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FILED
OCT 13 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 26-6033

IN THE
Supreme Court of the United States

MATHIEW RAE FOX,
Petitioner,
v.
ALEXANDRA K. SMATHERS,
JUDGE HEATHER IVERSON,
THOMAS W. ANDERSON JR.,
HOLLIE ELIZABETH WHITE,
SARAH ANN FOX (Sarah Ann Kukowski),
PATHWAYS CONSULTING,
PROFESSIONAL SERVICES GROUP,
Respondents.

On Petition for a Writ of Certiorari Before Judgment to the United States Court of Appeals for the Seventh Circuit (26-2694)

PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT

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QUESTION PRESENTED

Whether Rooker-Feldman permits a federal district court to dismiss an entire multi-claim action under 42 U.S.C. § 1983 without determining, claim by claim, whether each asserted federal injury was caused by a state-court judgment and whether adjudicating the requested relief would require federal review and rejection of that judgment, where the complaint alleges that the claims can be adjudicated without altering any state judgment and alleges injuries arising from conduct distinct from the judgment?

PARTIES TO THE PROCEEDING

Petitioner Mathiew Rae Fox was the plaintiff below and is the appellant in the Seventh Circuit. Petitioner is an individual. No corporate disclosure statement is required for petitioner under Rule 29.6. Respondents are Alexandra K. Smathers, Heather Iverson, Thomas W. Anderson, Jr., Hollie Elizabeth White, Sarah Ann Fox, Pathways Consulting, and Professional Services Group. These are the defendants named in the original complaint. Dist. Ct. Dkt. 1 at 1, ¶¶25-52. Petitioner makes no ownership representation for the respondent entities. Sup. Ct. R. 12.6, 29.6.

RELATED PROCEEDINGS

Fox v. Smathers, No. 26-2694, United States Court of Appeals for the Seventh Circuit. Docketed August 17, 2026. On August 18, 2026, the court directed a jurisdictional memorandum and suspended briefing. On October 9, 2026, the district court denied the Rule 4(a)(5) motion on which petitioner had asked the court of appeals to defer disposition. No later Seventh Circuit merits judgment appears in the supplied record.

Fox v. Smathers, No. 2:26-cv-00797-BHL, United States District Court for the Eastern District of Wisconsin. Complaint filed May 5, 2026; dismissal order and judgment entered July 15, 2026; postjudgment order entered October 9, 2026 at Dkt. 77.

Fox v. Iverson, No. 26-2693, and Fox v. Iverson, No. 2:26-cv-00772-BHL, are related but distinct federal proceedings. The district court entered a parallel filing restriction in that action on October 9, 2026 at

Dkt. 46. The two actions share some actors and chronology but plead different claims and factual sequences.

In re the Marriage of Sarah Ann Fox and Mathiew Rae Fox, No. 2025AP2492 (Wis. Ct. App. Dist. II), is the separate appeal from the later final custody/placement order. As of October 9, 2026, the appellate docket listed that appeal as open and "Awaiting Assignment." It is included only as continuing-proceedings chronology, not as a judgment this petition asks the Court to review.

Petitioner is contemporaneously filing a separate notice of appeal from Dkt. 77 and will promptly notify this Court of the resulting Seventh Circuit docket number once assigned.[1]

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1 Petitioner separately sought review in this Court in No. 26-418, arising from Wisconsin Appeal No. 2025AP2229 and presenting a First Amendment challenge to a contempt-enforced prospective speech restraint. That proceeding concerns a distinct judgment from AP2492 and from the federal judgment challenged here, notwithstanding overlapping actors and chronology.

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OPINIONS AND ORDERS BELOW

The order granting respondents' motions to dismiss and denying petitioner's motions is dated July 15, 2026 and is reproduced in the appendix. Dist. Ct. Dkt. 60. The separate civil judgment entered the same day is also reproduced. Dist. Ct. Dkt. 61. The July 15 order dismissed the complaint without prejudice, denied petitioner an opportunity to amend, denied supplemental exhibits as moot, directed entry of judgment, and ordered petitioner to show cause why the action had not been filed for an improper purpose. Dkt. 60 at 2, 7-9.

The Seventh Circuit's August 18, 2026 order in Fox v. Smathers, No. 26-2694, directed petitioner to address appellate jurisdiction and suspended briefing pending further order. 7th Cir. Dkt. 4. Petitioner filed the requested jurisdictional memorandum and asked the court of appeals to defer disposition while the district court ruled on his Rule 4(a)(5) motion. 7th Cir. Dkt. 9 at 9-10.

On October 9, 2026, the district court entered Dkt. 77. That order imposed a prospective filing restriction, denied the Rule 4(a)(5) motion, granted leave to file the requested sur-reply, and denied the Rule 60/62.1 motion and requested amendment. Dkt. 77 at 4-7. The October 9 order is a supervening postjudgment development. This petition relies on it principally to demonstrate present procedural posture and consequence; it does not add a separate Question Presented seeking first-instance adjudication of that later order.

JURISDICTION

The district court entered judgment on July 15, 2026. Dist. Ct. Dkt. 61. Petitioner's notice of appeal was docketed August 17. On August 18, the Seventh Circuit stated that a preliminary review suggested a timeliness issue, directed petitioner to address jurisdiction, instructed him to seek any Rule 4(a)(5) extension in the district court, and suspended briefing. 7th Cir. Dkt. 4. Petitioner complied. On August 21 he moved under 28 U.S.C. § 2107(c) and Federal Rule of Appellate Procedure 4(a)(5) to extend the appeal period through August 17. Dist. Ct. Dkts. 68-69. His jurisdictional memorandum asked the court of appeals to hold the appeal while that motion was decided. 7th Cir. Dkt. 9 at 9-10.

On October 9, the district court denied the Rule 4(a)(5) motion. Dkt. 77 at 4-6. The order acknowledged that the delay was slight and the risk of prejudice low, but relied on the court's assessment of the reason for delay and on its broader conclusion that petitioner was not litigating in good faith. Id. The supplied Seventh Circuit record contains no later judgment dismissing No. 26-2694 and no order lifting the August 18 suspension.

This Court may review a case in a court of appeals "before or after rendition of judgment or decree." 28 U.S.C. § 1254(1). A petition for certiorari before judgment may be made at any time before judgment in the court of appeals. 28 U.S.C. § 2101(e). The unresolved threshold timeliness issue does not mean that no "case" is in the court of appeals for § 1254(1) purposes. Hohn v. United States explained that this Court has repeatedly reviewed court-of-appeals dismissals for untimely notices and held that failure

to satisfy a threshold appellate-jurisdiction prerequisite does not prevent a case from being "in" the court of appeals within § 1254(1). 524 U.S. 236, 247-48 (1998).

Hohn addresses the statutory vehicle, not the demanding discretionary standard of Supreme Court Rule 11. Rule 11 requires imperative public importance sufficient to justify deviation from normal appellate practice and immediate determination by this Court. Petitioner addresses that separate requirement below. The petition presents a question the en banc Seventh Circuit itself identified as needing this Court's clarification, particularly in child-custody cases, and that this Court's decision in T.M. expressly left unresolved. Gilbank v. Wood County Department of Human Services, 111 F.4th 754, 760-61 (7th Cir. 2024) (en banc); T.M. v. University of Maryland Medical System Corp., 608 U.S. 668, 687-88 (2026).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First and Fourteenth Amendments, 42 U.S.C. § 1983, 28 U.S.C. §§ 1254(1), 1331, 1343(a)(3), 2101(e), and 2107(a), (c), Federal Rule of Appellate Procedure 4(a)(5), Federal Rules of Civil Procedure 11, 60(b)(6), and 62.1, and Supreme Court Rule 11 are reproduced or identified in the appendix materials for the filing copy.

STATEMENT OF THE CASE

A. The complaint pleaded five independent federal claims and defined the relief by function, defendant, and source of injury.

Petitioner filed this action on May 5, 2026. The complaint pleaded five claims under 42 U.S.C. § 1983: First Amendment retaliation; denial of meaningful access to courts; procedural due process; substantive due process concerning familial association and lawful parental-access efforts; and state-linked private conduct, joint action, and conspiracy. Dist. Ct. Dkt. 1 ¶¶282-331; Dkt. 60 at 5. It demanded a jury trial. Dkt. 1 ¶15. The district court's original jurisdiction was invoked under 28 U.S.C. §§ 1331 and 1343(a)(3). Dkt. 1 ¶¶16-18.

The complaint did not ask the district court to award custody, modify placement, adjudicate contempt, alter an injunction, suppress evidence, supervise providers, or reverse a criminal judgment. It alleged that protected reporting, preservation notices, records requests, provider-conflict objections, appellate and writ activity, OLR and Judicial Commission complaints, DSPS complaints, and related petitioning were known to respondents and later appeared in contempt, provider, criminal, injunction, financial, and parental-access consequences. Dkt. 1 ¶¶2-14, 53-71. It alleged that the federal injury was the use, burdening, restriction, and routing of that activity through public and private processes, not the mere fact that petitioner had lost state rulings. Id. ¶¶7-11, 67-71.

The complaint also separated immune conduct from the conduct challenged. It sought no damages

from Judge Iverson or Commissioner Smathers for rulings, orders, findings, hearing management, contempt decisions, or ordinary adjudicative functions. Dkt. 1 ¶¶13, 25-34, 53-67, 247-252. It did not allege that private status alone created § 1983 liability. It alleged liability only where discovery and trial evidence established joint participation, state-linked use of private channels, ratification, conspiracy, or misuse of state authority causing a federal injury. Id. ¶¶35-52, 320-331. Those are jurisdictional and merits boundaries. The district court called them "hedging" and then used them to support an improper-purpose inference. Dkt. 60 at 7-8.

At the Rule 12 stage, the court was required to accept well-pleaded facts as true and draw reasonable inferences in petitioner's favor. The dismissal order itself recited that rule. Dkt. 60 at 5 (citing Roberts v. City of Chicago, 817 F.3d 561, 564 (7th Cir. 2016)). The well-pleaded factual allegations therefore had to be evaluated for knowledge, chronology, causation, process, and injury. The materials cited in the complaint and filed before dismissal supplied record context; allegations remained allegations, not adjudicated findings. They could not be erased merely because they arose against a family-court background.

B. The family record established provider conflict, protected reporting, and court notice before the criminal sequence.

The chronology began before the federal action. In January 2025, the family court restricted petitioner from contacting the children's therapists while

provider information entered the family case through the guardian ad litem and the other parent. Dkt. 1 ¶¶72-80. On March 4, counsel identified the children's providers as PSG and Pathways. Counsel also placed on the record a conflict concern involving another therapist at the same provider environment as petitioner's former partner and explained that internal staffing could allow information to move among providers. The court rejected the concern based on professional ethics. Id. ¶¶81-88. By that date, the court and parties had express notice of the Pathways/PSG structure, White's provider affiliation, and the asserted conflict.

In May and June 2025, the family case also placed petitioner's protected reporting at issue. The complaint alleged that social-media restrictions were expanded, that Anderson pursued contempt, and that petitioner testified that he sent materials to state representatives, OLR-related recipients, the Wisconsin Supreme Court, prospective lawyers, legislators, CPS, and visitation personnel. Dkt. 1 ¶¶89-101. The court treated private and official-distribution communications as adverse conduct and linked future compliance to visitation consequences. Id. ¶¶99-107. On June 26, Anderson acknowledged notice of an OLR grievance against him while also referring to a possible criminal investigation. Id. ¶¶102-108. Thus, protected complaints, family enforcement, provider concerns, and criminal-process references occupied the same procedural lane before the preservation notices at issue here.

C. A provider-directed litigation hold became police and charging material even after police recorded its litigation purpose.

On July 28, 2025, petitioner sent Pathways and PSG a document captioned "Preservation Notice - Legal Hold Regarding Therapy Records." It was directed to organizational records and compliance personnel, identified the pending family matter, and requested preservation of therapy records, internal communications, and access information. Dist. Ct. Dkt. 14-1 at 190-192; Dkt. 75-2 at 45. It sought preservation, not treatment decisions and not personal contact with White.

On July 30, White supplied that organizational communication to police as an alleged injunction violation. The ensuing detective materials attached the notice, consulted a prosecutor concerning probable cause, and routed the matter toward an arrest warrant. Dist. Ct. Dkt. 14-1 at 190-192; Dkt. 75-2 at 43-45. The federal record identifies the same provider communication as the incident underlying the August arrest and later bond exposure. Dkt. 75-2 at 43-48.

The August 7 and 8 police reports are more explicit about purpose. One report described emails concerning medical documentation and a "legal notice of preservation," while also recording White's characterization of petitioner's DSPS complaints as an effort to damage her license. Dkt. 75-2 at 46. Detective Kenesie then wrote: "The context of the emails are Mathiew requesting Pathway's Consulting requesting to preserve records because of a pending lawsuit." Id. at 48. He also recorded petitioner's clarification that he was not then requesting

confidential mental-health records and that the communication arose from ongoing custody litigation. Ibid.

That documented litigation purpose did not end the criminal referral. The supplement states that the communications would be forwarded to the district attorney for review of another injunction-violation charge. Id. at 49. This is not a characterization supplied only by petitioner. The government's own report identified preservation activity for pending litigation and routed that activity into charging review.

The later Pathways sequence documented the routing mechanism again. An August 27 email asked Pathways to confirm receipt of the preservation notice, clarify disclosure, and identify its legal-notice protocol. Dkt. 75-2 at 25, 30-34. A September 4 supplement states that Reinders contacted Detective Kenesie about additional emails, Kenesie told her she could forward them, White separately supplied the same messages to police, and Kenesie consulted ADA Tricia Riley before recommending another injunction-violation charge. Id. at 27. Those records support the pleaded theory that litigation and provider-record activity became enforcement material outside the custody judgment itself.

D. Sarah Fox, White, Anderson, and the provider structure formed a documented cross-forum information route.

The federal record documents direct connections among the private respondents. At the August 13, 2025 family hearing, Anderson explained that a third party had supplied information leading him to

believe another contempt motion was required. The court asked whether that person was Hollie White; Anderson confirmed that it was. Dist. Ct. Dkt. 38 at 4 (quoting R.193:14:21-16:11). That exchange placed White inside the contempt-enforcement channel through Sarah Fox's counsel before trial.

Sarah Fox later testified that she reached out to White through Instagram because she was concerned about the children, met with White, and that they "ended up being support for one another and just becoming friends." Dist. Ct. Dkt. 38 at 5 (quoting R.312:39:22-25, 40:2-7). On cross-examination, Sarah again confirmed the friendship. Id. (quoting R.312:65:18-21). Sarah also testified that White showed her the DSPS complaint petitioner had filed concerning White's professional license. Id. (quoting R.312:40:19-22). Those facts establish direct communication, knowledge of protected licensing activity, and an ongoing relationship between the state-court petitioner and the complaining witness.

Petitioner moved to exclude White and separately moved to quash the subpoena directed to "Hollie Elizabeth White - Pathways Consulting." Dist. Ct. Dkt. 14-1 at 147-151, 155-159 (reproducing 2021FA47 Docs. 203 and 201). The motions identified White's adversarial position, police-report history, relationship with Sarah, and Pathways/PSG employment. The state court nevertheless allowed her to testify. At trial, Anderson called White as Sarah Fox's witness and examined her concerning the prior relationship, the children, the restraining order, police reports, licensing activity, and her employment at PSG and Pathways. Dkt. 1 ¶¶172-178 (citing R.312:159:5-160:25, 171:1-179:15).

The testimony supplied additional links. White testified that she and Sarah communicated after the DSPS matter and communicated consistently; that she knew M.F.'s therapist and knew about treatment-related matters because emails to her employer included her; that Sarah was a witness in one police report; and that Anderson had spoken with her before trial concerning a posted video. Dkt. 1 ¶¶173-178; Dist. Ct. Dkt. 38 at 4-5. The federal record thus shows more than parallel private activity. It shows direct contact, knowledge of protected reporting, provider employment, counsel contact, police-report overlap, and the use of the same material in custody litigation. Those facts support the pleaded inference of coordinated routing and joint participation. At Rule 12, the court had to assess that pleaded inference under the governing plausibility standard, not decide whether petitioner had already proved it. The trial exhibit list confirms that the custody case received a Kenosha Police Department summary, Anderson billing records, and the DSPS complaint as petitioner exhibits offered through Sarah's case. Dist. Ct. Dkt. 31-1 at 3. Sarah's testimony and White's examination placed the licensing complaint, police history, and provider employment before the custody court in the same trial. The later criminal case then relied on the same family, provider, reporting, and injunction history. Petitioner draws an inference of coordinated use from that circulation: private reporting entered family litigation, family-litigation material entered the criminal narrative, and the criminal result returned as a source of financial and litigation consequences. That documented circulation is central to causation and state action.

E. The criminal case aggregated litigation and reporting activity and imposed concrete liberty and financial consequences.

The complaint alleged that the criminal case absorbed family-court contempt issues, provider conflict, reporting activity, employer and provider communications, Pathways/PSG facts, and White-related material. Dkt. 1 ¶¶186-199. At the preliminary hearing, an officer testified that disputed communications were sent to a counseling service rather than directly to White. Id. ¶¶192-198.

The amended information filed August 20, 2026 combined several episodes into five counts. Counts 4 and 5 alleged injunction violations on July 30 and August 7, dates corresponding to Pathways and PSG communications that police had identified as records activity arising from pending litigation. Kenosha County Case No. 2025CF001639, Doc. 42 at 1; Dist. Ct. Dkt. 75-2 at 7-9, 43-49. The charging sequence thus matters to the federal theory not because this petition asks to invalidate the prosecution, but because the provider-directed activity itself became part of the governmental process alleged to be retaliatory.

The August 20 plea correspondence supplies contemporaneous government evidence about complaint-channel pressure. Defense counsel proposed one amended disorderly-conduct count without read-ins. The prosecutor responded: "No, we have to dismiss and read in everything, especially if Count 1 is amended to a DC. I would get a complaint to the board from the victim if we give the case away." Dkt. 75-2 at 5. The contemporaneous government correspondence establishes that

anticipated regulatory pressure from the complaining witness entered the prosecutor's resolution calculus. It does not by itself establish an unlawful agreement or decide retaliation. It supports the pleaded causation inquiry.

The final disposition imposed concrete consequences. The criminal docket records a guilty plea to amended Count 1, dismissal and read-in of the remaining counts, stipulated restitution of $4,250, and a $500 fine plus costs. Dkt. 75-2 at 7-9. Petitioner does not invoke favorable termination or ask this Court to invalidate that judgment. The criminal events are pleaded as consequences, causation anchors, and evidence relevant to the asserted retaliatory or abusive use of litigation and complaint channels. Whether those federal theories ultimately succeed remains a merits question.

F. PSG's organizational denial completed the records-access loop after judgment.

Before judgment, petitioner had requested preservation, neutral custodianship, court-only production, in-camera review, protective terms, and authorization-based access to records concerning the children. Dkt. 1 ¶¶136-150; Dist. Ct. Dkt. 53-2 at 191-194. Direct preservation communications had already been presented to police as injunction violations. The formal court route then produced a mixture of denials, declined proposed orders, and deferrals rather than the provider-specific order later demanded. The family docket reflects a motion to compel in April, a June hearing at which the court directed petitioner to submit attachments for review and stated that it would issue a ruling, a July

proposed records order and expedited request for ruling, an August decline, and a renewed September motion followed by deferral to a later hearing.

On September 2, 2026, PSG's Leah Featherstone stated that PSG could begin gathering records after the requested categories were clarified. On September 3, petitioner narrowed the request. PSG then issued a written organizational denial citing 45 C.F.R. § 164.502(g)(5) and stating that it would not release the records without an explicit, certified Wisconsin circuit-court order directing release of the specific files. Dist. Ct. Dkt. 75-2 at 22-24. The letter identified no particular family-court order expressly prohibiting access, and the assembled federal record contains no such order. Dkt. 75-1 ¶¶44-45.

That sequence completed the pleaded procedural loop. Direct preservation activity generated police and criminal exposure. Formal judicial requests did not produce the particular order the provider later demanded. PSG then conditioned access on that missing order. The injury alleged is the operation of those public and private processes, not a request that the federal court award custody or supervise treatment.

On September 22, petitioner filed a motion expressly invoking Rule 60(b)(6) and Rule 62.1 and attached a narrowed first amended and supplemental complaint. Dist. Ct. Dkts. 75-76. The proposed pleading narrowed the action to a First Amendment retaliation count and a Wisconsin statutory records-access count, retained joint action as a state-action theory, and did not plead a standalone federal malicious-prosecution count. Dkt. 75-1 ¶¶1-8, 54-90. The motion expressly stated that

pre-judgment materials were not offered as newly discovered evidence and that the Rule 60(b)(6) showing rested on post-July 15 events. Dkt. 75 at 2.

On October 9, the district court denied that motion after identifying it as a request under Rule 60(b)(2) and reciting the newly-discovered-evidence standard. Dkt. 77 at 6. That mismatch is addressed in Part VII.

G. The district court replaced claim-specific analysis with a single custody-and-contempt characterization.

The district court identified all five claims. Dkt. 60 at 5. Its principal application paragraph treated them collectively: petitioner "alleges he was injured by state court civil orders holding him in contempt and awarding custody of his children to Sarah Ann, and he now seeks review and rejection of those orders." Ibid. The order did not identify the source of injury for each count, the respondent responsible for each challenged act, the remedy attached to each theory, or whether adjudication of that remedy required review and rejection of a state judgment.

The order's legal standard invoked the "inextricably intertwined" formulation that all members of the en banc Seventh Circuit had rejected as unhelpful. Dkt. 60 at 4; Gilbank, 111 F.4th at 760-61. It invoked Younger only "to the extent" the complaint challenged the criminal prosecution or White's reporting. Dkt. 60 at 6. It invoked the domestic-relations exception without identifying a divorce, alimony, or custody decree the complaint asked the federal court to enter. Ibid. It said the private respondents were "simply not state actors" and that the complaint contained no allegations

supporting joint engagement, despite the pleaded Anderson-White-Sarah-provider-police links. Id. at 6-7. It treated judicial immunity as an alternative ground even though the complaint excluded damages for judicial acts. Id. at 7.

The court then denied the first opportunity to amend in one sentence: amendment was futile "for the reasons discussed above." Id. It denied supplemental exhibits as moot because it had dismissed the case. Id. at 8-9. Finally, it ordered a Rule 11 response based on its view that petitioner's pleading limits were "hedging," that the claims were not viable, and that petitioner might be using federal court to exact revenge. Id. at 7-8.

Petitioner responded under penalty of perjury that he filed to obtain adjudication of the federal claims, not to harass, intimidate, retaliate, delay, impose needless expense, or exact revenge. Dkt. 62 at 15. He explained the legal basis for the pleading limits and the distinction between 772 and 797. Dkt. 62. The later prosecutor email, provider denial, and police records do not ask this Court to decide liability. They demonstrate why the independent-injury theory required claim-specific analysis and why categorical futility could not be assumed at the pleading stage.

H. The October 9 order added a prospective filing disability and separate postjudgment rulings.

On October 9, the district court converted its improper-purpose conclusion into a prospective filing disability. Dkt. 77 labeled petitioner a "vexatious pro se litigant," treated 772 and 797 as "extremely similar," rejected the Rule 11 response, and imposed

this operative restriction: petitioner is barred from filing complaints in the Eastern District of Wisconsin "related to his child custody case, or any related proceedings," and the Clerk is instructed not to file complaints related to the custody case. Dkt. 77 at 1-4, 7.

Dkt. 77 speaks in terms of future complaints, not appeals, but its undefined reach over "any related proceedings," without a stated duration or leave-to-file mechanism, creates a present deterrent burden while the underlying controversy remains active. Future independent claims may therefore be chilled before their facts, defendants, or relationship to the custody proceedings can be adjudicated.

The same afternoon, the court entered a materially parallel restriction in the distinct 772 action. Fox v. Iverson, No. 2:26-cv-00772-BHL, Dkt. 46. The parallel orders show cross-case consequence, not improper coordination or motive.

Dkt. 77 separately denied Rule 4(a)(5). In doing so, the court acknowledged that the delay was slight and prejudice low but carried its broader bad-faith assessment into the equitable extension analysis. Id. at 4-6. Dkt. 77 also separately denied ECF 75 after describing it as a Rule 60(b)(2) motion for newly discovered evidence, although ECF 75 expressly invoked Rule 60(b)(6), stated that pre-judgment materials were not being treated as new evidence, and relied on postjudgment events for the Rule 60(b)(6) showing. Dkt. 75 at 2; Dkt. 77 at 6.

The filing restriction is a supervening consequence, not a new Question Presented. Dkt. 77 also made the analytical asymmetry explicit. It treated ECF No. 54, a personal explanation of why

petitioner continued motions, appeals, and writs to preserve his relationship with his children, as evidence of improper purpose and said the filing "lay bare the truth" of his motives. Dkt. 77 at 3-4; Dkt. 54 at 5-7. Yet the order did not comparably engage the broader record supporting independent federal injuries. Emotional language does not immunize a litigant from sanctions; neither can motive substitute for claim-specific adjudication. A court may reject a federal claim under governing law; it cannot replace that analysis with a characterization of the person who brought it.

REASONS FOR GRANTING THE PETITION BEFORE JUDGMENT

I. Gilbank and T.M. identify a nationally important question that this case squarely presents.

This case satisfies Supreme Court Rule 11 for reasons that go beyond ordinary error correction. The en banc Seventh Circuit has already identified both controlling common ground and an unresolved disagreement over the same Rooker-Feldman problem.

First, the en banc majority stated that "Rooker-Feldman is properly applied on a claim-by-claim basis." Gilbank v. Wood County Department of Human Services, 111 F.4th 754, 765 (7th Cir. 2024) (en banc). All eleven participating judges agreed on a separate point: lower courts should no longer rely on the "inextricably intertwined" formulation, which had generated confusion. Id. at 760-61. All eleven also agreed that

their competing understandings of the doctrine may show a need for this Court's clarification, specifically identifying child-custody cases among the recurring settings in which lower courts confront the problem. Id. at 760.

Second, the judges divided over the relationship between judgment-caused injury and the separate requirement that a federal plaintiff seek review and rejection of the state judgment. Six judges concluded that damages claims not asking the district court to review and reject the judgment fall outside Rooker-Feldman even when the alleged injury was caused by the judgment. Id. at 792-98 (Kirsch, J., majority on that issue). Five took the view that judgment-caused injury itself can make federal relief an impermissible rejection. Id. at 769-78 (Hamilton, J., dissenting on that issue). That disagreement is not peripheral here. Dkt. 60 treated five counts as one prohibited appeal without asking, claim by claim and remedy by remedy, whether the federal court would actually exercise appellate power over a state judgment.

T.M. resolved a different issue. It held that Rooker-Feldman may apply even while further state appellate review remains available, but it expressly identified the continuing source of lower-court confusion as determining when a federal plaintiff seeks "review and rejection" of a state judgment, cited Gilbank's competing opinions, and stated that the Court was neither expanding nor constraining the doctrine. T.M., 608 U.S. at 687-88. T.M. therefore left the present question open.

The contrast is concrete. T.M. asked the federal district court to declare the state consent order

unconstitutional, unenforceable, and void, and to enjoin its enforcement. Id. at 672-73. Fox's complaint repeatedly disclaimed reversal, modification, supervision, or correction of any Wisconsin order and pleaded that damages and narrowly tailored relief could be awarded for independent conduct without altering a state judgment. Dkt. 1 ¶¶3-6, 53-71, 341-352. The controlling inquiry is the substance and practical effect of each claim and remedy, not the family-law setting in which the facts arose.

The order below illustrates the unresolved problem immediately after T.M. It used factual overlap with custody and contempt to characterize every injury as judgment-caused, invoked "inextricably intertwined," and did not analyze the requested relief claim by claim. Dkt. 60 at 4-7. That method risks converting a narrow jurisdictional doctrine into a categorical *domestic-relations shield*.

The issue is public and recurring. Family and child-protection litigation regularly places court orders, private providers, attorneys, police, regulators, and enforcement proceedings in overlapping factual sequences. Without a disciplined source-of-injury and review-and-rejection inquiry, factual proximity can swallow original federal jurisdiction. Gilbank identified child-custody cases for that reason. 111 F.4th at 760. A circuit panel cannot resolve the en banc disagreement or establish a national rule. This Court can.

II. Ordinary appellate sequencing is practically inadequate while threshold review, continuing injuries, and a prospective filing disability operate together.

The ordinary path has not merely been slow. It is presently unable to deliver merits review while time-sensitive consequences continue to accumulate.

The federal appeal illustrates the first bottleneck. On August 18, the Seventh Circuit identified an apparent notice-of-appeal issue and suspended briefing. 7th Cir. Dkt. 4. Petitioner invoked the Rule 4(a)(5) procedure the court directed him to use. Dkts. 68-69. The district court did not rule until October 9, when Dkt. 77 denied the extension and carried its disputed bad-faith assessment into the equitable analysis. The supplied court-of-appeals record still contains no merits judgment or order lifting the suspension. Hohn confirms that this threshold dispute does not mean there is no "case" in the court of appeals for § 1254(1), 524 U.S. at 247-48, but it does mean the merits have not advanced through normal appellate sequencing.

AP2492 supplies a separate measure of time. The notice of appeal was filed in November 2025 and the record transmitted in December. The appellant's brief was submitted in December and docketed/accepted by January 7, 2026. By March 11, the docket reflected submission without a respondent's brief and transmission to District II. Petitioner repeatedly sought expedition or advancement in February, March, June, and September. As of October 9, the case remained open and listed "Awaiting Assignment." This petition does not seek review of AP2492; the chronology shows

ordinary review remaining unavailable while the challenged order continues to govern daily life.

The circuit-court docket shows the continuing setting. Records-access requests were denied, declined, or deferred; a provider later conditioned release on a specific certified order; renewed relief was routed to a later hearing; and placement and enforcement disputes continued. The later GAL appointment does not explain the earlier chronology and is not offered as a justification for delay.

Dkt. 77 adds a prospective federal consequence: an indefinite filing restriction now operates while the underlying state controversy remains active.

Martin v. Redden describes a Mack bar as a severe sanction that can deny federal civil remedies even for potentially meritorious claims and says such restrictions should not be imposed lightly, particularly where lesser sanctions have not failed or appear inadequate. 34 F.4th 564, 568-69 (7th Cir. 2022). Martin involved egregious misconduct, prior sanctions, and a defined two-year bar. Dkt. 60 here gave general Rule 11 show-cause notice, but Dkt. 77 identifies no prior federal filing sanction that failed, states no duration, and supplies no screening route for a future independent claim. Those features heighten the present consequence without making Dkt. 77 a separate Question Presented.

An appeal from yesterday's judgment is not a substitute for access to federal court for tomorrow's independent injury. The underlying state controversy continues to generate disputes involving placement, records access, provider conduct, enforcement, and protected petitioning. The prospective sanction therefore creates a present deterrent burden, not

merely a future docketing dispute. That combination of continuing proceedings, threshold appellate delay, unresolved doctrine, and prospective filing disability makes the Rule 11 urgency institutional rather than merely personal.

The Rule 11 showing rests on the national Rooker-Feldman question identified by the en banc Seventh Circuit and left unresolved in T.M.; the procedural chronology demonstrates the concrete cost of awaiting ordinary sequencing.

III. The categorical dismissal conflicts with the claim-by-claim inquiry required by Exxon Mobil, T.M., and Gilbank.

Rooker-Feldman occupies "narrow ground." Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005). It applies when a state-court loser complains of injury caused by a state judgment rendered before the federal action and invites the district court to review and reject that judgment. Id. The source of injury and the requested relief are therefore indispensable. T.M. reaffirmed both requirements. 608 U.S. at 676-79, 688. Gilbank made the method explicit: the doctrine is applied claim by claim. 111 F.4th at 765.

The order below did none of that work. Count I alleged retaliation for protected petitioning, regulatory complaints, preservation notices, and records activity. Count II alleged that motions, records requests, and official processes were accepted, deferred, denied, or routed without a meaningful and reviewable path. Count III alleged restriction and deprivation without adequate notice or procedure. Count IV alleged impairment of lawful

parental-access efforts through process, enforcement, and state-linked conduct. Count V alleged private-public joint action and coordinated routing. Dkt. 1 ¶¶282-331. The court did not identify the source of injury or practical effect of relief for any count.

Count IV itself contained more than the existence of the custody order. It incorporated the alleged use of protected activity, procedural nonadjudication, provider restrictions, and cross-system enforcement that impaired petitioner's lawful efforts to maintain and restore access. Dkt. 1 ¶¶313-319. Even where one component of a count implicates a judgment, Gilbank requires separation of the components and remedies. The district court could not convert the strongest Rooker-Feldman objection to one theory into jurisdictional dismissal of the entire action.

The same is true defendant by defendant. Immunity for an adjudicative act by a judge does not establish that Anderson's contact with White, Sarah's direct relationship with White, Pathways' and PSG's organizational conduct, White's police reporting, or provider-to-police transmission were injuries caused by a custody judgment. The question whether private respondents acted under color of state law is a merits inquiry governed by the pleaded facts and reasonable inferences. It is not a basis for reclassifying every claim as appellate review.

The categorical method also collapsed forms of relief. Damages from a nonimmune actor for retaliation or state-linked conduct do not necessarily disturb a state judgment. Declaratory relief directed to an ongoing independent process injury is not a custody decree. Prospective relief preserving official

petitioning or neutral records channels does not award placement. The order never asked what relief attached to which act by which respondent. That omission is the error presented.

IV. The dismissal disregarded the Rule 12 standard and the district court's own description of the record.

The court recited the Rule 12 rule that well-pleaded facts must be accepted as true and reasonable inferences drawn for the plaintiff. Dkt. 60 at 5. Its factual summary then acknowledged many of the connections supporting the federal theories: White's employment at Pathways or PSG; petitioner's provider-conflict objection; preservation communications to the providers; White's communication with Anderson preceding contempt; Anderson's provider subpoenas; Sarah's communications with White and knowledge of the professional complaint; White's testimony about police reports and provider employment; and the criminal case's incorporation of Pathways, PSG, White, and family-court conduct. Id. at 2-5.

After identifying those facts, the court nevertheless declared that White, Sarah, Anderson, Pathways, and PSG were "simply not state actors" and that petitioner made "no allegations" supporting joint engagement. Id. at 6-7.

The complaint and opposition alleged the exact opposite. Anderson acknowledged that White supplied information for contempt enforcement. Sarah admitted direct contact, friendship, and receipt of the DSPS complaint from White. White testified to continuing communication with Sarah,

provider employment, employer-linked knowledge, Sarah's participation in a police report, and prior contact with Anderson. Dist. Ct. Dkt. 38 at 3-5; Dkt. 1 ¶¶126-178. Police records documented provider-to-police transmission and prosecutor consultation. Dkt. 75-2 at 24-27, 43-48.

Those facts support a reasonable inference of coordinated information routing and state-linked use. Whether they ultimately establish joint action is a question for amendment, discovery, and adjudication. The district court could not deny the inference at Rule 12, declare the allegations nonexistent, and then use that declaration to find amendment futile. The mismatch between the recited facts and the categorical conclusion independently warrants vacatur.

V. The federal record documents injuries caused by conduct distinct from the state judgments.

A. Protected petitioning and litigation-preservation activity was used as adverse material.

The First Amendment theory is not that petitioner disliked the outcome of family litigation. It is that respondents knew of protected complaints and records-preservation activity and that the same activity later moved through contempt, provider, police, injunction, criminal, financial, and parental-access processes. The complaint identified OLR, Judicial Commission, DSPS, legislative, court, CPS, appellate, writ, preservation, and records activity. Dkt. 1 ¶¶7-11, 89-108. The trial record

shows Sarah received petitioner's DSPS complaint from White. Dist. Ct. Dkt. 38 at 5. White's police reports characterized DSPS complaints and provider communications as harassment. Dkt. 75-2 at 46.

The August 20 plea correspondence added contemporaneous government evidence. When defense counsel proposed a narrower disposition, the prosecutor responded that the remaining allegations had to be dismissed and read in and stated that he would get a complaint to "the board" from the victim if the case were "give[n] away." Dkt. 75-2 at 5. The contemporaneous government correspondence establishes that anticipated regulatory pressure from the complaining witness entered the prosecutor's resolution calculus and therefore bears directly on the pleaded questions of motive and causation. Temporal proximity further strengthens that pleaded retaliation inference: the criminal proceeding followed within days of Petitioner's invocation of appellate review, against the backdrop of the already documented provider, reporting, and enforcement sequence.[2]

The litigation-hold notice was not merely discussed in the criminal case. Police records identified it as preservation for pending litigation and nevertheless referred it for charging. Dkt. 75-2 at 47-48. Adjudicating whether that cross-system use was retaliatory does not require reversal of custody,

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2 Petitioner filed the notice of appeal in Wisconsin Appeal No. 2025AP2492 on November 10, 2025. Four days later, on November 14, Case No. 2025CF001639 was initiated and the criminal complaint was filed. Dist. Ct. Dkt. 55-2 at 6-7. The four-day interval is relevant circumstantial evidence of timing and causation when considered with the surrounding record.

contempt, injunction, or conviction. It requires original federal adjudication of the conduct alleged to have produced independent injury.

The police reports themselves document the litigation context. They attached and summarized the preservation notice, quoted the pending-lawsuit explanation, discussed the family-court context, incorporated DSPS reporting, and evaluated communications directed to the organizations treating the children. Dkt. 75-2 at 24-27, 43-48. The criminal narrative was therefore built in material part from litigation holds, regulatory complaints, provider-record communications, and the custody dispute. That fact matters to jurisdiction because it identifies conduct by respondents and state actors as a pleaded source of injury distinct from the state judgments.

B. The records sequence pleads a concrete access and procedural-due-process injury.

The records theory concerns process as well as entitlement. Petitioner sought preservation, authorizations, a neutral records custodian, sealed production, in-camera review, protective restrictions, and reviewable orders. Dkt. 1 ¶¶109-150; Dist. Ct. Dkt. 53-2 at 191-194. Direct provider communication generated police exposure. Court-directed efforts were denied, declined, or deferred. PSG later demanded an explicit certified order not found in the assembled record. Dkt. 75-2 at 9-14, 19-24. That sequence supports the pleaded injury: public and private processes allegedly made the same records channel unavailable from both directions.

The federal court need not decide in the first instance that petitioner is entitled to every psychotherapy record. It can adjudicate whether respondents burdened records-preservation and court-access activity, whether an adequate process existed, whether decisions were reviewable, and whether private conduct became state-linked. Those questions are not appellate review of a custody order.

C. The pleaded state-action inference rests on documented acts, not labels.

Dennis v. Sparks holds that private persons jointly engaged with state officials may act under color of law even where a judicial participant is immune. 449 U.S. 24, 27-28 (1980). Lugar v. Edmondson Oil Co. asks whether the challenged deprivation is fairly attributable to the State. 457 U.S. 922, 937 (1982). The complaint identified defendant-specific conduct: Anderson's confirmed receipt of information from White for contempt; Sarah's direct relationship and communication with White; White's knowledge of the DSPS complaint and provider matters; White's Pathways/PSG employment; Reinders' transmission of emails to police; White's separate transmission of the same emails; police accumulation of reports; prosecutor consultations; and use of the resulting narrative in family and criminal proceedings. Dkt. 1 ¶¶126-178, 186-210, 268-281; Dkt. 38 at 3-5; Dkt. 75-2 at 24-27, 43-48.

The federal record contains additional extra-judicial links. White's recorded statement describes direct contact from the family-court system concerning court-connected reunification and trauma work and identifies the caller as "Liz Pfeuffer." Dist.

Ct. Dkt. 53-2 at 36-38. Dkt. 55-2 separately preserves contemporaneous location evidence associated with White at the same location reflected in the sealed Iverson material as Judge Iverson's residential address. Petitioner does not reproduce that private address. These are not inferences drawn merely from adverse rulings or professional association; considered with the documented White-Anderson, White-Sarah, provider, police, and enforcement contacts, the documented nonjudicial contacts, communications, and location evidence materially strengthen the pleaded inference of extra-judicial coordination and joint participation.[3]

These documented facts support the pleaded inference that the private and public actors were not operating in sealed compartments. Information moved through identified people and institutions and produced enforcement, financial, and access consequences. Whether the facts ultimately satisfy joint action is a merits question for proper pleading, discovery, and adjudication. The categorical characterization of the case as custody review did not perform that analysis.

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3 White stated that she received a call from "the court" concerning additional family-court reunification cases, described the caller as the family-court judge, and shortly thereafter stated, "so Liz Pfeuffer called." The same recording references the consequences of "a conversation with a judge." Dist. Ct. Dkt. 53-2 at 36-38. Dist. Ct. Dkt. 55-2 at 4-5 contains the preserved location material. The residential comparison is made against the publicly redacted Iverson attachment and its sealed unredacted counterpart filed with Dkt. 1; the private address is omitted here.

D. The parental-access claim also alleged process and conduct, not merely an adverse decree.

The parent-child setting heightens the need for precision. The complaint alleged that motions affecting contact and placement were deferred or not heard, that support and supervised-placement costs depleted meaningful access, that provider and criminal processes affected reunification efforts, and that the review path remained unclear. Dkt. 1 ¶¶213-246, 305-319. Those allegations use custody orders as chronology and injury anchors, but they also identify conduct occurring before, after, and outside those orders.

A claim seeking a different custody decree would require a different analysis. The complaint instead requested damages and narrowly tailored relief for asserted independent federal injuries. The district court had to separate any judgment-caused component from procedural, retaliatory, and state-linked conduct components. By refusing to do so, it transformed the domestic-relations context into a categorical barrier to federal civil-rights scrutiny.

VI. Younger, domestic-relations principles, immunity, state action, and claim splitting did not justify dismissal of the entire action.

A. Younger required a claim-specific remedy, not categorical dismissal.

The order invoked Younger only "to the extent" the complaint challenged the pending criminal prosecution or White's reporting, then announced that the court could not hear the claims. Dkt. 60 at 6.

That formulation admits the need to determine which claims actually interfered with the prosecution. Damages claims that cannot be redressed in the state proceeding ordinarily are stayed rather than dismissed. Deakins v. Monaghan, 484 U.S. 193, 202-03 (1988). The later plea changed the posture but did not retroactively supply claim-by-claim analysis. At minimum, the court was required to separate any overlapping criminal component from independent retaliation, access, records, and private-public conduct claims.

B. The domestic-relations exception does not cover independent civil-rights claims.

Ankenbrandt confines the domestic-relations exception to the issuance or modification of divorce, alimony, and child-custody decrees. 504 U.S. 689, 701-04 (1992). The complaint did not seek such a decree. Dkt. 1 ¶¶53-63. The district court identified none. Dkt. 60 at 6. Facts arising in family litigation do not convert damages and process claims into requests for a custody decree. The exception could not dispose of claims against providers, a private attorney, a complaining witness, or the other parent for alleged conduct merely because the conduct affected a family case.

C. Judicial immunity had to be applied by function and defendant.

Judicial immunity protects judicial acts, including acts alleged to be erroneous or malicious, subject to recognized exceptions. Stump v. Sparkman, 435 U.S. 349, 356-57 (1978); Mireles v. Waco, 502 U.S. 9, 11-13 (1991). The complaint expressly excluded damages

for protected judicial acts and preserved only official-capacity prospective relief and genuinely nonjudicial conduct if proven. Dkt. 1 ¶¶25-34, 53-67. Immunity therefore required identification of the function and remedy at issue. It did not establish that claims against private respondents were de facto appeals, and it did not make every possible amendment futile.

D. State action required application of the pleaded facts and leave to amend.

The private respondents did not become immune merely because they acted through litigation or provider channels. *Dennis* and *Lugar* require analysis of joint participation and fair attribution. The complaint and Dkt. 38 identified concrete connections. If more particularity was required, the *ordinary course* was *defendant-specific dismissal* with leave to amend, not a declaration that no allegation existed. The proposed amended complaint supplied additional government records, provider correspondence, and act-by-act allegations. Dist. Ct. Dkt. 75-1. The court's categorical approach prevented the pleading from being tested against the actual defect.

E. A claim-splitting footnote could not substitute for a judgment, claim, and remedy analysis.

The dismissal order mentioned Fox v. Iverson, No. 26-cv-772, in a footnote and stated that some claims were "likely" barred by claim splitting. Dkt. 60 at 6-7 n.2. The footnote identified overlapping parties and compared First Amendment allegations in the two

complaints, but did not enter a claim-by-claim ruling disposing of each theory and remedy. Claim splitting is an ordinary preclusion doctrine; it cannot enlarge Rooker-Feldman's jurisdictional scope. Exxon Mobil, 544 U.S. at 292-93. Nor can a tentative footnote support categorical futility where the complaint included different defendants, later events, and distinct remedies.

VII. The denial of amendment repeated the categorical error, and Dkt. 77 applied the wrong Rule 60 subsection to ECF 75.

Federal Rule of Civil Procedure 15 embodies a liberal amendment policy. Leave is freely given absent undue delay, bad faith, repeated failure, prejudice, or futility. Foman v. Davis, 371 U.S. 178, 182 (1962). Petitioner had not previously amended. Dkt. 60 denied the first opportunity in one sentence, finding amendment futile "for the reasons discussed above." Dkt. 60 at 7. That was the same undifferentiated premise used to dismiss the complaint.

The later filing demonstrates why amendment mattered. The proposed complaint narrowed the federal case, separated remedies, alleged postjudgment provider conduct, identified police and prosecutor communications, and pleaded the criminal sequence as retaliatory use of governmental process while maintaining that the requested relief did not require alteration of a state judgment. Dkt. 75-1. The exhibits supplied the prosecutor email, PSG denial, police reports, and provider-routing chronology. Dkt. 75-2. Those materials did not invent a new theory;

they documented and particularized mechanisms pleaded before dismissal.

ECF 75 also created a separate postjudgment legal issue. Its heading stated: "RULE 60(b)(6) IS THE GATE; RULE 15 FOLLOWS." Dkt. 75 at 2. The motion expressly said it did not treat the March 2026 injunction transcript, 2025 police reports, April records motion, June authorizations, or July proposed records procedure as newly discovered evidence because those materials predated judgment. Ibid. It stated that the Rule 60(b)(6) showing rested on what happened after July 15. Ibid. The motion invoked Rule 62.1 because the appeal was already docketed.

Dkt. 77 adjudicated something different. It identified ECF 75 as a request under Rules 60(b)(2) and 62.1, quoted the newly-discovered-evidence standard of Rule 60(b)(2), reduced the motion largely to the prosecutor email, and denied it. Dkt. 77 at 6. This is not merely a citation typo because the subsection defines the inquiry. Rule 60(b)(2) asks whether evidence was newly discovered and unavailable with reasonable diligence before the relevant deadline. ECF 75 expressly disclaimed that theory for the pre-judgment materials. Rule 60(b)(6), by contrast, was the gate petitioner actually invoked for extraordinary postjudgment circumstances before seeking Rule 15 amendment.

Respondents may argue that the mismatch was harmless because the court reiterated that petitioner's claims failed regardless of motive. That does not cure the problem. The motion sought relief from a categorical futility determination so that a narrowed pleading could be tested under the correct

jurisdictional and pleading rules. The district court never analyzed the Rule 60(b)(6) motion actually filed. The point is not that Rule 60 compels judgment for petitioner. It is that the court denied postjudgment relief under a legal standard petitioner expressly said he was not invoking.

The postjudgment materials also answer harmlessness. The complaint and oppositions had already alleged the preservation purpose, Anderson-White contact, Sarah-White relationship, provider employment, police-report use, and criminal overlap. Dkts. 1, 38. Dkt. 75-2 later documented those pathways through government and provider records. The prosecutor email, police supplements, and PSG denial sharpened preexisting retaliation, litigation-purpose, and records-access theories; they did not create a different lawsuit.

On remand, those doctrines must be applied to the particular defendant, act, claim, and remedy rather than assumed categorically from the family-court setting.

VIII. This case is a clean vehicle for a narrow rule and a limited remedy.

The vehicle and requested rule are narrow. The Question Presented is preserved in the complaint, Rule 12 opposition, dismissal order, and postjudgment motion. Dkts. 1, 38, 60, 75. Dkt. 60 identified five counts and resolved them through one custody-and-contempt characterization, so no evidentiary finding is needed to decide whether that method is permissible. Gilbank's en banc majority required claim-by-claim application, while all eleven judges rejected "inextricably intertwined" and

recognized a possible need for this Court's clarification, especially in child-custody cases. 111 F.4th at 760-61, 765. T.M. identified the review-and-rejection question as continuing confusion and did not decide the Gilbank disagreement. 608 U.S. at 687-88.

The federal record is sufficiently developed for that jurisdictional question. The complaint and pre-dismissal filings contain the state transcripts, Anderson-White exchange, Sarah's testimony, provider evidence, and subpoena disputes; Dkts. 75-76 later added prosecutor correspondence, PSG's denial, and police supplements. Dkts. 1, 38, 75-76. This Court need not resolve contested liability facts to see that the pleaded sources of injury extend beyond the existence of state judgments.

The alternative Rule 12 grounds do not make the Rooker-Feldman question harmless. Younger, the domestic-relations exception, judicial immunity, state action, and claim splitting each operate through different elements, defendants, functions, and remedies. Dkt. 60 itself applied some of those doctrines only conditionally or tentatively. But they cannot retroactively supply the claim-specific analysis the dismissal order did not perform or transform alternative merits and abstention questions into categorical subject-matter jurisdiction.

The October 9 order does not alter the Question Presented. The filing bar, Rule 4 denial, and Rule 60 ruling are separately reviewable postjudgment developments. Petitioner will preserve review of Dkt. 77 through the ordinary appellate process. Petitioner is contemporaneously filing a separate notice of appeal from Dkt. 77 and will promptly notify this

Court of the resulting Seventh Circuit docket number once assigned. In this petition, Dkt. 77 matters because it demonstrates present consequence and why the characterization of 797 as nothing more than a forbidden custody appeal did not end with the July judgment.

Granting this petition requires no finding on conspiracy, probable cause, conviction validity, records entitlement, retaliation, or joint action. Nor would remand concede the legality of the prosecution, provider denial, information routing, enforcement conduct, or any respondent's conduct. Those merits remain for adjudication on a properly developed record under the correct legal standards.

The proper remedy is vacatur and remand. The lower federal court should identify, for each count and each requested remedy, whether the asserted injury was caused by a state judgment and whether adjudicating the requested relief would require federal review and rejection of that judgment. It should then address abstention, immunity, state action, claim splitting, amendment, and any conviction-related limitations only as each doctrine applies to a particular defendant, act, claim, and remedy. Petitioner does not ask this Court to adjudicate personal bias as a freestanding claim. If the judgment is vacated, petitioner preserves a request that the court of appeals consider reassignment on remand in light of the cumulative categorical characterizations in the postjudgment orders and the Rule 60 mismatch. *See* 7th Cir. R. 36; Cange v. Stotler & Co., 913 F.2d 1204, 1208 (7th Cir. 1990). Reassignment is a remedial issue, not part of the Question Presented.

That limited disposition respects the state courts' authority over custody while preserving the district courts' congressionally assigned role over independent federal claims. It would return the merits to the lower federal courts rather than decide them here. That is precisely why this case is a suitable vehicle for a narrow Rule 11 ruling.

CONCLUSION

The petition for a writ of certiorari before judgment should be granted. The July 15 judgment should be vacated, and the case should be remanded for claim-by-claim and remedy-specific application of Rooker-Feldman's source-of-injury and review-and-rejection requirements, followed by defendant- and function-specific consideration of any remaining defenses and amendment. The Court need not adjudicate the later October 9 order as a separate merits question to grant that relief.

Dated this 12th day of October, 2026.

Respectfully submitted,

Mathiew Rae Fox