard" to Ken, an indigent, illiterate person. Under 28 U.S.C. § 1915, state and federal courts have a duty to accommodate Ken, an illiterate, indigent litigant. Petitioners claim acts of wanton negligence and due process violations based on the Fifth Amendment and the Fourteenth Amendment, regarding due process and equal protection under the law. The Due Process Clause under these amendments guarantees a "meaningful opportunity to be heard" before deprivation of life, liberty, or property. Petitioners maintain that there are requirements where this Court has held that states cannot enforce judgments against parties who were denied a fair chance to present their case due to inability to navigate the system, see *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996). For Ken, an illiterate litigant, due process requires affirmative steps by officers of the court to ensure understanding, including appointing a guardian ad litem for Ken. Petitioners submit that the violations occurred by proceeding to judgment against a person known to be incompetent to represent himself, which violates the fundamental requirement of procedural due process. Petitioners claim the officers committed acts of wanton negligence and constitutional due process violations based on the Delaware Code and Judges' Code of Judicial Conduct. Petitioners cite Delaware Judges' Code of Judicial Conduct, Rule 2.14, Disability and Impairment, and 10 Del. C. § 146, regarding mentally incompetent persons, which imposes specific state-level duties. Petitioners maintain that there are requirements: judges must take appropriate action when they have a reasonable belief that a party is impaired by a mental or physical condition. Delaware law explicitly pauses appeal deadlines for



incompetent persons who are not represented by a guardian, acknowledging their vulnerability. Petitioners submit that the violation occurred by not allowing Ken to receive due process, including 2 years of delays, despite possessing Dr. Cooney-Koss's report. (App. D.) The officers violated an ethical duty under the Delaware Code to protect the integrity of the proceedings for Ken, an impaired party, and failed to appoint a guardian ad litem, a mandatory safeguard under state law for incompetent litigants. To address the exploitation and undue influence by officers, petitioners rely on Delaware civil authorities. Judicial officers failed to uphold the primary civil statute, 6 Del. C. § 2583, Consumer Protection, where this is the closest statutory equivalent for exploitation in a civil controversy. Petitioners cite 6 Del. C. § 2583, which creates a private right of action specifically for Ken, who suffered damages from prohibited practices, which includes deception and unfair practices. 6 Del. C. § 2583 covers the deception and unfairness elements of exploitation, and allows Kenneth to recover damages where the violation is established. While § 8571 criminalizes the act, § 2583 civilly penalizes the same deceptive conduct when directed at an elder. Petitioners include the statutory definition of exploitation under 31 Del. C. § 3902. While Title 31, Adult Protective Services, does not create a direct private right of action, it provides the statutory definition of exploitation and undue influence. Title 31 Del. C. § 3902 explicitly defines exploitation to include the use of deception, intimidation, or undue influence by someone in a position of trust.

RELATED CASES

11. This is a critical legal issue with a direct conflict between judicial determinations of indigency across state and federal lines. The Third Circuit and the Philadelphia

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Court of Common Pleas, courts located in Pennsylvania, have granted IFP status to the petitioners based on disability and/or indigency verified by affidavits. The Court of Chancery denied Kenneth's IFP, see Court of Chancery IFP, Talley v. Horn, C.A. No. 2021-0011-BWD, Pl.'s Mot. for IFP in COC R. 80, denied R. 80; Pl.'s Mot. for IFP in COC R. 118, denied R. 115; Pl.'s Mot. for IFP in COC R. 128, denied R. 131. The petitioners' IFP applications were accepted by Pennsylvania Courts, while at the same time denied by Delaware courts; this presents a controlling question of law.

Petitioners claim the inconsistent rulings create a potential circuit split or inter-state conflict of law regarding the definition and enforcement of indigency for disabled and/or indigent litigants. This legal issue began in 2020 after Ken's daughter used an altered deed to claim ownership of his property. Ken has tort claims before the District Court since April of 2025, with a 15-month delay after remand, see C.A. No. 24-2358 and C.A. No. 23-982. Respondent, State of Delaware, via the Court of Chancery, has admitted "staff error" and reopened the original case from 2021, where Ken was denied due process at trial. Respondent, State of Delaware, labeled Ken a "malicious litigant" on April 25, 2024, January 15, 2025, and August 4, 2026, in their response denying IFP for Ken. This highlights a profound contradiction in the state's findings: labeling a 90-year-old man earning \$13,994/year as "malicious" while his daughter, Judith Horn, is the party actively reopening case C.A. No. 2021-0011-BWD. The "reopening" is procedural, but the power dynamic is heavily skewed: Judith has counsel; Kenneth has a second-grade reading level. Proving these judicial officers acted in the clear absence of all jurisdiction or engaged in non-judicial administrative acts. The core legal ground is that wanton negligence regarding a litigant's



documented incompetence removes judicial immunity because an officer lacks the fundamental jurisdiction to bind an incompetent party without representation or guardian. Petitioners complain to this Court after Respondent, State of Delaware, Court of Chancery, denied Ken's IFP, see *Talley v. Horn*, C.A. No. 2021-0011-BWD, Pl.'s Mot. for IFP in COC R. 80, denied R. 80; Pl.'s Mot. for IFP in COC R. 118, denied R. 115; Pl.'s Mot. for IFP in COC R. 128, denied R. 131, then IFP was denied again on July 31, 2026. (App. F.) Despite the presentation of expert neurological and forensic medical reports, judicial officers blame the controversy on Ken, falsely claiming the petitioner acted with "wanton negligence." Petitioners submit that it is the reverse: Respondent, State of Delaware, continues to enforce ejectment actions, creating a legal absurdity this Court has jurisdiction to correct. On September 15, 2025, petitioners filed C.A. No. 25-2789 with the Third Circuit to appeal the denial of IFP in the District Court and a complaint. Petitioners were allowed to proceed without the filing fee, then the case was dismissed for nonpayment, but no notice was given that a fee or IFP was due before dismissal. On March 20, 2026, petitioners filed C.A. No. 26-8014 with the Third Circuit; this appeal is still pending as of September 2026.

CONCLUSION

12. The Third Circuit's August 3, 2026, denial was a failure to recognize that judicial immunity has no shield for acts that violate the basic prerequisites of jurisdiction, including Ken's competence. This Court may grant certiorari after the lower court applied conflicting standards to the same federal right, see 28 U.S.C. § 1915 regarding civil litigant and indigent IFP rights. In this case, petitioners have the right to proceed without cost due to indigency and/or disability. Delaware officers applied a stricter

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and/or different standard than Pennsylvania and Third Circuit officers, regarding the same litigants, thus it presents a controlling question of law suitable for review. As per 28 U.S.C. § 1654, Ken files this petition, *pro se*, with help from his daughter Kristina, and help from his elder care giver Kurt. The Third Circuit's dismissal of the IFP contradiction as "mere disagreement" highlights a potential circuit split and failure to address the due process implications of arbitrary indigency determinations for disabled civil litigants. This petition argues that these federal officers erred by ignoring the objective evidence of arbitrariness — the two conflicting orders in the same time frame for the same individuals — which creates an appearance of partiality that violates federal law. Petitioners argue the issue is not just "unfairness," but a violation of the rule of law itself, where the selective and arbitrary application of rules deprived Ken of fundamental fairness, as the rule of law requires that officers follow the rules consistently and in order. This Court may decide to review the federal court decision(s) in order to correct errors in law or fact. Petitioners respectfully request that the petition for a writ of certiorari be granted, after the lower court's decision to deny IFP in C.A. No. 25-662 is an outlier that violates established federal principles of equal access to justice. Petitioners maintain Ken's case involves a genuine circuit split and a novel constitutional question regarding the rights of illiterate *pro se* litigants. Petitioners present a valid legal argument for a novel question in this case. The assertion that the issues related to Ken present a novel constitutional issue is supported by the specific facts of his litigation, particularly regarding his literacy level and access to courts. Petitioners submit that there is a constitutional claim and explicitly argue that these officers unlawfully denied Ken *in forma pauperis* (IFP)

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status and dismissed his claims due to procedural errors, despite having forensic evidence of his first-to-second-grade reading and writing ability, violating his Due Process rights and the constitutional guarantee of access to the courts. Petitioners highlight the potential split, where the federal officers named herein — Honorable Michael A. Chagares, Honorable Thomas M. Hardiman, Honorable Patty Shwartz, Honorable Cheryl Ann Krause, Honorable Luis Felipe Restrepo, Honorable Stephanos Bibas, Honorable David J. Porter, Honorable Paul B. Matey, Honorable Peter J. Phipps, Honorable Arianna J. Freeman, Honorable Tamika R. Montgomery-Reeves, Honorable Cindy K. Chung, Honorable Emil J. Bove III, Honorable Jennifer L. Mascott, and Honorable Maryellen Noreika — have unlawfully ruled against Ken based on existing procedural statutes, where other circuits have allowed exceptions for elderly indigent citizens with mental and/or physical disabilities that prevent compliance with procedural rules. The August 3, 2026, Third Circuit denial was a failure to recognize that judicial immunity has no shield for acts that violate the basic prerequisites of jurisdiction, including competence. Petitioners demonstrate that the strict application of rules to the illiterate, indigent, elderly citizen conflicts with a more lenient approach in another circuit, where the Ninth and Second Circuits place a higher value on "meaningful access" to the court, thus a valid circuit split exists. Petitioners submit that the "Snapchat" case creates a stark disparity where a young student's social media post warranted this Court's review, yet forensic expert evidence of a farmer's disability and right to access the court system despite indigency and illiteracy does not. Federal courts cannot prioritize certain constitutional rights such as free speech, or Second Amendment rights, for hidden reasons while ignoring Ken's

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right to receive due process and proper access to the law as an indigent, disabled/illiterate citizen. Ken's legal question is equally novel to the student on Snapchat, and the human stakes — including Ken's pending ejectment by force — are far more important, see *Clark v. Talley*, C.A. No. S25C-02-029-RHR, Delaware, Ejectment. The contrast between Ken's case and *Mahanoy Area School District v. B.L.*, 594 U.S. 180 (2021), fuels the public's perception of unfair selection by this Court. If this Court does not intervene on Ken's behalf, these judicial officers shall set a precedent establishing that forensic medical reports, evidence of incompetence, and sworn affidavits of indigency are optional, which undermines the integrity of the entire judicial system. Petitioners submit that this is an unresolved legal conflict where there is no other recourse. Petitioners maintain that this Court's institutional interest must be constitutional in maintaining order and authority. This Court may grant certiorari to resolve circuit splits and important federal questions.

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Respectfully submitted,

By: Kenneth R. Talley
Kenneth R. Talley, *pro se*
28467 Pocahontas Avenue
Millsboro, DE 19966
Phone: (302) 249-0497

By: Kurt Costello
Kurt R. Costello
28467 Pocahontas Avenue
Millsboro, DE 19966
(302) 650-3153

By: Kristina Karen Talley
Kristina Karen Talley
2353 East Cumberland St
Philadelphia, PA 19125
(302) 650-3154