No.

IN THE

Supreme Court of the United States

In Re:

GREGORY ALVIN JAMES VAN ETTEN

Petitioner

APPLICATION TO THE
HONORABLE KETANJI BROWN JACKSON,
ASSOCIATE JUSTICE OF THE SUPREME COURT
OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE FIRST CIRCUIT

EMERGENCY APPLICATION FOR STAY OF ENFORCEMENT PENDING APPEAL

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Applicant Gregory Alvin James Van Etten, proceeding self-represented, respectfully applies for: (1) an immediate administrative stay, pending disposition of this Application, of ongoing Massachusetts child-support enforcement against him arising from the state-court orders underlying his federal claims in First Circuit Appeal No. 26-1280; and (2) a stay of that enforcement pending disposition of the appeal, or until further order of this Court. The enforcement to be stayed includes income withholding, collection activity, offset activity, federal offset activity, liens, credit reporting, enforcement reporting, and related measures.

This Application is brought under the All Writs Act, 28 U.S.C. § 1651(a), and Rules 22 and 23 of this Court. The federal cause of action is Applicant's claim under 42 U.S.C. § 1983 that state officials, acting under color of state law, continue to enforce personal obligations against him without the notice, service, and personal jurisdiction required by the Fourteenth Amendment.

Applicant is not asking this Court to decide divorce, custody, child-support calculations, arrears, or any other family-court merits. He asks only for an emergency administrative stay while the First Circuit decides whether the federal district court improperly dismissed his prospective § 1983 claim without addressing the certified service record.

Article VI does not create Applicant's cause of action. The Fourteenth Amendment and § 1983 do. Article VI confirms, however, that no state procedure, enforcement practice, or institutional interest can override the Constitution's requirements. U.S. Const. art. VI, cl. 2.

Questions Presented

1. Whether an emergency administrative stay is warranted where the certified state-court file, as produced, contains no completed proof that service by publication

was executed before personal obligations were imposed and enforcement began.

2. Whether Applicant has shown a fair prospect of success where his federal cause of action arises under 42 U.S.C. § 1983 and challenges continuing executive enforcement without Fourteenth Amendment due process, rather than the merits of divorce, custody, or child support.

3. Whether the continuing effects of enforcement on employment, credit, property, professional standing, and family housing constitute irreparable harm requiring immediate temporary protection.

Opinions and Orders Below

The district court's March 6, 2026 Memorandum and Order dismissed Applicant's action for lack of subject-matter jurisdiction under Rooker-Feldman and entered judgment for Respondents. The First Circuit's April 15, 2026 order denied expedition and summary disposition while stating that the merits panel would take such notice of the tendered certified documents as necessary and appropriate. The First Circuit's May 6, 2026 order denied interim relief without discussing the certified service record or identifying which stay factor was not satisfied.

After merits briefing was completed and enforcement continued, Applicant filed additional emergency and status requests, including a July 6, 2026 renewed request for prompt disposition of the pending emergency matters or, alternatively, a status order. That filing expressly asked whether the court was treating the pending matters as emergency matters. No order expressly answered that question or provided interim protection. Instead, the clerk notified the parties that the appeal would be submitted on the briefs, and the docket reflected submission to a merits panel. The relevant orders, requests, notices, and docket entries are included in the Appendix.

Statement of Jurisdiction

This Court has authority under 28 U.S.C. §§ 1254(1) and 1651(a), and Supreme Court Rules 22 and 23, to preserve its prospective jurisdiction and prevent the pending appeal from becoming practically meaningless before appellate review is completed. *See Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam).

Applicant sought emergency relief below. The First Circuit denied interim relief on May 6, 2026. Applicant later renewed his request after merits briefing was completed and enforcement and harm continued. The appeal has been submitted to a merits panel, but no interim protection has issued. Further relief is unavailable in the district court because that court dismissed the action and entered final judgment.

Applicant previously sought emergency relief in this Court in a materially different procedural posture. This Application arises from a new appeal from final judgment, a developed certified-record issue, completed First Circuit merits briefing, the First Circuit's denial of interim relief, submission to a merits panel, and continuing enforcement and irreparable harm.

Statement of Relevant Facts

The underlying Massachusetts case began in 2007. Before Applicant appeared, the Worcester Probate and Family Court entered temporary orders affecting his children, imposing support obligations, and authorizing income withholding.

The Probate Court later authorized service by publication. Applicant eventually obtained certified copies of the relevant state-court file and docket and tendered them in federal court. The certified materials include an order authorizing publication and a summons prepared for publication. But the certified file contains no affidavit of diligent search, no newspaper affidavit or other proof showing that publication actually occurred, no publication certificate or tear sheet, and no completed return showing that publication or any required mailing was performed. The return on the certified publication document is blank.

The docket contains a notation listing August 13, 2007 as a date of service. But the certified source document corresponding to that notation contains no completed return, and the certified file contains no supporting publication affidavit, newspaper certificate, tear sheet, or mailing certification showing what act produced that notation or whether the court's publication order was executed. Applicant's position is therefore not that the docket contains no notation. His position is that the certified file contains no completed proof showing when and how lawful service was accomplished.

Authorization is not execution. An order allowing publication does not prove that the summons was published as ordered, that any required mailing occurred, or that service was completed before the State began exercising coercive authority over Applicant.

Applicant later participated in the state proceedings, and Respondents rely on that participation as notice, appearance, or waiver. Later participation, however, is not proof that publication occurred earlier. Nor does it identify the lawful basis for enforcing personal obligations before Applicant appeared. At minimum, the timing and scope of any alleged waiver present a substantial question that must be adjudicated from the certified record rather than presumed while enforcement continues.

In September 2024, Applicant filed the federal action under 42 U.S.C. § 1983. His federal claim alleges that state officials acting under color of state law continue to enforce personal obligations without the notice, service, and personal jurisdiction required by the Fourteenth Amendment. The district court dismissed under Rooker-Feldman without determining what the certified service materials establish. Applicant appealed, tendered the certified materials, sought judicial notice, completed merits briefing, and repeatedly requested interim protection.

Respondents have relied on Rooker-Feldman, Younger, immunity, appearance, waiver, and other procedural defenses. They have not identified a completed affidavit of publication, publication certificate, tear sheet, mailing certification, or completed return of service in the certified file tendered by Applicant.

Enforcement continues during appellate review. Applicant has documented withholding, liens, offsets, credit and reporting consequences, prolonged unemployment, lost employment opportunities, foreclosure risk, and worsening harm to his ability to support his wife and three dependent children. The harm continues every day that enforcement remains active while the federal constitutional question is unresolved.

Basis for Relief

This Application seeks two closely related forms of temporary protection: an immediate administrative stay while this Application is considered, followed by a stay of the same enforcement pending disposition of First Circuit Appeal No. 26-1280, or until further order of this Court.

Applicant does not ask this Court to determine who should have received custody, what amount of support should have been ordered, whether arrears were correctly calculated, or whether either party prevailed on any family-court merits. The federal question is different: whether state officials may continue enforcing personal obligations under color of state law when the certified file does not contain completed proof showing that service was executed and personal jurisdiction obtained before enforcement began.

The cause of action is § 1983. The constitutional right is Fourteenth Amendment due process. The present injury is continuing executive enforcement. Article VI confirms that state practices and enforcement systems remain subordinate to the Federal Constitution.

The Court need not finally decide the service question on this emergency Application. It need only preserve meaningful review while the First Circuit decides whether Applicant's prospective federal claim was improperly dismissed without adjudication of the certified jurisdictional record.

Reasons for Granting Relief

I Applicant Has Shown a Fair Prospect of Success on a Serious Fourteenth Amendment and § 1983 Claim

An applicant seeking emergency relief must show a reasonable probability that this Court would grant review, a fair prospect that a majority would conclude that the decision below was erroneous, and a likelihood of irreparable harm absent relief. *Hollingsworth*, 558 U.S. at 190. The Court also considers injury to the opposing parties and the public interest. *Nken v. Holder*, 556 U.S. 418, 426, 434–35 (2009).

Applicant satisfies that standard because the appeal presents a focused federal question supported by certified records: whether ongoing state enforcement may continue when the produced file contains no completed proof of service establishing personal jurisdiction before personal obligations were imposed and enforced.

A. The Certified File Does Not Contain Completed Proof That Publication Was Executed

Service is the formal act by which a court asserts authority over a person and requires that person to respond. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999). Due process requires notice reasonably calculated to inform a person of the proceeding and provide an opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). A judgment imposing personal obligations without constitutionally sufficient notice and personal jurisdiction violates due process. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80, 84–86 (1988); *Pennoyer v. Neff*, 95 U.S. 714, 732–33 (1878).

The First Circuit has also recognized that actual notice does not, by itself, substitute for substantial compliance with the prescribed method of service. *Precision Etchings & Findings, Inc. v. LGP Gem, Ltd.*, 953 F.2d 21, 24–26 (1st Cir. 1992).

Here, the certified file shows permission to use publication but does not contain completed documentary proof that the authorized method was carried out. The return is blank. There is no affidavit or certificate from the newspaper, no tear sheet, no completed proof of mailing, and no completed return identifying the acts by which service was accomplished. A docket notation does not itself reveal what was published, when it was published, whether the required number of publications occurred, or whether any required mailing was completed.

If completed certified proof exists, Respondents can identify it. Applicant has repeatedly asked them and the courts to do so. No completed proof has been identified. At minimum, that creates a serious due-process question requiring preservation against further enforcement while the First Circuit decides the appeal.

B. The Federal Cause of Action Is a § 1983 Challenge to Continuing Enforcement, Not an Appeal of Family-Court Merits

Section 1983 provides a federal remedy when a person acting under color of state law deprives another person of rights secured by the Constitution. The Supreme Court has recognized § 1983 as a federal vehicle for injunctive protection against unconstitutional state action. *Mitchum v. Foster*, 407 U.S. 225, 239, 242–43 (1972). Prospective relief against state officials for an ongoing violation of federal law is a familiar federal remedy. *Ex parte Young*, 209 U.S. 123, 159–60 (1908).

Applicant's claim fits that framework. He alleges that state officials continue to use withholding, liens, offsets, reporting, and collection mechanisms under color of state law without a certified record establishing the notice, service, and personal jurisdiction required by the Fourteenth Amendment.

Rooker-Feldman is narrow. It applies when a federal plaintiff asks a district court to exercise appellate review over a state-court judgment. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284, 292–93 (2005). It does not bar a federal claim merely because the claim questions or conflicts with a state-court decision. *Skinner v. Switzer*, 562 U.S. 521, 532 (2011).

Applicant is not asking the federal courts to decide divorce, custody, support amounts, or arrears. He is asking whether ongoing executive enforcement without demonstrated service and personal jurisdiction violates the Fourteenth Amendment and § 1983. At minimum, there is a fair prospect that the district court treated the entire federal action as a forbidden appeal without separately addressing the prospective claim against continued enforcement under color of state law.

C. Later Participation Does Not Supply Missing Proof of Earlier Service

Personal jurisdiction is an individual right that may be waived. *Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 703–05 (1982). But waiver and service are not the same factual question.

Applicant's later participation may bear on the effect of later proceedings. It does not prove that publication occurred before he appeared. It does not fill the blank return. It does not supply a missing newspaper affidavit, publication certificate, tear sheet, or mailing certification. And it does not by itself identify the jurisdictional basis for enforcing personal obligations before his appearance.

Applicant therefore does not ask this Court to announce that later participation can never matter. He asks only that later participation not be used as a substitute for deciding what the certified record proves about service, when personal jurisdiction attached, and whether ongoing enforcement rests on a constitutionally sufficient foundation.

D. Article VI Does Not Permit State Enforcement Practices to Displace the Fourteenth Amendment

Applicant's cause of action arises under § 1983 and the Fourteenth Amendment, not directly under the Supremacy Clause. *See Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320, 324–25 (2015).

Article VI nevertheless states the governing hierarchy:

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby."

U.S. Const. art. VI, cl. 2. State officials and state courts are bound by the Federal Constitution. *Cooper v. Aaron*, 358 U.S. 1, 18 (1958).

No state enforcement practice, rule of finality, or administrative interest can itself establish service or personal jurisdiction. Those doctrines cannot fill a blank return, prove publication, or replace Fourteenth Amendment due process. State authority to administer and enforce child-support obligations remains subject to the Federal Constitution.

This Application therefore presents a basic federal question: whether enforcement may continue while the State relies on its own machinery but does not identify the certified record proof establishing constitutional authority over the person being subjected to that machinery.

II Applicant Is Suffering Immediate and Irreparable Harm

Applicant's harm is not limited to a disputed amount of money. Enforcement reaches employment screening, credit, professional standing, banking, liens, withholding, housing, and his ability to support his present family.

Applicant has been unable to secure employment at the level necessary to support his household for over a year. Serious employment opportunities have ended after screening processes. His home is entering foreclosure. A federal lien and continuing enforcement reporting further impair his credit and ability to recover. His wife and three dependent children face the consequences with him.

These injuries compound with time. Lost employment opportunities, damaged professional standing, worsening credit, and the loss of housing cannot be restored by a later appellate ruling. The continuing alleged denial of constitutional protection further supports irreparable injury. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976).

The First Circuit may rule at any time, but no decision date exists and enforcement continues every day. Without an administrative stay, appellate review may occur only after the harm has become irreversible.

III The Balance of Equities and Public Interest Favor a Temporary Administrative Stay

The requested stay is temporary. It preserves the ability of the First Circuit and this Court to provide meaningful review before continuing enforcement causes additional irreversible harm.

The State has an interest in enforcing valid support obligations. But the public has an equally fundamental interest in ensuring that government uses coercive power only after constitutionally adequate notice and a lawful basis for personal jurisdiction. The government has no legitimate interest in avoiding a focused determination of the certified record when the authority to continue enforcement has been specifically challenged.

An administrative stay would not place divorce, custody, support calculations, or arrears before this Court. It would preserve the status quo while the federal appeal resolves whether continued enforcement is constitutionally permissible on the certified record presented.

Public confidence is strengthened when the government can identify the lawful source of its authority. It is weakened when enforcement continues while the threshold federal question remains unanswered.

A Pro Se Plea for Interim Relief

I respectfully ask this Court to understand what this application is really about. I am not asking this Court to weigh in on family-court merits or reverse a state-court order on the merits. I am asking this Court to stop enforcement long enough for one threshold constitutional question to be answered: Can a State continue enforcing orders against a person when the certified record does not show that the court ever obtained personal jurisdiction over him? That is the question I have been trying to get answered.

For years, I lived under the consequences of orders that affected my children, my wages, my employment, my credit, my reputation, and my ability to support my family. I later obtained certified state-court records showing no affidavit of diligent search, no proof of publication, and no completed return of service establishing lawful service before those orders were entered and enforced.

I am a self-represented litigant. I do not have a law firm. I do not have government counsel. I do not have an office of attorneys reviewing my filings. I have only the record, the Constitution, and the belief that a court must have lawful authority over a person before it can bind him. That belief should not be controversial. If the State has record evidence that I was lawfully served, I have asked for it to be identified. If personal jurisdiction attached, I have asked for the record to show when and how. But enforcement continues while that threshold question remains unanswered. This is why I am asking for an interim stay.

Without a stay, the question may eventually be answered only after more harm has already occurred. Every day of continued enforcement under an unresolved jurisdictional defect is not neutral. It is another day that wages, credit, employment, property, and livelihood are affected by orders I contend were entered without lawful authority over my person. It is one thing to go through this process as a self-represented litigant while still employed and still able to provide for one's family. It is another thing to do so after enforcement has impaired the very ability to work, earn, and provide.

Since litigating this matter in federal court, I have not been able to secure employment at the level necessary to support my household for over a year, despite continued efforts to do so. We are about to be kicked out of our home. A federal lien arising from the same challenged obligations further damages my credit, financial stability, and ability to recover. I have a wife and three children who depend on me. The harm is no longer limited to a disputed payment or a temporary financial burden. It has reached my livelihood, my professional standing, my family stability, and my ability to keep a roof over my children's heads. IT is impossible that this irreparable reputational damage can ever be fully repaired, or that I will ever again be able to work in my field at the level I did before these enforcement actions followed me into employment, credit, and background-review processes. This is not speculative. While I was still employed, and after this litigation began, I received an IRS lock-in letter and related withholding consequences that no one has been able to clearly explain to me. Since then, I have had multiple serious employment opportunities stop cold after background or credit-review processes while the threshold question of personal jurisdiction remains unanswered by any Article III court. It is like hitting a brick wall.

I do not ask this Court to decide motive in this emergency application. But I do ask the Court to recognize the practical effect: the enforcement does not merely collect money. It follows me into tax withholding, employment screening, credit review, professional standing, and the job market itself. It blocks my ability to recover, drains my ability to litigate, and leaves my family exposed while the constitutional question remains unresolved. The Fourth Amendment's protection against unreasonable seizure means little if property can be taken through state enforcement machinery without a valid jurisdictional foundation. The Fourteenth Amendment's guarantee of due process means little if notice, service, and personal jurisdiction can be bypassed while enforcement continues. And federal constitutional review means little if courts may avoid the threshold question by treating an allegedly void state order as enforceable before any court has determined whether jurisdiction ever attached.

I understand that federal courts do not sit to review every state-court disagreement. I am not asking for that. I am asking for the most basic protection due process provides: before a person's property, wages, credit, and livelihood are taken through state enforcement machinery, there must be lawful notice, lawful service, and personal jurisdiction. If those things exist, the record should show them. If they do not exist, enforcement should not continue while courts decline to answer the question. This case is not about avoiding responsibility. It is about lawful authority. A person may be required to obey valid orders. But an order entered without personal jurisdiction is not valid simply because the State continues to enforce it. Continued enforcement cannot create the jurisdiction that was missing at the beginning.

Relief Requested

1. immediately enter an administrative stay, pending disposition of this Application, of ongoing Massachusetts child-support enforcement against Applicant arising from the state-court orders underlying his federal claims in First Circuit Appeal No. 26-1280; and

2. upon consideration of this Application, stay that enforcement pending disposition of First Circuit Appeal No. 26-1280, or until further order of this Court.

The requested stay would not decide any family-court merits. It would preserve meaningful federal review while the First Circuit determines whether Applicant's prospective § 1983 claim concerning continued enforcement without demonstrated service and personal jurisdiction was properly dismissed.

Conclusion

Applicant's cause of action arises under 42 U.S.C. § 1983. The right asserted is the Fourteenth Amendment right not to be subjected to continuing state enforcement without constitutionally sufficient notice, service, and personal jurisdiction.

The certified file, as produced, contains an authorization for publication but no completed affidavit or certificate of publication, no tear sheet, no completed proof of mailing, and no completed return showing how and when service was executed. No Respondent has identified that completed proof. No court has adjudicated what the certified service record establishes. Enforcement continues anyway.

Article VI does not allow state enforcement machinery to override the Federal Constitution. Applicant is not asking this Court to decide family-court merits. He asks only for an emergency administrative stay so that the pending federal appeal remains meaningful and further irreparable harm is prevented while the threshold constitutional question is decided.

Applicant respectfully asks the Court to enter an immediate administrative stay while this Application is considered and, upon consideration, to stay the challenged enforcement pending disposition of First Circuit Appeal No. 26-1280, or until further order of this Court.

Respectfully submitted,

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Verification

I, Gregory Alvin James Van Etten, hereby declare under the penalty of perjury under the laws of the United States of America that all foregoing statements are true and correct based upon my personal knowledge, information, and belief. Executed this July 16, 2026.

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