

No.

IN THE
Supreme Court of the United States

In Re:

GREGORY ALVIN JAMES VAN ETEN

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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APPENDIX TABLE OF CONTENTS

Appendix A — District-Court Disposition	2
March 6, 2026 Memorandum and Order and separate judgment dismissing the federal action.	
Appendix B — First Circuit Orders	23
April 15, 2026 order concerning expedition, summary disposition, and judicial notice; and May 6, 2026 order denying interim relief.	
Appendix C — Emergency Requests and Procedural Status	26
Applicant’s June 29, 2026 request for prompt ruling, July 6, 2026 renewed request, July 6, 2026 clerk’s notice, and the current First Circuit docket excerpt.	
Appendix D — Judicial-Notice Submission of Certified State-Court Service Records (District Court Dkt. 119)	37
Appellant’s motion for judicial notice with certified Exhibits A–E, including the temporary orders, motion and order for publication, publication summons, filed summons and blank return, and certified state-court docket pages.	
Appendix E — First Circuit Stay Record and Evidence of Continuing Irreparable Harm	74
First Circuit-filed April 22 emergency motion for stay, April 29 sworn supplemental declaration with Exhibit A, June 9 renewed limited emergency motion, and June 16 notice with Exhibits A–B documenting continuing enforcement and irreparable harm.	

APPENDIX A

DISTRICT-COURT DISPOSITION

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREGORY J. VAN ETTEN,
Plaintiff,

v.

STEPHANIE K. FATTMAN, et al.,
Defendants.

Civ. No.: 4:24-cv-40113-MRG

MEMORANDUM AND ORDER REGARDING REPORT AND RECOMMENDATIONS

GUZMAN, D.J.

Plaintiff Gregory J. Van Etten brought suit *pro se*, invoking 42 U.S.C. §§ 1983 and 1985, naming as Defendants Worcester Probate and Family Court, the Massachusetts Child Support Services Department of Revenue (“CSS-DOR”), Probate and Family Court Associate Justice Jennifer Melia, Superior Court Associate Justice Daniel M. Wrenn, Supreme Judicial Court Associate Justice Serge Georges Jr., Register of Probate Stephanie K. Fattman, Register of Probate Ashley Stewart, Assistant Register Megan Brown, Assistant Register Angelina Consolmagno, CSS-DOR Deputy Commissioner Michele Cristello, and Counsel for CSS-DOR Michael S. Denham. [Compl. at 1-3, ECF No. 1]. Plaintiff alleges that Defendants violated his constitutional rights through conduct in proceedings that occurred in the Worcester Probate and Family Court, Superior Court, and the Massachusetts Supreme Judicial Court, and through the collection of his wages pursuant to Income Withholding Orders. [Id. ¶¶ 12-41]. Before the Court are three reports and recommendations (“R&R”) issued by Magistrate Judge David H. Hennessy in this matter. [ECF Nos. 116, 118, 136]. For the reasons that follow, the R&Rs dated August 26, 2026 [ECF No. 116] and August 27, 2026 [ECF No. 118] are **ADOPTED IN FULL**. The R&R dated October 29, 2025 [ECF No. 136] is **ADOPTED IN PART**.

I. BACKGROUND

The factual and procedural background of this case is thoroughly set forth in the Magistrate Judge's final R&R [ECF No. 136] and need not be repeated here in full. Plaintiff has not objected to the statement of the facts and procedural history. Without objection, the Court adopts Judge Hennessy's background of this case. [Id. at 1-5].

In summary, three R&Rs are pending before this Court. [ECF Nos. 116, 118, 136]. On August 26, 2025, Magistrate Judge Hennessy issued the first R&R, [ECF No. 116], recommending denial of Plaintiff's Motion for Emergency Relief from Judgment under Rule 60(b)(4) and denying as moot Plaintiff's related motions seeking expedited consideration and sequencing. [Id. at 2-3; see ECF Nos. 79, 82, 93, 108]. Judge Hennessy also permitted Plaintiff to seek *leave* to amend his complaint, in accordance with Fed. R. Civ. P. 15(a)(2). [ECF No. 116 at n.1]. Judge Hennessy further directed Plaintiff to refrain from making additional filings pending issuance of a report and recommendation on Defendants' motion to dismiss, except to file objections to the R&R. [Id. at n.2]

The following day, Plaintiff filed an objection to the first R&R. [ECF No. 117]. While that objection was pending, Judge Hennessy thereafter issued a second R&R, [ECF No. 118], recommending that an earlier filed motion, [ECF No. 113], be denied as moot for the same reasons as stated in the first R&R, [ECF No. 116]. Plaintiff never objected to the second R&R; however, as the second R&R was premised on the same reasons as the first R&R, the Court construes Plaintiff's objection to the R&R at ECF No. 116 as also objecting to the R&R at ECF No. 118. See Melendez v. SAP Andina y del Caribe, C.A., No. 05-1778, 2007 U.S. Dist. LEXIS 74894, at *11 (D.P.R. Sep. 24, 2007) ("Since both of Plaintiff's objections to each R&R are nearly identical, the Court addresses them concurrently").

On September 5, 2025, without filing a motion first seeking leave and without the opposing party's consent, Plaintiff filed an Amended Complaint, naming additional defendants. [ECF No. 120]. On October 29, 2025, Judge Hennessy issued a final third R&R addressing Defendants' Motion to Dismiss, recommending that the motion be granted on the grounds that the Court has no subject matter jurisdiction over Plaintiff's claims under the Rooker Feldman doctrine, and that, alternatively, Plaintiff has failed to state a claim upon which relief can be granted. [ECF No. 136]. In that R&R, Judge Hennessy granted Defendants' motion to strike Plaintiff's proposed Amended Complaint, [ECF No. 121], for failure to comply with applicable procedural rules and for failure to cure the complaint's fundamental defects. [ECF No. 136]. Plaintiff timely filed objections to the final R&R on November 3, 2025. [ECF No. 139]. The Court will consider Plaintiff's objections to the three R&Rs together.

II. LEGAL STANDARDS

a. Review of a Magistrate Judge's Report and Recommendation

A U.S. District Judge may refer certain types of pending matters to a U.S. Magistrate Judge for a Report and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b)(1). Parties may file written objections to an R&R within fourteen days of its issuance. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). An argument that has not been raised in front of the magistrate judge is "not entitled to a *de novo* review." Mills v. Turner, No. 15-13267-MLW, 2017 U.S. Dist. LEXIS 136887, at *3 (D. Mass. Aug. 25, 2017) (quoting Borden v. Sec'y of Health & Human Servs., 836 F. 2d 4, 6 (1st Cir. 1987)). Objections containing arguments or referring to previously available evidence that were not raised before the magistrate judge are deemed waived. Borden, 836 F.2d at 6 (explaining that a party objecting to a report and recommendation is "not entitled to a *de novo* review of an argument never raised" before the magistrate); see Guzman-Ruiz

v. Hernandez-Colon, 406 F.3d 31, 36 (1st Cir. 2005) (ruling an argument, which was not brought before the magistrate judge, is deemed waived). When a District Court refers a dispositive motion to a Magistrate Judge for a recommended disposition, the District Judge must “determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). When conducting a *de novo* review, the U.S. District Judge “may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(C). “Where objections to an R&R are repetitive of the arguments already made to the magistrate judge, a *de novo* review is unwarranted.” Rojas-Buscaglia v. Taburno-Vasarely, 39 F. Supp. 3d 208, 212 n.1 (D.P.R. 2014) (citing Westernbank P.R. v. Kachkar, No. 07-1606 (ADC), 2009 U.S. Dist. LEXIS 78726, at *25 (D.P.R. Sept. 1, 2009)). “Instead, the report and recommendation is reviewed by the district judge for clear error.” Id. (quotation and citation omitted); DeSilva v. Guardian Life Ins. Co. of Am., No. 23-CV-12625-MRG, 2025 U.S. Dist. LEXIS 64359, at *9 n.6 (D. Mass. Mar. 31, 2025) (“Indeed, the clear error standard applies to such improper objections” (citations omitted)).

b. Motion to Dismiss for Lack of Subject Matter Jurisdiction

“Jurisdiction is the cornerstone of every federal court action.” Woo v. Spackman, 988 F. 3d 47, 53 (1st Cir. 2021). Therefore, when faced with a motion to dismiss under both 12(b)(1) and 12(b)(6), a district court “ordinarily decide[s] the 12(b)(1) motion first.” Ne. Erectors Ass’n of BTEA v. Sec’y of Labor, 62 F. 3d 37, 39 (1st Cir. 1995). The Court evaluates alleged facts in the complaint “at face value” to determine whether they support subject-matter jurisdiction. Gordo-Gonzalez v. United States, 873 F. 3d 32, 35 (1st Cir. 2017). The plaintiff bears the burden to establish that the federal court has subject-matter jurisdiction. Klimowicz v. Deutsche Bank Nat’l Tr. Co., 907 F. 3d 61, 64 (1st Cir. 2018). “If the party fails to demonstrate a basis for jurisdiction,

the district court must grant the motion to dismiss.” Johansen v. United States, 506 F.3d 65, 68 (1st Cir. 2007). A plaintiff cannot assert a proper jurisdictional basis “merely on unsupported conclusions or interpretations of law” or “[s]ubjective characterizations or conclusory descriptions of a general scenario which could be dominated by unpleaded facts.” Murphy v. United States, 45 F.3d 520, 522 (1st Cir. 1995), cert. denied, 515 U.S. 1144 (1995). In evaluating whether the party has met its burden of proof, the court “may consider extrinsic materials and, to the extent it engages in jurisdictional factfinding, is free to test the truthfulness of the plaintiff’s allegations.” Dynamic Image Techs., Inc. v. United States, 221 F.3d 34, 37 (1st Cir. 2000) (citing Mortensen v. First Fed. Sav & Loan Ass’n, 594 F.2d 884, 890-91 (3rd Cir. 1977)). “The Rooker-Feldman doctrine is jurisdictional in nature; if a case is dismissed because the Rooker-Feldman doctrine applies, it means the court has no subject-matter jurisdiction to hear the case.” Mills v. Harmon Law Offices, P.C., 344 F.3d 42, 44 n. 1 (1st Cir. 2003) (quoting In re Middlesex Power Equip. & Marine Inc., 292 F.3d 61, 66 (1st Cir. 2002)).

III. DISCUSSION

a. **Consent to Proceed Before a Magistrate**

Plaintiff objects to the Magistrate’s rulings in the R&Rs because he argues that he did not consent to proceed before a Magistrate, and asserts that because the case designation includes the initials “MRG,” Magistrate Judge Hennessy lacked authority to act absent Plaintiff’s consent. [ECF No. 139 at 2]. This objection reflects a fundamental misunderstanding of the statutory framework governing reports and recommendations and is without merit.¹ Under 28 U.S.C. §

¹ It appears to the Court that Plaintiff relies on generative AI to make statements of law. However, the Court warns Plaintiff that generative AI does not necessarily generate accurate findings of law, can create incorrect or made-up citations, and should not be relied upon without review as a source

636(b)(1)(B) (“§ 636”), a district judge may refer dispositive matters, including motions to dismiss, to a magistrate judge for a report and recommendation, regardless of the parties’ consent Id.; see also Fed. R. Civ. P. 72(b)(1) (discussing magistrates judges’ ability to issue R&R’s “*without the parties consent*” (emphasis added)). Here, Judge Hennessy did not enter a final order disposing of Plaintiff’s claims independently; consistent with § 636(b), Judge Hennessy issued an R&R pertaining to Plaintiff’s claims, which has no operative effect unless and until adopted by the District Court. The District Judge’s initials in the case caption or docket designation merely reflect the administrative assignment of the case. The presence of the District Judge’s initials does not limit the judge’s statutory authority to refer matters to a magistrate judge, nor does it preclude a magistrate judge from issuing a report and recommendation. The absence of Plaintiff’s consent is therefore legally irrelevant to the R&R process. See Cugini v. Ventetuolo, 781 F.Supp. 107, 108 n.1 (D.R.I. 1992) (plaintiff’s lack of consent for magistrate jurisdiction was of “no consequence”). Accordingly, Plaintiff’s objection based on the absence of consent or lack of authority is overruled.

b. Objection to the R&R’s Rulings on Plaintiff’s Motion under Fed. R. Civ. P. 60(b)(4)

In the first and second R&Rs [ECF Nos. 116, 118], Judge Hennessy denied Plaintiff’s motion for emergency relief from a judgment under Fed. R. Civ. P. 60(b)(4). [ECF No. 116 at 2-3]. Plaintiff sought to render void a prior R&R, [ECF No. 45 at 4-6], that denied injunctive relief

of sound legal arguments. For instance, Plaintiff cites to 28 U.S.C. § 636(b)(1)(B) as supporting authority for the assertion that “a magistrate may recommend but cannot strike pleadings absent district-judge adoption,” which is wholly unsupported by the language of the statute. On the contrary, 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72 empower magistrate judges to rule on non-dispositive motions, such as a motion to amend a complaint. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Pagano v. Frank, 983 F. 2d 343, 346 (1st Cir. 1993). Additionally, Plaintiff states that Judge Hennessy’s R&R referenced two cases, Ankenbrandt v. Richards, 504 U.S. 689 (1992) and Seminole Tribe v. Florida, 517 U.S. 44 (1996) [ECF No. 139 at 6]; however, neither case is cited in the R&Rs pending before this Court. [See ECF Nos. 116, 136].

because Plaintiff had failed to show likelihood of success on the merits where the relief he sought was barred by the Rooker-Feldman doctrine. [ECF No. 47].

Upon *de novo* review, the Court finds that Judge Hennessy correctly stated the legal standard for his analysis on the Rule 60(b)(4) motion. [ECF No. 116 at 2–3]. A party may move for relief from a judgment on the basis that it is void pursuant to Fed. R. Civ. P. 60(b)(4). As the First Circuit has explained,

There are only two sets of circumstances in which a judgment is void (as opposed to voidable). The first is when the rendering court lacked either subject matter jurisdiction or jurisdiction over a defendant’s person. The second is when the rendering court’s actions so far exceeded a proper exercise of judicial power that a violation of the Due Process Clause results.

Carrasquillo-Serrano v. Municipality of Canovanas, 991 F.3d 32, 39 (1st Cir. 2021) (quoting Farm Credit Bank v. Ferrera-Goitia, 316 F.3d 62, 67 (1st Cir. 2003)). Applying this standard, Judge Hennessy denied Plaintiff’s motion because he did not argue in any prior motions that this Court lacks jurisdiction over his claims or that this Court had exceeded the “proper exercise of judicial power that a violation of the Due Process clause results.” [ECF No. 116 at 2–3 (quoting Carrasquillo-Serrano, 991 F.3d at 39)].

Plaintiff asserts that Judge Hennessy misapprehended his argument. [ECF No. 117 at 2-3] Plaintiff concedes that he is not contending that this Court lacked jurisdiction. [Id.] Plaintiff states, “the Court’s prior order was void because it rested upon and gave effect to state child-support orders that were themselves entered without valid service, notice, or personal jurisdiction” and “[a] federal order that enforces or incorporates void state orders operates ‘in a manner inconsistent with due process,’ and is therefore void within the meaning of Fed. R. Civ. P. 60(b)(4).” [Id. at 2] As a preliminary matter, because Plaintiff asserted a near identical argument in his prior filings, [see e.g., ECF No. 79 at 1], the Court’s review of these objections is under a clear error standard.

DeSilva, No. 23-CV-12625-MRG, 2025 U.S. Dist. LEXIS 64359, at *9 n.6 (D. Mass. Mar. 31, 2025).

Under either a clear error or *de novo* standard, Judge Hennessy's denial of Plaintiff's Rule 60(b)(4) motion was supported by law. The First Circuit explicitly rejected a similar argument in O'Callaghan v. Shirazi, where the plaintiffs likewise did not challenge the court's subject matter jurisdiction over the dispute; rather, they said the opposite, "that is, that because Rooker-Feldman does not apply, the district court *did* have subject matter jurisdiction." 204 F. App'x 35, 37 (1st Cir. 2006) (citing D.C. Ct.App. v. Feldman, 460 U.S. 462, 486 (1983)). The court of appeals denied plaintiffs' motion because the plaintiffs did not explain how the Court's original judgment could be characterized as an excessive exercise of judicial power constituting a due process violation. Id. Indeed, the court noted the irony in plaintiffs' argument "that the court's decision that *lacked* the power to act in a matter (because it lacked subject matter jurisdiction) could be said to have *exceeded* the court's power." Id. The same irony is true here. Plaintiff asserts that in denying injunctive relief that would have stayed the state court's determinations and child support orders against Plaintiff, this Court allows those orders to go into effect, thus creating a due process violation. [ECF No. 117 at 5]. Plaintiff cannot repackage the Court's refusal to enjoin a state court judgment due to the Rooker-Feldman doctrine as an endorsement of the state court's rulings. Like in O'Callaghan, Plaintiff has failed to show where this Court exceeded its power in declining jurisdiction. 204 F. App'x at 37. Further, as discussed below, the Court does lack subject matter jurisdiction under Rooker-Feldman to adjudicate Plaintiff's claims challenging his loss in state court. Finding no error under a clear error or *de novo* standard, the Court overrules Plaintiff's objection. Infra at 9-13.

c. Objection to the Application of the Rooker-Feldman Doctrine

Judge Hennessy recommended granting Defendants' Motion to Dismiss due to lack of subject matter jurisdiction under the Rooker Feldman² Doctrine. [ECF No. 136 at 6–13]. In his objection to this determination, Plaintiff reiterates arguments he made previously, that the underlying state court judgment was not valid, so Rooker-Feldman does not apply. [Compare ECF No. 139 at 2 with ECF No. 43 ¶ 23 (“Since there was no valid judgment due to lack of personal jurisdiction, the Rooker-Feldman doctrine does not bar this federal action”)]. Plaintiff also reasserts his argument that he is not challenging the state court judgment but rather challenging “independent claims,” so Rooker-Feldman does not apply. [Compare ECF No. 139 at 5–6 with ECF No. 114 at 2–3 (Plaintiff asserting that his claims for relief do not ask this Court to directly review or upset the judgment of the state courts but rather only “challenge[] the executive enforcement acts carried out under color of state law[.]”)]. Once again, these arguments have been recycled from earlier pleadings and were soundly addressed and rejected by Magistrate Judge Hennessy in the R&R; accordingly, the Court reviews for clear error. See DeSilva, 2025 U.S. Dist. LEXIS, at *9 n.6 (citations omitted).

The Supreme Court of the United States is the only federal court with jurisdiction to review a state court judgment. 28 U.S.C. § 1257; Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 292 (2005). Under the Rooker-Feldman doctrine, a district court cannot exercise subject matter jurisdiction over an action brought by a party who lost in state court and who is “seeking review and rejection of that judgment” in a lower federal court. Exxon Mobile, 544 U.S. at 291. Instead, “the proper forum for challenging an unlawful state court ruling is the United States Supreme Court, on appeal of the highest state court’s final judgment.” Davison v. Gov’t of P. R. –

² The term “Rooker-Feldman doctrine” is a shorthand reference to the Supreme Court’s interpretation of 28 U.S.C. § 1257 in District of Columbia Ct. of Appeals v. Feldman, 460 U.S. 462 (1983) and Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923).

P. R. Firefighters Corps, 471 F.3d 220, 223 (1st Cir. 2006). Litigants cannot “avoid the impact of the Rooker-Feldman Doctrine simply by recasting [their] claims in federal court as arising under the United States Constitution” where adjudications would require reviewing the merits of the state courts decision. Sinapi v. Rhode Island Bd. of Bar Examiners, 910 F.3d 544, 549 (1st Cir. 2018) (citing McKenna v. Curtin, 869 F.3d 44, 48 (1st Cir. 2017)).

The Court agrees with Judge Hennessy that the Rooker-Feldman doctrine bars adjudication of Plaintiff’s claims no matter how he tries to recast his suit as anything other than a collateral attack on the state court judgment against him. Plaintiff is a litigant who lost in state court who is dissatisfied with the outcome of the state court litigation and who commenced this action after the state court judgments were entered. [See ECF No. 1 (suit filed on September 5, 2024)]; Van Etten v. Van Etten, WO07D1562DV1 (Mass. Prob. & Fam. Ct.) (relevant judgments of Probate and Family Court entered on January 22, 2008, and June 16, 2009); Efreom v. McKee, 46 F.4th 9, 17 (Rooker-Feldman doctrine applicable to “state-court losers”). Considering Plaintiff’s inventive re-framing of his suit, Judge Hennessy assessed the true nature of Plaintiff’s claims:

The reality is that Van Etten asks this Court to vacate and declare null and void the support orders issued in Van Etten’s state court custody and divorce case. Indeed, the relief he seeks--that the Court enjoin wage garnishment and collection pursuant to the Income Withholding Orders, and return all payments already collected--depends on this Court exercising appellate jurisdiction and declaring the actions of the state court void or in error. See [Dkt. No. 1 at p. 16]. Put another way, in order for this Court to grant Van Etten the relief he seeks, it would have to conclude that the state court was wrong in its judgment that alternative service of process was appropriate for an exercise of jurisdiction over him. Thus, it is clear that Van Etten is seeking to use the District Court as an appellate forum to reverse the findings and orders from his state court proceedings.

[ECF No. 136 at 10–11]. Plaintiff did not object to this portion of Judge Hennessy’s analysis. [See ECF No. 139]. Although Plaintiff presents his claim as being constitutional challenges to state

court rules, his claim of injury “rests [] on the state court judgment itself,” implicating Rooker-Feldman’s statutory bar on this Court’s subject matter jurisdiction. Galibois v. Fisher, 174 F. App’x 579, 580–81 (1st Cir. 2006) (quoting Washington v. Wilmore, 407 F.3d 247, 280 (4th Cir. 2003)). Plaintiff’s claims in this Court would require a review of the merits of the state court proceedings and Plaintiff cannot avoid Rooker-Feldman’s bar by “recasting” his claims as arising under the Constitution. See Sinapi, 910 F.3d at 549. Accordingly, the Court also finds Plaintiff’s reliance on Skinner v. Switzer, 562 U.S. 521 (2011) misplaced. [See ECF No. 139 at 5–6].

Judge Hennessy expressly rejected Plaintiff’s argument that the Rooker-Feldman doctrine does not apply when the plaintiff contends that no valid state court judgment exists due to a lack of personal jurisdiction. [ECF No. 136 at 11–13]. In doing so, Judge Hennessy noted that Plaintiff “cite[d] no legal authority.” [Id. at 11]. In contrast, Judge Hennessy relied on persuasive authority from multiple circuits rejecting any such exception to the Rooker-Feldman doctrine. [Id. at 11–13 (citing Rouse v. Nessel, No. 21-1630, 2022 U.S. App. LEXIS 19069, at *2 (6th Cir. July 11, 2022) (no exception to application of Rooker-Feldman where plaintiff argued child support orders were void because the state court which issued them lacked personal jurisdiction over plaintiff); see also Schmitt v. Schmitt, 324 F.3d 484, 487 (7th Cir. 2003) (rejecting argument that there is a “void ab initio” exception to Rooker-Feldman where the state court allegedly lacked jurisdiction in underlying divorce proceedings); Skit Intern., Ltd. v. DAC Techs. Of Arkansas, Inc., 487 F.3d 1154, 1156-58 (8th Cir. 2007) (affirming dismissal under Rooker-Feldman in case where plaintiff sought to set aside state court judgment as “void” for lack of service of process and lack of personal jurisdiction); Williams v. Rudder, No. 98-16059, 1999 U.S. App. LEXIS 97131999 U.S. App. LEXIS 9713, at *2 (9th Cir. May 14, 1999) (“Because federal district courts lack appellate jurisdiction over state court decisions, even where the claim is that the state court lacked personal

jurisdiction, the district court properly dismissed this action under the Rooker-Feldman doctrine.”); Eisenhart v. Eagle Cnty. Sheriff’s Off., No. 23-1275, 2024 U.S. App. LEXIS 18962, at *5 (10th Cir. July 31, 2024) (affirming that Rooker-Feldman bars a claim where plaintiff asks to review state court judgment for lack of personal jurisdiction)].

Plaintiff reiterates this argument in his Emergency Objection to the R&R, but this time cites as legal authority Pennoyer v. Neff, 95 U.S. 714 (1877), Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988), and United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010). [ECF No. 139 at 2]. However, none of those cases address whether a federal district court has subject matter jurisdiction over a challenge to a state court judgment. Whether the state court had personal jurisdiction to issue a judgment, and whether the federal court has subject matter jurisdiction to review or invalidate that judgment, are distinct inquiries. There is no authority supporting Plaintiff’s proposition that federal district courts have subject matter jurisdiction over jurisdictionally defective state court judgments. To the contrary, even where a state court is alleged to have violated constitutional limits on personal jurisdiction, federal district courts remain without jurisdiction to declare such judgments void. Schmitt, 324 F.3d at 487 (Rooker-Feldman bars consideration of whether state court lacked personal jurisdiction). The proper place to challenge the validity of a state court judgment is in the state’s highest appellate court, or the United States Supreme Court. Davison, 471 F.3d at 223.

Discerning no error in the Magistrate’s analysis, the Court overrules Plaintiff’s objection to the application of the Rooker-Feldman doctrine.

d. Objection to the Application of Eleventh Amendment Immunity

Plaintiff lodges only a conclusory objection to the R&R with respect to Judge Hennessy's determination, [see ECF No. 136 at 13–15], that the Eleventh Amendment bars Plaintiff's claims against the Probate Court and CSS-DOR, as well as his claims for damages and retrospective relief against all defendants sued in their official capacities. [ECF No. 139 at 6]. Plaintiff merely asserts that his claims "fall squarely within Ex Parte Young [exception]," [id.], without offering any explanation as to why that exception applies and without addressing Judge Hennessy's finding that Plaintiff's sole claim for prospective relief, prohibiting CSS-DOR from further collecting child support payments, is independently barred by the Rooker-Feldman doctrine. [See ECF No. 136 at 15]. The Court agrees with Judge Hennessy's analysis that, under Rooker-Feldman, the Court has no subject matter jurisdiction to re-litigate state court judgments surrounding child support payments. Gray-Bey v. 42 U.S. Code 654(3) Mass. Dep't of Revenue Child Support Enforcement Div., No. CV 20-12042-DJC, 2021 U.S. Dist. LEXIS 258272, at *9-10 (D. Mass. Mar. 17, 2021). Without further objection, the remaining unrebutted reasoning and conclusions in Judge Hennessy's Eleventh Amendment analysis are therefore accepted and adopted by the Court. See Borden, 836 F.2d at 6 (affirming district court's refusal to consider arguments not presented to magistrate judge).

e. Alternative Rule 12(b)(6) Grounds

Where the Court lacks subject matter jurisdiction, assessment of the merits under Rule 12(b)(6) "becomes a matter of purely academic interest." Pereira v. DeJoy, No. CV 23-12133-RGS, 2024 U.S. Dist. LEXIS 70854, at *4 (D. Mass. Apr. 18, 2024) (quoting Deniz v. Mun. of Guaynabo, 285 F.3d 142, 149-150 (1st Cir. 2002)). Further, without a proper jurisdictional basis, the Court must grant the motion to dismiss. Johansen, 506 F.3d at 68. Because the Court lacks subject matter jurisdiction over Plaintiff's claims under the Rooker-Feldman doctrine and the

Eleventh Amendment, it will not reach Defendant's alternative arguments for dismissal under Rule 12(b)(6) and declines to adopt the Magistrate's recommended rulings on the merits. See Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94 (1998) (declining to assume jurisdiction for the purpose of deciding the merits of the arguments because "it carries the courts beyond the bounds of authorized judicial action and thus offends fundamental principles of separation of powers"). Nevertheless, the Court notes Judge Hennessy thoroughly analyzed Defendants' 12(b)(6) arguments and identified multiple independent grounds for dismissal as to each of Plaintiff's claims to which Plaintiff did not meaningfully object. [ECF No. 136 at 15–26; see generally ECF No. 139].

f. Striking of the Amended Complaint

In the third R&R, Judge Hennessy considered whether Plaintiff would be granted leave to amend his complaint and determined that the amended complaint should be disallowed as both procedurally defective and substantively futile. [ECF No. 136 at 27–28]. Plaintiff, in essence, objects that he was instructed to file an amended complaint; however, he admits in his objection that the court's order was for him to file a *motion* for leave to amend the complaint. [ECF No. 139 at 3 (quoting ECF No. 116 at 3 n.1)]. Judge Hennessy correctly stated the legal standard that Fed. R. of Civ. P. 15(a)(2) allows a party to amend its pleadings beyond 21 days after service of the original pleading only with leave of the court or on consent, and "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Further, the Magistrate correctly determined that "grant or denial of [a motion for] leave to file an amended complaint is within the court's discretion." [ECF No. 136 at 27 (citing Lukas v. United States, 133 F.Supp.3d 284, 286 (D. Mass. 2015)); Forman v. Davis, 371 U.S. 178, 182 (1962)].

First, the Court rejects Plaintiff's objection that Judge Hennessy lacked the authority to rule on a motion for leave to amend or to strike the amended complaint. This Court referred this matter to Judge Hennessy for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A). While some matters are expressly exempted from the magistrate's authority to rule on directly, ruling on non-dispositive motions such as denying leave to amend or striking a pleading are not among the exceptions under the statute. See 28 U.S.C. § 636(b)(1)(A)³; Maurice v. State Farm Mut. Auto. Ins. Co., 235 F.3d 7, 9 n.2 (1st Cir. 2000) ("The magistrate judge had the authority to decide the motion to amend outright." (citing 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a))). The magistrate's authority under § 636(b) of the statute does not depend on a litigant's consent to proceed before them. Indeed, outside of the specific exceptions, § 636(b) gives Magistrate Judges like Judge Hennessy the power to "hear and determine any pretrial matter," which includes non-dispositive rulings like striking pleadings that do not comply with Federal Rules of Civil Procedure or Local Rules, or denying leave to amend a futile complaint. 28 U.S.C. § 636(b)(1)(A); see Owens v. Hinsley, 635 F.3d 950, 956 (7th Cir. 2011) (affirming magistrate judge's denial of leave to amend for failure to comply with procedural rules). However, § 636(b)(1)(A) also gives district judges the authority to review or reconsider any non-dispositive pretrial matter "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

On the merits, Judge Hennessy found the proposed Amended Complaint procedurally and substantively defective. [ECF No. 136 at 27–28]. Procedurally, Plaintiff failed to follow Local

³ "[A] judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action." 28 U.S.C. § 636(b)(1)(A).

Rule 15.1 because he did not serve his proposed new parties with the Amended Complaint “at least 14 days in advance of filing the motion, [] with a separate document stating the date on which the motion will be filed.” L. R. 15.1(b). Nor did Plaintiff comply with Fed. R. Civ. P. Rule 15, which provides that an amended complaint may be filed beyond 21 days after service of the original pleading “only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). Plaintiff never filed a motion for leave to amend.

In addition, Judge Hennessy found that the proposed Amended Complaint was substantively defective because it does not cure the fundamental defect under Rooker-Feldman that the Court lacks subject matter jurisdiction over challenges to state court judgments. [ECF No. 136 at 28]. None of Plaintiff’s new claims in the proposed Amended Complaint allege an injury independent of the state-court judgments nor do they seek relief that would not require this Court to review and reject those judgments, i.e., there is no exception to the Rooker-Feldman doctrine that is implicated.

While the Court’s blessing is not required for Judge Hennessy’s refusal to allow Plaintiff to amend his complaint nor his decision to strike the proposed Amended Complaint, upon review pursuant to § 636(b)(1)(A), the Court finds no clear error or determination contrary to law. Accordingly, the Court overrules the Plaintiff’s objections to Magistrate Judge Hennessy’s rulings on his proposed Amended Complaint.

g. Remaining Objections

Plaintiff raises two final objections to the third R&R: that the magistrate judge failed to resolve pending jurisdictional claims before recommending dismissal, and that there is a pattern

of procedural obstruction and suppression of certified evidence. [ECF No. 139 at 4-5]. The Court will address each of these objections.

Plaintiff's first objection is without merit. Plaintiff argues that Magistrate Judge Hennessy should have ruled on this Court's jurisdiction before proceeding to the merits [ECF No. 139 at 4]; however, that is exactly what Judge Hennessy did in ruling that this Court lacks subject matter jurisdiction over Plaintiff's claims. [ECF No. 136 at 6-20]. Courts regularly decide dispositive motions which may resolve the case before reaching other motions. See e.g. Steel, 523 U.S. at 94 (citing Great Southern Fire Proof Hotel Co. v. Jones, 117 U.S. 449, 453 (1900)) ("On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court"); Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006) ("[W]hen a federal court concludes it lacks subject-matter jurisdiction, the court must dismiss the complaint in its entirety"). Plaintiff points to his motion for emergency relief from judgment under Fed. R. Civ. P. 60(b)(4) as a matter that should have been ruled on, but as discussed at length, this type of motion concerns voided judgments, not jurisdiction. Supra pp. 7-9. Further, Plaintiff's argument is unsupported by the procedural history of this case where Judge Hennessy did publish his R&R on the Rule 60(b)(4) motion, [ECF Nos. 116, 118], prior to writing the R&R on the motions to dismiss. [ECF No. 136].

Plaintiff next objects on the grounds that the Magistrate Judge engaged in "procedural obstruction" and "suppression of certified evidence" by issuing multiple R&Rs and by striking Plaintiff's exhibits to his proposed Amended Complaint. [ECF No. 139 at 3-4]. This objection is unfounded and rests on a fundamental misunderstanding of both the record and the Magistrate Judge's role. As discussed at length throughout this Order, Magistrate Judge Hennessy acted within his authority to rule directly on the motion for leave to amend and to strike the Amended Complaint. Supra pp. 5-7. Likewise, he abided by the proper procedure for ruling on dispositive

motions or exempted pretrial matters by issuing R&Rs for consideration by this Court. Although they were stricken, Plaintiff's proposed Amended Complaint and attached exhibits remain part of the docket and were available for review by the Court. [ECF No. 120]. The striking of a pleading or filing for failure to comply with procedural rules does not expunge the underlying record, nor does it prevent the District Court from reviewing any materials properly before it. Plaintiff's disagreement with Judge Hennessy's legal conclusions, particularly the determination that the Court lacks subject matter jurisdiction, does not constitute obstruction, bias, or a failure to preserve constitutional issues for review. Recharacterizing adverse rulings as procedural misconduct does not supply a legal basis for relief. Plaintiff's remaining objections are therefore overruled.

IV. CONCLUSION

For the reasons set forth above, Plaintiff's objections to the Magistrate Judge's R&Rs are **OVERRULED**. The R&Rs dated August 26, 2026 [ECF No. 116], August 27, 2026 [ECF No. 118] are **ADOPTED IN FULL**. Therefore, Plaintiff's Emergency Motion for Relief from Judgment under Rule 60(b)(4) [ECF No. 79] is **DENIED**. Plaintiff's other related motions [ECF Nos. 82, 93, 108] are **DENIED AS MOOT**.

The R&R dated October 29, 2025 [ECF No. 136] is **ADOPTED IN PART**. The R&R's rulings to grant Defendants' motion to dismiss pursuant to 12(b)(1) are **ADOPTED** but the R&R's rulings pursuant to 12(b)(6) are **REJECTED** because the Court lacks subject matter jurisdiction to review Plaintiff's claims on the merits. Accordingly, Defendants' motion to dismiss, [ECF No. 91], is **ALLOWED**. Further, the Court finds no error in the Magistrate's decision to deny leave to amend the complaint nor his decision to strike the amended complaint. Accordingly, Defendants' motion to strike the Amended Complaint and attached exhibits, [ECF No. 121], is **GRANTED**.

Finally, as the motion to dismiss, [ECF No. 91], is **GRANTED IN FULL**, judgment shall enter for the Defendants, all other pending motions shall be **DENIED AS MOOT**, and this civil action shall be **TERMINATED**.

SO ORDERED.

Dated: March 6, 2026

/s/ Margaret R. Guzman
Margaret R. Guzman
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____	)	
GREGORY J. VANETTEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 4:24-40113-MRG
STEPHANIE K. FATTMAN, ET AL,	)	
	)	
Defendants.	)	
_____	)	

ORDER OF DISMISSAL

GUZMAN, D.J.

In accordance with the Court's Memorandum and Order dated March 6, 2026, [ECF 149] ADOPTING the Magistrate Judge's Report and Recommendations and GRANTING Defendants' Motion to Dismiss, it is hereby ORDERED that the above-entitled action be and hereby is DISMISSED.

By the Court,

March 6, 2026
Date

/s/Suzanne Frisch
Deputy Clerk

APPENDIX B

FIRST CIRCUIT ORDERS

United States Court of Appeals For the First Circuit

No. 26-1280

GREGORY ALVIN JAMES VAN ETTEN,

Plaintiff - Appellant,

v.

STEPHANIE K. FATTMAN; ASHLEY STEWART; MEGAN BROWN; ANGELINA
CONSOLMAGNO; MICHELE CRISTELLO; JENNIFER MELIA; DANIEL M. WRENN;
SERGE GEORGES, JR.; MICHAEL S. DENHAM; WORCESTER PROBATE AND FAMILY
COURT; MASSACHUSETTS CHILD SUPPORT SERVICES DIVISION DEPARTMENT OF
REVENUE,

Defendants - Appellees.

ORDER OF COURT

Entered: April 15, 2026

Plaintiff-Appellant Gregory Alvin James Van Etten moves for this court to take judicial notice of certain records he submitted to the district court. The motion is resolved as follows: the merits panel will take such notice of the tendered documents as is necessary and appropriate. Appellant's motion to expedite the appeal is denied. The appeal will be resolved as soon as practicable after briefing is complete. Appellees' briefs remain due on June 26, 2026. Appellant's motion for summary disposition is denied.

By the Court:

Anastasia Dubrovsky, Clerk

cc:
Nigel Stevens
Alexander Matthew Weiss
Gregory Alvin James Van Etten

United States Court of Appeals For the First Circuit

No. 26-1280

GREGORY ALVIN JAMES VAN ETEN,

Plaintiff - Appellant,

v.

STEPHANIE K. FATTMAN; ASHLEY STEWART; MEGAN BROWN; ANGELINA
CONSOLMAGNO; MICHELE CRISTELLO; JENNIFER MELIA; DANIEL M. WRENN;
SERGE GEORGES, JR.; MICHAEL S. DENHAM; WORCESTER PROBATE AND FAMILY
COURT; MASSACHUSETTS CHILD SUPPORT SERVICES DIVISION DEPARTMENT OF
REVENUE,

Defendants - Appellees.

Before

Gelpí, Montecalvo, and Dunlap,
Circuit Judges.

ORDER OF COURT

Entered: May 6, 2026

Appellant seeks an injunction pending appeal to "stay enforcement of the challenged state-court orders pending resolution of this appeal." The motion is denied, as appellant has not made the necessary showing to garner relief from this court. See Respect Maine PAC v. McKee, 622 F.3d 13, 15 (1st Cir. 2010) (order) (in assessing a request for injunction on appeal, court considers "(1) whether the applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent relief; (3) whether issuance of relief will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.").

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Nigel Stevens, Alexander Matthew Weiss, Gregory Alvin James Van Etten

APPENDIX C

EMERGENCY REQUESTS AND PROCEDURAL STATUS

No. 26-1280

IN THE
United States Court of Appeals
For the First Circuit

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, *et al.*

Defendants - Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

REQUEST FOR PROMPT RULING ON PENDING RENEWED
LIMITED EMERGENCY MOTION FOR STAY OF
ENFORCEMENT PENDING DISPOSITION OF APPEAL

GREGORY ALVIN JAMES VANETTEN
c/o: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM

REQUEST FOR PROMPT RULING ON PENDING RENEWED LIMITED EMERGENCY MOTION FOR STAY OF ENFORCEMENT PENDING DISPOSITION OF APPEAL

Appellant Gregory Alvin James Van Etten respectfully requests a prompt ruling on his pending Renewed Limited Emergency Motion for Stay of Enforcement Pending Disposition of Appeal.

The pending renewed stay motion was filed in light of a materially changed procedural posture. Appellees have filed their merits brief, Appellant has filed his reply brief, and the appeal is now fully briefed on the threshold jurisdictional issue presented.

Appellant's pending stay motion presents a narrow request for interim relief while this Court resolves that fully briefed issue. Appellant does not seek review of the merits of the underlying domestic-relations proceedings. Rather, the motion seeks only to preserve the status quo while this Court determines whether the certified record contains legally sufficient evidence establishing that personal jurisdiction attached before the challenged enforcement chain began.

Appellees have now had a full opportunity, through merits briefing, to identify record evidence establishing completed service before coercive orders entered. Appellant respectfully maintains that Appellees identify no completed return of service, affidavit of diligent search, proof of publication, publication certificate, newspaper tear sheet, or other record evidence demonstrating that service by publication was completed before the challenged enforcement chain began.

Meanwhile, enforcement continues. As set forth in the pending stay motion, Appellant has now experienced approximately one year of unemployment while enforcement remains active, together with continuing employment-related, financial, professional, and household harm. The challenged enforcement has continued for years while the threshold personal-jurisdiction issue remains unresolved. Each additional period of continued enforcement increases injuries that cannot be fully repaired even if Appellant ultimately prevails.

Accordingly, Appellant respectfully requests that the Court **promptly grant the pending Renewed Limited Emergency Motion for Stay of Enforcement Pending Disposition of Appeal** and **stay further enforcement** while this Court resolves the fully briefed threshold jurisdictional issue.

Alternatively, if the Court concludes that a response from Appellees would assist its consideration, Appellant respectfully requests that the Court **enter a temporary administrative stay of enforcement** while requiring Appellees, **within two business days**, to identify any record evidence upon which they contend personal jurisdiction attached before the challenged enforcement chain began, including any completed return of service, affidavit of diligent search, proof of publication, publication certificate, newspaper tear sheet, or other record evidence establishing completed service. If Appellees do not identify such record evidence, Appellant respectfully requests that the Court **grant the pending stay of enforcement** to preserve meaningful appellate review and prevent further irreparable harm.

This request is made solely to preserve meaningful appellate review while the Court considers the fully briefed threshold jurisdictional issue. Appellant respectfully submits that continued enforcement without identified record evidence establishing personal jurisdiction presents an ongoing due-process injury requiring immediate interim relief.

Because enforcement is continuing while the threshold personal-jurisdiction issue remains unresolved, Appellant respectfully submits this as a final request for immediate action by this Court before seeking further emergency relief from the Circuit Justice if necessary. Appellant therefore respectfully requests either: (1) **prompt entry of the pending stay**; or (2) an order requiring Appellees, **within two business days**, to identify the record evidence upon which they contend personal jurisdiction attached before the challenged enforcement chain began. If the Court denies the requested stay, Appellant respectfully requests that the Court **identify the record evidence or legal basis upon which continued enforcement may proceed** while the threshold personal-jurisdiction issue remains unresolved.

Respectfully submitted,

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document "**REQUEST FOR PROMPT RULING ON PENDING RENEWED LIMITED EMERGENCY MOTION FOR STAY OF ENFORCEMENT PENDING DISPOSITION OF APPEAL**" filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing (NEF), and a copy was also sent to Appellees' counsel,

- **Nigel Stevens, Assistant Attorney General**
nigel.stevens@mass.gov
- **Alexander Weiss, Assistant Attorney General**
alexander.weiss@mass.gov
- **Office of the Attorney General (Administrative Law Filings)**
AdLawEFilings@mass.gov

via email to counsel of record, on June 29, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

No. 26-1280

IN THE
United States Court of Appeals
For the First Circuit

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, *et al.*

Defendants - Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

RENEWED REQUEST FOR PROMPT RULING ON PENDING
EMERGENCY MATTERS OR, IN THE ALTERNATIVE, STATUS
ORDER

GREGORY ALVIN JAMES VAN ETTEN
c/o: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM

Appellant Gregory Alvin James Van Etten, appearing self-represented, respectfully submits this renewed request for prompt ruling on pending emergency matters, or in the alternative, a status order confirming the posture of the pending matters before the Court.

On July 6, 2026, Appellant contacted the Clerk's Office by telephone regarding the status of pending matters in this appeal. Appellant was advised that the matters remain pending and are before the panel.

Appellant respectfully files this written request to preserve the current posture on the record and to request prompt action because enforcement of the challenged orders continues while the threshold jurisdictional question remains unresolved.

This appeal presents a narrow threshold question: whether the challenged state-court orders may continue to be enforced where the certified record has not shown lawful service of process or attachment of personal jurisdiction before the orders were entered and enforced.

Appellant has repeatedly identified the same certified-record defects: no affidavit of diligent search, no proof of publication, no publication certificate or tear sheet, and no completed return of service establishing lawful service and personal jurisdiction.

No order has identified where lawful service appears in the certified record. No order has identified when or how personal jurisdiction attached. Yet enforcement continues.

The continuing enforcement is not abstract. Appellant remains subject to ongoing enforcement consequences affecting employment, credit, income, professional standing, and family stability while the threshold jurisdictional issue remains unanswered.

Appellant respectfully submits that delay is not neutral where enforcement continues under orders challenged as void for lack of personal jurisdiction.

Accordingly, Appellant respectfully requests that this Court:

- 1. clarify whether the pending matters are being treated as emergency matters;**
- 2. promptly rule on the pending matters before the panel;**

3. in the alternative, issue a status order confirming the matters are under submission and identifying the procedural posture;
4. in the further alternative, direct Appellees to identify where, in the certified state-court record, lawful service of process was completed and personal jurisdiction attached before the challenged orders were entered and enforced; and
5. grant any further relief this Court deems just and proper.

Appellant does not submit this request to burden the Court or repeat prior argument. Appellant submits it because enforcement continues while the threshold jurisdictional question remains unresolved, and the absence of a ruling leaves Appellant without meaningful interim protection.

Respectfully submitted,

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document "**RENEWED REQUEST FOR PROMPT RULING ON PENDING EMERGENCY MATTERS OR, IN THE ALTERNATIVE, STATUS ORDER**" filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing(NEF), and a copy was also sent to the Respondents' counsel,

- **Nigel Stevens, Assistant Attorney General**
nigel.stevens@mass.gov
- **Alexander Weiss, Assistant Attorney General**
alexander.weiss@mass.gov
- **Office of the Attorney General (Administrative Law Filings)**
AdLawEFilings@mass.gov

via email to email address on the record, on July 6, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

United States Court of Appeals For the First Circuit

No. 26-1280

GREGORY ALVIN JAMES VAN ETTEN,

Plaintiff - Appellant,

v.

STEPHANIE K. FATTMAN; ASHLEY STEWART; MEGAN BROWN; ANGELINA
CONSOLMAGNO; MICHELE CRISTELLO; JENNIFER MELIA; DANIEL M. WRENN;
SERGE GEORGES, JR.; MICHAEL S. DENHAM; WORCESTER PROBATE AND FAMILY
COURT; MASSACHUSETTS CHILD SUPPORT SERVICES DIVISION DEPARTMENT OF
REVENUE,

Defendants - Appellees.

NOTICE

Issued: July 6, 2026

This is to advise you, pursuant to Fed. R. App. P. 34(b), that this case will be submitted on the briefs without oral argument.

Anastasia Dubrovsky, Clerk

cc:

Nigel Stevens

Gregory Alvin James Van Etten

Alexander Matthew Weiss

**General Docket
United States Court of Appeals for the First Circuit**

Court of Appeals Docket #: 26-1280 **Docketed:** 03/24/2026
Nature of Suit: 3440 Other Civil Rights
Van Etten v. Fattman, et al
Appeal From: District Court of MA, Worcester
Fee Status: filing fee paid

Case Type Information:

- 1) civil
- 2) private
- 3) civil rights

Originating Court Information:

District: 0101-4 : [4:24-cv-40113-MRG](#)

Lead: [4:24-cv-40113-MRG](#)

Court Reporter: FTR - MA

Court Reporter: Kristin Kelley

Ordering Judge: Margaret R. Guzman, U.S. District Judge

Trial Judge: David H. Hennessy, Magistrate Judge

Date Filed: 09/05/2024

Date Order/Judgment:

03/06/2026

Date Order/Judgment EOD:

03/06/2026

Date NOA Filed:

03/18/2026

Date Rec'd COA:

03/18/2026

Prior Cases:

25-1075	Date Filed: 01/17/2025	Date Disposed: 01/23/2025	Disposition: Denied
25-1095	Date Filed: 01/31/2025	Date Disposed: 07/31/2025	Disposition: Affirmed
25-1852	Date Filed: 09/08/2025	Date Disposed: 10/06/2025	Disposition: Denied

Current Cases:

None

Panel Assignment: Not available

GREGORY ALVIN JAMES VAN ETTEN,

Plaintiff - Appellant,

v.

STEPHANIE K. FATTMAN; ASHLEY STEWART; MEGAN BROWN; ANGELINA CONSOLMAGNO; MICHELE CRISTELLO; JENNIFER MELIA; DANIEL M. WRENN; SERGE GEORGES, JR.; MICHAEL S. DENHAM; WORCESTER PROBATE AND FAMILY COURT; MASSACHUSETTS CHILD SUPPORT SERVICES DIVISION DEPARTMENT OF REVENUE,

Defendants - Appellees.

- 06/29/2026  EMERGENCY MOTION for injunction pending appeal filed by Appellant Gregory Alvin James Van Etten. Served on 06/29/2026. [26-1280] (GAV) [Entered: 06/29/2026 08:39 AM]
- 07/01/2026  NOTICE REGARDING CONTINUING ENFORCEMENT, UNRESOLVED THRESHOLD JURISDICTIONAL QUESTION, AND REQUEST FOR CLARIFICATION OF PRESENT PROCEDURAL POSTURE filed by Appellant Gregory Alvin James Van Etten. Served on 07/01/2026. [26-1280] (GAV) [Entered: 07/01/2026 09:43 PM]
- 07/06/2026  EMERGENCY MOTION to stay enforcement pending prompt ruling to expedite consideration of pending emergency matters Renewed request for prompt ruling on pending emergency matters or, in the alternative, status order filed by Appellant Gregory Alvin James Van Etten. Served on 07/06/2026. [26-1280] (GAV) [Entered: 07/06/2026 11:42 AM]
- 07/06/2026  CASE submitted. Panel: David J. Barron, Chief Appellate Judge; Gustavo A. Gelpi, Jr., Appellate Judge; Julie Rikelman, Appellate Judge. [26-1280] (DJT) [Entered: 07/06/2026 12:29 PM]

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07/14/2026 14:18:41

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Description:	Docket Report (filtered)	Search Criteria:	26-1280 Filed 6/29/2026 - 7/14/2026
Billable Pages:	1	Cost:	0.10

APPENDIX D

JUDICIAL-NOTICE SUBMISSION OF CERTIFIED STATE-COURT SERVICE RECORDS (DISTRICT COURT DKT. 119)

No. 26-1280

IN THE
United States Court of Appeals
For the First Circuit

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, *et al.*

Defendants - Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

APPELLANT'S MOTION FOR JUDICIAL NOTICE OF CERTIFIED STATE
COURT RECORDS (DKT. 119)

GREGORY ALVIN JAMES VANETTEN
C/O: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM

APPELLANT'S MOTION FOR JUDICIAL NOTICE OF CERTIFIED STATE COURT RECORDS (DKT. 119)

Appellant Gregory Alvin James Van Etten respectfully moves this Court to take judicial notice of certified state court records submitted in the district court at Dkt. 119.

Appellant filed an Emergency Motion for Leave to Supplement (Dkt. 119) attaching certified copies of state-court records bearing directly on the threshold issue of personal jurisdiction. The district court did not rule on that motion. Accordingly, although the materials were presented below, they were not formally incorporated into the record on appeal. Because leave was not granted, Appellant attaches the same certified materials here as Exhibits A–E in support of this motion.

The materials submitted at Dkt. 119 are certified public records corresponding to documents already referenced by the parties in the district court. They do not introduce new evidence, but instead confirm the contents of the existing record through official certification.

Federal courts may take judicial notice of certified state-court records as matters of public record not subject to reasonable dispute. See Fed. R. Evid. 201. Courts of appeals routinely take judicial notice of such materials where they bear on a threshold jurisdictional issue.

The certified records at Dkt. 119 bear directly on whether the state court obtained personal jurisdiction. Because jurisdiction is a threshold question that must be resolved before the merits, consideration of these materials is appropriate at this stage. Because a judgment entered without personal jurisdiction is void ab initio, these materials are dispositive of the threshold issue before this Court.

CONCLUSION

Accordingly, Appellant respectfully requests that this Court:

1. Take judicial notice of the certified state court records submitted at Dkt. 119 and attached hereto as Exhibits A–E; and
2. Grant such further relief as this Court deems just and proper.

EXHIBITS (FROM DKT. 119)

The following certified records are attached, consistent with Dkt. 119:

- Exhibit A – Order for Service by Publication (certified) (Dkt. 119-1)
- Exhibit B – Summons by Publication and related materials (certified) (Dkt. 119-2)
- Exhibit C – Motion for Service by Publication (certified) (Dkt. 119-3)
- Exhibit D – Ex Parte Temporary Orders (Dkt. 119-4)
- Exhibit E – Certified Probate and Family Court Docket Report (Dkt. 119-5)

Respectfully submitted,

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document "**Appellant's Motion for Judicial Notice of Certified State Court Records (Dkt. 119)**" and **EXHIBITS A-E** filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing(NEF), and a copy was also sent to the Respondents' counsel,

- **Nigel Stevens, Assistant Attorney General**

nigel.stevens@mass.gov

- **Alexander Weiss, Assistant Attorney General**

alexander.weiss@mass.gov

- **Office of the Attorney General (Administrative Law Filings)**

AdLawEFilings@mass.gov

via email to email address on the record, on March 25, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

EXHIBIT A

Order for Service by Publication (Certified Copy)
Originally submitted in District Court at Dkt. 119-1

The following pages are reproduced exactly as filed in the district court and are not altered.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Gregory Alvin James Van Etten, Plaintiff

v.

**Stephanie K. Fattman, Ashley Stewart, Megan Brown, Angelina
Consolmagno, Michele Cristello, Jennifer Melia, Daniel M Wrenn, Serge
Georges Jr., Michael S. Denham, Worcester Probate and Family Court, Child
Support Services Division, Defendants**

Case No. 4:24-cv-40113-MRG

EXHIBIT A

Order for Service by Publication

Date: 07/18/2007

Description: Marked "COPY"; return blank; no proof of publica-
tion/mailling filed.

Filed in Support of:

**EMERGENCY MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S
OBJECTION (DKT. 117) WITH CERTIFIED RECORDS UNARGUABLY
DEMONSTRATING FRAUD ON THE COURT AND VOID SERVICE**

Prepared by:

**Gregory Alvin James Van Etten- Self-Represented
c/o: 1530 P B LN #V1425, Wichita Falls, Texas [76302]
ph: 301-820-5302 - email: jim.vanetten@gmail.com**

Commonwealth of Massachusetts
The Trial Court

Worcester Division

Probate and Family Court Department

Docket No. 07D1562DV1

ORDER FOR SERVICE BY PUBLICATION

Shelley VanEtten, Plaintiff

v.

Gregory James VanEtten, Defendant

Upon motion of plaintiff for an order directing Gregory James VanEtten the defendant herein, to appear, plead, or answer, in accordance with Mass.R.Civ. P./Mass.R.Dom.Rel.P. Rule 4, it appearing to the Court that this is an action for ☒ divorce ☐ separate support.

Pursuant to Supplemental Probate Court Rule 411, an Automatic Restraining Order has been entered against the above named parties, and that the said defendant cannot be found within the Commonwealth and that his/her present whereabouts are unknown; that personal service on said defendant is therefore not practicable, and that said defendant has not voluntarily appeared in this action:

It is **Ordered** that said defendant is directed to appear, plead, answer, or otherwise move with respect to the complaint herein on or before the eighteenth day of October, 20 07. If you fail to do so this Court will proceed to a hearing and adjudication of this matter.

It is further **Ordered** that the accompanying summons be published once a week for three consecutive weeks in the Barre Gazette, a newspaper published in Barre (include mailing address of newspaper) the publication to be seven days at least before said return day. It is further **Ordered** that a copy of the summons be mailed to the defendant at his/her last known address by registered or certified mail.

Date July 18, 2007

Joseph L. Hart, Jr.
Justice of Probate and Family Court

RETURN OF SERVICE

I hereby certify under the penalties of perjury that I have complied with the order of notice by:

☐ mailing — certified — registered — a copy of the summons as ordered and,

☐ causing the citation to be published in the _____

Publication was on _____ which was at least _____ days/months before said return day.

Date _____ Signed _____

NOTE: Proof of service must be made in compliance with Mass.R.Civ. P./Mass.R.Dom.Rel.P. Rule 4 and may be made on this form. This form is to be used for actions for divorce or for separate support ONLY.

CJ-D 111A (12/00)

ORIGINAL RETURN TO PROBATE COURT
WITH PROOF OF SERVICE

A TRUE COPY
ATTEST:
Deborah E. Freeman
REGISTER

EXHIBIT B

Summons by Publication and Related Materials (Certified Copy)
Originally submitted in District Court at Dkt. 119-2

The following pages are reproduced exactly as filed in the district court and are not altered.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Gregory Alvin James Van Etten, Plaintiff

v.

**Stephanie K. Fattman, Ashley Stewart, Megan Brown, Angelina
Consolmagno, Michele Cristello, Jennifer Melia, Daniel M Wrenn, Serge
Georges Jr., Michael S. Denham, Worcester Probate and Family Court, Child
Support Services Division, Defendants**

Case No. 4:24-cv-40113-MRG

EXHIBIT B

Summons by Publication (CJ-D 112A)

Date: 07/18/2007

Description: Marked "COPY"; incomplete; no return filed.

Filed in Support of:

**EMERGENCY MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S
OBJECTION (DKT. 117) WITH CERTIFIED RECORDS UNARGUABLY
DEMONSTRATING FRAUD ON THE COURT AND VOID SERVICE**

Prepared by:

**Gregory Alvin James Van Etten- Self-Represented
c/o: 1530 P B LN #V1425, Wichita Falls, Texas [76302]
ph: 301-820-5302 - email: jim.vanetten@gmail.com**

Commonwealth of Massachusetts

The Trial Court

Worcester Division

Probate and Family Court Department

Docket No. 07D1562DV1

Divorce/Separate Support Summons By Publication

Shelley VanEtten, Plaintiff

v.

Gregory James VanEtten, Defendant

To the above named Defendant:

A Complaint has been presented to this Court by the Plaintiff, Shelley VanEtten

, seeking Complaint for Divorce

An Automatic Restraining Order has been entered in this matter preventing you from taking any action which would negatively impact the current financial status of either party. Please refer to Supplemental Probate Court Rule 411 for more information.

You are required to serve upon Paige Firment

- plaintiff - attorney for plaintiff - whose address is 41 Elm Street

Worcester, MA 01609

your answer on or before October 18, 20 07. If you fail to do so, the

court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer

in the office of the Register of this Court at Worcester.

Witness, Joseph L. Hart, Jr., Esquire, First Justice of said

Court at Worcester, this 18th day of July, 20 07.



Register of Probate Court

NOTE: This form is to be used for actions for divorce or for separate support only.

CJ-D 112A (12/00)

ORIGINAL RETURN TO PROBATE COURT

A TRUE COPY:
ATTEST:
Joseph E. Palmer
REGISTER

EXHIBIT C

Motion for Service by Publication (Certified Copy)
Originally submitted in District Court at Dkt. 119-3

The following pages are reproduced exactly as filed in the district court and are not altered.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Gregory Alvin James Van Etten, Plaintiff

v.

**Stephanie K. Fattman, Ashley Stewart, Megan Brown, Angelina
Consolmagno, Michele Cristello, Jennifer Melia, Daniel M Wrenn, Serge
Georges Jr., Michael S. Denham, Worcester Probate and Family Court, Child
Support Services Division, Defendants**

Case No. 4:24-cv-40113-MRG

EXHIBIT C

Plaintiff's Motion for Service by Publication

Date: 07/16/2007

Description: Stamped "ALLOWED – DENIED," neither circled; ambiguous.

Filed in Support of:

**EMERGENCY MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S
OBJECTION (DKT. 117) WITH CERTIFIED RECORDS UNARGUABLY
DEMONSTRATING FRAUD ON THE COURT AND VOID SERVICE**

Prepared by:

**Gregory Alvin James Van Etten- Self-Represented
c/o: 1530 P B LN #V1425, Wichita Falls, Texas [76302]
ph: 301-820-5302 - email: jim.vanetten@gmail.com**

Commonwealth of Massachusetts
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

WORCESTER DIVISION

DOCKET #07D-1562-DV1

Shelley VanEtten,

PLAINTIFF

v.

Gregory James VanEtten,

DEFENDANT

Filed 7/16/07

PLAINTIFF'S MOTION FOR SERVICE BY PUBLICATION

NOW COMES Plaintiff, Shelley VanEtten, in the above-captioned matter and respectfully moves this Honorable Court for permission to serve the Defendant by publication on the grounds that attempts have been made to serve him in hand in Massachusetts but the Defendant has been out of state since he was served with a 209A Restraining Order and there is a substantial likelihood that he will not return to Massachusetts in the near future.

Dated: July 16, 2007

Respectfully submitted.

Shelley VanEtten,
By her Attorney,

Paige Dunmire Firment
Paige Dunmire Firment, Esquire
Attorney for Plaintiff
Paige Dunmire Firment, Esquire
41 Elm Street
Worcester, Massachusetts 01609
BBO# 138010

Phone: 508-754-9242 / Fax: 508-791-4554

20 07
16
MOTION ALLOWED-DENIED
JUDGE OF PROBATE COURT

A TRUE COPY:
ATTEST:
Stephan
REGISTER

EXHIBIT D

**Ex Parte Temporary Orders
Originally submitted in District Court at Dkt. 119-4**

The following pages are reproduced exactly as filed in the district court and are not altered.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Gregory Alvin James Van Etten, Plaintiff

v.

**Stephanie K. Fattman, Ashley Stewart, Megan Brown, Angelina
Consolmagno, Michele Cristello, Jennifer Melia, Daniel M Wrenn, Serge
Georges Jr., Michael S. Denham, Worcester Probate and Family Court, Child
Support Services Division, Defendants**

Case No. 4:24-cv-40113-MRG

EXHIBIT D

Plaintiff's Ex Parte Motion for Temporary Orders

Date: 07/03/2007

Description: Issued before service; order stamped and signed with
blanks.

Filed in Support of:

**EMERGENCY MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S
OBJECTION (DKT. 117) WITH CERTIFIED RECORDS UNARGUABLY
DEMONSTRATING FRAUD ON THE COURT AND VOID SERVICE**

Prepared by:

**Gregory Alvin James Van Etten- Self-Represented
c/o: 1530 P B LN #V1425, Wichita Falls, Texas [76302]
ph: 301-820-5302 - email: jim.vanetten@gmail.com**

Commonwealth of Massachusetts
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

WORCESTER DIVISION

DOCKET # 0701522001

Filed July 3, 2007

Shelley VanEtten,

PLAINTIFF

v.

Gregory James VanEtten,

DEFENDANT

PLAINTIFF'S EX PARTE MOTION FOR TEMPORARY ORDERS

NOW COMES Plaintiff, Shelley VanEtten, in the above-captioned matter and respectfully moves this Honorable Court enter Ex Parte Temporary Orders as follows:

1. That the Plaintiff have legal and physical custody of the parties' children.
2. That the Defendant have no contact with the children until there is a further order of court.
3. That the Defendant be ordered to pay *520 a week* child support to the Plaintiff through DOR/CSE based on his unemployment compensation in an amount to be determined by the court.
4. That the Defendant's firearms and FID card be turned over to the Hardwick Police Department, *and pistol permit as well.*
5. That the Defendant be restrained from transferring, liquidating or withdrawing any funds from the Hanover Insurance Cash Balance Pension Plan in his name during the pendency of this action.
6. That the court enter such further orders as it deems equitable and just.

Dated: July ³/₂, 2007

Respectfully submitted.

Shelley VanEtten,
By her Attorney,

Paige
Paige Dunmire Firment, Esquire
Attorney for Plaintiff
Paige Dunmire Firment, Esquire
41 Elm Street
Worcester, Massachusetts 01609
BBO# 138010

Phone: 508-754-9242 / Fax: 508-791-4554

Motion allowed
7-3-07
R. Malden

4
as m

A TRUE COPY:
ATTEST:
Stephanie K. Freeman
REGISTER

Commonwealth of Massachusetts
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

WORCESTER DIVISION

DOCKET #

Shelley VanEtten,

PLAINTIFF

v.

Gregory James VanEtten,

DEFENDANT

ORDER OF THE COURT RE
PLAINTIFF'S EX PARTE MOTION FOR TEMPORARY ORDERS

AFTER HEARING and consideration of Plaintiff's Ex Parte Motion for Temporary Orders, it is hereby ordered that :

1. The Plaintiff shall have legal and physical custody of the parties' children.
2. The Defendant shall have no contact with the children until there is a further order of this court.
3. The Defendant shall pay the sum of \$_____ per week in child support through DOR/CSE.
4. The Defendant shall be enjoined from transferring, withdrawing or conveying any funds in his Hanover Insurance Co. Cash Balance Pension Plan.
5. The Defendant's firearms and FID card shall be turned over to the Hardwick Police Department forthwith.

Dated: _____

Justice
Probate and Family Court

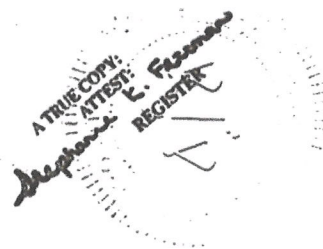


EXHIBIT E

**Certified Probate and Family Court Docket Report
Originally submitted in District Court at Dkt. 119-5**

The following pages are reproduced exactly as filed in the district court and are not altered.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Gregory Alvin James Van Etten, Plaintiff

v.

**Stephanie K. Fattman, Ashley Stewart, Megan Brown, Angelina
Consolmagno, Michele Cristello, Jennifer Melia, Daniel M Wrenn, Serge
Georges Jr., Michael S. Denham, Worcester Probate and Family Court, Child
Support Services Division, Defendants**

Case No. 4:24-cv-40113-MRG

EXHIBIT E

Certified Docket Report (WO07D1562DV1)

Date: 07/03/2007

Description: Shows case disposed (01/22/2008) and disposed at conver-
sion (02/21/2009); later filings invalid without new complaint/service.

Filed in Support of:

**EMERGENCY MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF'S
OBJECTION (DKT. 117) WITH CERTIFIED RECORDS UNARGUABLY
DEMONSTRATING FRAUD ON THE COURT AND VOID SERVICE**

Prepared by:

**Gregory Alvin James Van Etten- Self-Represented
c/o: 1530 P B LN #V1425, Wichita Falls, Texas [76302]
ph: 301-820-5302 - email: jim.vanetten@gmail.com**



WORCESTER PROBATE AND FAMILY COURT
Docket Report

CASE TYPE: Domestic Relations	FILE DATE: 07/03/2007
ACTION CODE: DO	CASE TRACK:
DESCRIPTION: Divorce other grounds	
CASE DISPOSITION DATE: 01/22/2008	CASE STATUS: Active
CASE DISPOSITION: Disposed	STATUS DATE: 05/26/2009
CASE JUDGE: Melia, Jennifer	CASE SESSION:

PARTIES

Plaintiff VanEtten, Shelley 247 Collins Road Ware, MA 01082	Self Represented Litigant Pro Se Massachusetts Bar Added Date: 03/06/2009	PROPER
Defendant VanEtten, Gregory J 1892 CHow CHow Drive Finksburg, MD 21048	Self Represented Litigant Pro Se Massachusetts Bar Added Date: 02/25/2009	PROPER
Other Department of Revenue 40 Southbridge Street Worcester, MA 01608		

FINANCIAL DETAILS

Date	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
03/03/2010	Unattested photocopies of court documents. Receipt: 15950 Date: 03/03/2010	10.00	10.00	0.00	0.00
05/30/2012	Unattested photocopies of court documents. Receipt: 54605 Date: 05/30/2012	9.00	9.00	0.00	0.00
09/28/2022	Attested Copy of Court Documents in Possession of Clerk, Register or Recorder MGL 262 s. 4b Receipt: 200625 Date: 09/28/2022	85.00	85.00	0.00	0.00
09/28/2022	Unattested photocopies of court documents. Receipt: 200625 Date: 09/28/2022	1.00	1.00	0.00	0.00
11/07/2024	Attested Copy of Court Documents in Possession of Clerk, Register or Recorder MGL 262 s. 4b Receipt: 229176 Date: 11/07/2024	15.00	15.00	0.00	0.00
Total		120.00	120.00	0.00	0.00

A TRUE COPY:
ATTEST:
Stephanie K. Fairman
REGISTER



**MASSACHUSETTS
WORCESTER PROBATE AND FAMILY COURT
Docket Report**

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
07/03/2007	1	COMPLAINT FOR DIVORCE (COMPLAINT DISMISSED. DIVORCE GRANTED IN COUNTERCLAIM 01/22/2008. GREGORY V. ROACH,J.)	
07/03/2007	2	AFFIDAVIT DISCLOSING CARE AND CUSTODY PROCEEDINGS	
07/03/2007	3	AFFIDAVIT AS TO MILITARY SERVICE	
07/03/2007	4	SHELLEY VANETTEN 'S MOTION FOR TEMPORARY ORDERS FOR FILED BY PAIGE DUNMIRE FIRMENT	
07/03/2007	5	AFFIDAVIT OF PETITIONER FOR CUSTODY OF MINOR CHILDREN	
07/03/2007	6	CERTIFICATE OF MARRIAGE	
07/03/2007	7	CHILD SUPPORT GUIDELINES WORKSHEET	
07/03/2007	8	MOTION FOR TEMPORARY ORDERS ALLOWED. RONALD W. KING , J. ATTYS/PTYS ND 07/05/2007	
07/09/2007	9	NOTICE OF TRACK ASSIGNMENT SENT 07/09/2007	
07/09/2007	10	CONFERENCE scheduled on 11/6/2007 (NOT A HEARING DATE)	
07/16/2007	11	MOTION FOR SERVICE BY PUBLICATION	
07/16/2007	12	SHELLEY VANETTEN 'S AFFIDAVIT OF INDIGENCY	
07/16/2007	13	MOTION FOR SERVICE BY PUBLICATION ALLOWED. JOSEPH L HART, JR , J. ATTYS/PTYS ND	
07/18/2007	14	SUMMONS BY PUBLICATION ISSUED, RETURNABLE 10/18/2007	
07/18/2007	15	ORDER FOR SERVICE BY PUBLICATION	
08/15/2007	16	SUMMONS ON DIVORCE FILED DATE OF SERVICE 08/13/2007 GREGORY JAMES VANETTEN	
08/21/2007	24	GREGORY JAMES VANETTEN 'S MOTION FOR TEMPORARY ORDERS FOR DIVORCE	
08/21/2007	25	MOTION, CONTESTED scheduled on 9/4/2007.	
08/22/2007	17	GREGORY JAMES VANETTEN 'S ANSWER AND COUNTERCLAIM FILED BY JON L REVELLI	
08/22/2007	18	GREGORY JAMES VANETTEN 'S MOTION FOR TEMPORARY ORDERS ON DIVORCE	
08/22/2007	19	MOTION, CONTESTED scheduled on 8/27/2007.	
08/23/2007	20	MOTION, CONTESTED scheduled on 8/27/2007 rescheduled for 9/4/2007.	
08/27/2007	21	SHELLEY VANETTEN 'S MOTION FOR TEMPORARY ORDERS ON DIVORCE	
08/27/2007	22	MOTION, CONTESTED scheduled on 9/4/2007.	
08/27/2007	23	SHELLEY VANETTEN 'S REQUEST FOR FINANCIAL STATEMENT OF DEFENDANT	
09/04/2007	26	SHELLEY VANETTEN 'S MOTION TO IMPOUND PLAINTIFF'S ADDRESS	

ATRUE COPY:
ATTEST:
Stephan E. Fierman
REGISTER

CR12703-CR



**MASSACHUSETTS
WORCESTER PROBATE AND FAMILY COURT
Docket Report**

09/04/2007	27	FINANCIAL STATEMENT OF DEFENDANT GREGORY JAMES VANETTEN
09/04/2007	28	CHILD SUPPORT GUIDELINES WORKSHEET
09/04/2007	29	MOTION TO IMPOUND PLAINTIFF'S ADDRESS ALLOWED. GREGORY V. ROACH , J. ATTYS/PTYS ND 09/12/2007
09/04/2007	30	TEMPORARY ORDER ON DIVORCE . GREGORY V. ROACH , J. ATTYS/PTYS ND 09/12/2007
09/13/2007	31	PRETRIAL scheduled on 1/22/2008 before Judge Roach in Worcester at 9:00 a.m.
09/13/2007	32	SCHEDULING NOTICE FOR PRETRIAL - 01/22/2008 09:00 a.m.
10/24/2007	33	GREGORY JAMES VANETTEN 'S MOTION FOR FURTHER TEMPORARY ORDERS
10/24/2007	34	MOTION, CONTESTED scheduled on 11/19/2007.
11/15/2007	35	SHELLEY VANETTEN PLAINTIFF 'S MOTION TO CONTINUE MOTION FOR FURTHER TEMPORARY ORDER PAIGE DUNMIRE FIRMENT ATTY .
11/15/2007	36	MOTION, CONTESTED scheduled on 11/19/2007.
11/23/2007	37	GREGORY JAMES VANETTEN 'S MOTION FOR FURTHER TEMPORARY ORDERS
11/23/2007	38	MOTION, CONTESTED scheduled on 12/12/2007.
12/12/2007	40	FURTHER TEMPORARY ORDER ON DIVORCE . GREGORY V. ROACH , J. ATTYS/PTYS ND 12/20/2007
12/14/2007	39	PRETRIAL scheduled on 3/14/2008.
01/10/2008	41	SHELLEY VANETTEN PLAINTIFF 'S MOTION FOR FURTHER TEMPORARY ORDERS
01/16/2008	42	MOTION, CONTESTED scheduled on 12/12/2007 rescheduled for 1/28/2008.
01/22/2008	43	GREGORY JAMES VANETTEN 'S MOTION TO AMEND COUNTERCLAIM
01/22/2008	44	GREGORY JAMES VANETTEN 'S MOTION TO WAIVE PARTICIPATION IN THE PARENT EDUCATION PROGRAM
01/22/2008	45	FINANCIAL STATEMENT OF PLAINTIFF SHELLEY VANETTEN
01/22/2008	46	FINANCIAL STATEMENT OF DEFENDANT GREGORY JAMES VANETTEN
01/22/2008	47	CHILD SUPPORT GUIDELINES WORKSHEET
01/22/2008	48	CHILD SUPPORT GUIDELINES WORKSHEET
01/22/2008	49	MOTION TO AMEND COUNTERCLAIM ALLOWED. GREGORY V. ROACH , J. ATTYS/PTYS ND 02/08/2008
01/22/2008	50	MOTION TO WAIVE PARTICIPATION IN PARENT EDUCATION CLASS ALLOWED. GREGORY V. ROACH , J. ATTYS/PTYS ND 02/08/2008
01/22/2008	51	JUDGMENT OF DIVORCE NISI IN COUNTERCLAIM DATED 01/22/2008 . GREGORY V. ROACH , J. ATTYS/PTYS ND 02/08/2008
01/15/2009	52	SHELLEY VANETTEN 'S COMPLAINT FOR CONTEMPT FROM JUDGMENT DATED 01/22/2008 , RETURNABLE 02/23/2009 . , FOR PLAINTIFF

A TRUE COPY:
ATTEST:
Deborah K. Farman
REGISTER



MASSACHUSETTS

02/25/2009

A TRUE COPY:
ATTEST:
Stephanie K. Farmer
REGISTER



MASSACHUSETTS

Printed: 08/27/2025 11:10 am

A TRUE COPY:
ATTEST:
Stephanie K. Freeman
REGISTER

CRTR2709-CA



MASSACHUSETTS
WORCESTER PROBATE AND FAMILY COURT
Docket Report

05/26/2010	87	Financial Statement, Gregory	
05/26/2010	88	Financial Statement, Shelley	
05/26/2010	89	Child Support Guidelines Worksheet	
05/26/2010	90	Child Support Guidelines Worksheet	
05/26/2010	91	Child Support Guidelines Worksheet	
07/01/2010	92	Judgment/Decree of Dismissal on Subsequent Action, Modification 5-26-10	King
07/03/2014	93	PILOT Subsequent Action Modification Filed with MTO	
07/14/2014		PILOT Summons and Notice Issued on Complaint for Modification with MTO - DOR to serve	
08/04/2014	94	Notice of Appearance of Gregory J VanEtten, Pro Se	
08/04/2014	95	Notice of Appearance of Shelley VanEtten, Pro Se	
08/04/2014	96	Financial Statement of Gregory Van Etten	
08/04/2014	97	Financial Statement of Shelley A. Van Etten	
08/06/2014	98	Judgment of Dismissal dated August 4, 2014 on Complaint for Modification filed July 3, 2014	Roach
11/01/2023	99	Motion To Vacate Support Order Issued by Justice Gregory V . Roach Under Federal Rule 60(b)	
11/16/2023	100	Motion To Vacate Support Order Issued by Justice Gregory V . Roach Under Federal Rule 60(b) DENIED on 11/14/2023 File Reference # 99	Melia
01/16/2024	101	Transfer Order 01/03/2024, Maura S. Doyle, Clerk Supreme Judicial Court	
08/05/2024	102	Motion For Vacate Void Judgment	
08/05/2024	103	Affidavit Of Gregory Van Etten	
08/19/2024	104	Motion For Vacate Void Judgment DENIED on 08/15/2024 File Reference # 102	Melia

A TRUE COPY:
ATTEST:
Stephanie K. Freeman
REGISTER

APPENDIX E

FIRST CIRCUIT STAY RECORD AND EVIDENCE OF CONTINUING IRREPARABLE HARM

No. 26-1280

IN THE
United States Court of Appeals
For the First Circuit

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, *et al.*

Defendants - Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

EMERGENCY MOTION FOR STAY OF ENFORCEMENT
PENDING APPEAL

GREGORY ALVIN JAMES VANETTEN
c/o: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM

Appellant Gregory Alvin James Van Etten respectfully moves this Court for an emergency stay of enforcement of the challenged state-court orders pending resolution of this appeal.

This motion is filed in light of the Court's April 9, 2026 Order enlarging Appellees' time to file their brief to June 26, 2026, while Appellant's Emergency Motion to Expedite and for Summary Disposition remains pending. Because enforcement continues during this extended briefing period, interim relief is necessary to prevent ongoing irreparable harm arising from orders challenged as void for lack of personal jurisdiction.

I Compliance with Fed. R. App. P. 8(a)

Although Federal Rule of Appellate Procedure 8(a)(1) generally requires a motion for stay to be made first in the district court, such a motion would be impracticable here. The district court has already dismissed the underlying action and denied related relief, rendering further application to that court impracticable. See *In re Grand Jury Proceedings*, 417 F.3d 179, 181 (1st Cir. 2005).

II Nature of Relief Requested

Appellant seeks a stay of all enforcement actions arising from the challenged state-court orders, including wage withholding, collection activity, and related enforcement mechanisms, pending resolution of this appeal. This motion does not seek to alter the merits of the appeal, but to preserve the status quo while this Court resolves the threshold jurisdictional issue. Appellant does not challenge the substance of any state-court determination in this motion; the sole issue presented is whether the orders were entered without personal jurisdiction, and therefore cannot be enforced pending that determination. A stay would preserve the status quo by temporarily suspending enforcement without altering the rights of the parties pending resolution of the jurisdictional question.

III Background

This appeal presents a narrow and dispositive constitutional question: **whether the underlying state-court orders were entered without personal jurisdiction**

due to the absence of lawful service of process. The certified state-court record submitted at Dkt. 119 fails to contain legally sufficient proof of service, including no affidavit of diligent search, no proof of publication, and no completed return of service. These omissions violate the strict prerequisites of Mass. R. Dom. Rel. P. 4(d)(4)–(6), which permit service by publication only after an affidavit of diligent search, court approval, and proof by affidavit of publication accompanied by the return receipt (if practicable). Appellees do not identify any record evidence establishing service. A judgment entered without personal jurisdiction is void and cannot be enforced consistent with due process. See *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86 (1988); *Pennoyer v. Neff*, 95 U.S. 714, 732–33 (1878).

IV Need for Immediate Relief

On April 9, 2026, this Court granted Appellees’ motion to enlarge time to June 26, 2026. While Appellant’s motion to expedite remains pending, enforcement continues during this extended period. This creates a posture in which the jurisdictional defect remains unresolved, yet enforcement continues under that unresolved defect, causing harm to accrue daily during the Court’s consideration. Accordingly, a stay is necessary to preserve the Court’s ability to grant meaningful relief.

V Application of the Stay Factors

A stay pending appeal is governed by the traditional four-factor test: (1) likelihood of success on the merits; (2) irreparable injury absent a stay; (3) substantial injury to other parties; and (4) the public interest. *Nken v. Holder*, 556 U.S. 418, 426–34 (2009); 1st Cir. R. 8.0.

VI Likelihood of Success on the Merits

This appeal presents a binary question of law: whether the record contains legally sufficient proof of service, or whether personal jurisdiction never attached. The record contains no affidavit of diligent search, no proof of publication, and no completed return of service. These omissions violate the strict prerequisites of Mass. R. Dom. Rel. P. 4(d)(4)–(6). Appellees do not identify any record evidence establishing service. Service of process is the mechanism by which a court obtains jurisdiction over a defendant.

See *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999). A judgment entered without notice or service violates due process and is void. *Peralta*, 485 U.S. at 84–86; *Pennoyer*, 95 U.S. at 732–33. Because the certified record fails to contain legally sufficient proof of service, Appellant has made a strong showing of likelihood of success.

VII Irreparable Harm

Appellant continues to suffer ongoing harm, including:

- Wage garnishment and financial deprivation;
- Impairment of credit and professional standing; and
- Continuing economic injury affecting employment and income.

These harms are continuous and not compensable through later relief. Each continued enforcement action constitutes a fresh deprivation of property without due process. Because the underlying orders are challenged as void for lack of jurisdiction, these ongoing deprivations arise from enforcement that lacks a lawful foundation. The Supreme Court has recognized that the loss of constitutional rights, even for minimal periods, constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion).

VIII Balance of Equities

The balance of equities favors a stay. Appellant faces ongoing constitutional and financial injury, while Appellees face only a temporary delay in enforcement. A stay preserves the status quo while this Court resolves the threshold issue.

IX Public Interest

The public interest favors preventing enforcement of judgments entered without jurisdiction. Jurisdiction is a threshold requirement that must be established before a court may exercise authority. See *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998). Allowing enforcement to continue without jurisdiction undermines due process and the rule of law.

X Interim Relief Is Necessary During Extended Briefing

This Court has permitted briefing to extend through June 26, 2026. Absent a stay, enforcement will continue throughout this period, harm will accumulate, and the Court's eventual ruling risks being rendered incomplete in practical effect. This is not a neutral delay—it permits continued enforcement under a disputed jurisdictional foundation. A stay ensures that the Court's ultimate decision remains meaningful.

XI Request for Prompt Consideration

Given the ongoing and continuing nature of the harm, Appellant respectfully requests expedited consideration of this motion. If the Court determines that a response is necessary, Appellant respectfully requests that any response be ordered on a shortened schedule. Absent interim relief, Appellant may be required to seek further emergency relief to prevent continued irreparable harm.

XII Relief Requested

Appellant respectfully requests that this Court:

1. Grant an emergency stay of enforcement pending resolution of this appeal;
2. Consider this motion on an expedited basis; and
3. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document "**EMERGENCY MOTION FOR STAY OF ENFORCEMENT PENDING APPEAL**" filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing(NEF), and a copy was also sent to the Respondents' counsel,

- **Nigel Stevens, Assistant Attorney General**

nigel.stevens@mass.gov

- **Alexander Weiss, Assistant Attorney General**

alexander.weiss@mass.gov

- **Office of the Attorney General (Administrative Law Filings)**

AdLawEFilings@mass.gov

via email to email address on the record, on April 22, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

No. 26-1280

IN THE
United States Court of Appeals
For the First Circuit

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, *et al.*

Defendants - Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

SUPPLEMENTAL DECLARATION IN SUPPORT OF PENDING
EMERGENCY MOTION FOR STAY OF ENFORCEMENT
PENDING APPEAL

GREGORY ALVIN JAMES VANETTEN
c/o: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM

I, Gregory Alvin James Van Etten, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

- 1. I am the Appellant in this matter and submit this declaration in further support of my pending Emergency Motion for Stay of Enforcement Pending Appeal.**
- 2. The underlying state-court orders giving rise to the present enforcement actions were entered without personal jurisdiction because I was never personally served in accordance with Massachusetts law, and the certified state-court record contains no affidavit of diligent search, no proof of publication, and no completed return of service. These certified records were previously filed in the district court at Dkt. 119 and are part of the appellate record.**
- 3. I am currently unemployed.**
- 4. Since becoming unemployed, multiple strong job interviews have ended abruptly after prospective employers conducted routine background or credit checks. Employers are generally prohibited from disclosing specific reasons related to child support enforcement, but the pattern of repeated adverse outcomes following such checks has been consistent.**
- 5. Documents obtained through a FOIA request reflect that Massachusetts Child Support Enforcement continues income withholding, collection activity, and federal offset enforcement unless and until formal administrative action or a new qualifying court order causes enforcement to stop, release, or modify. DOR policy expressly provides that even if an employer receives a copy of a court order terminating withholding, the employer cannot stop withholding and must await formal instructions from DOR. These policies confirm that enforcement is not automatically suspended merely because the underlying orders are under judicial challenge. A true and correct copy of the relevant policy is attached as Exhibit A.**
- 6. Continued wage withholding and collection activity under orders entered without personal jurisdiction constitutes an ongoing deprivation of property without**

due process, and the attached DOR enforcement policies confirm that such enforcement continues unless formal administrative action is taken to stop it. Deprivation of constitutional rights, even for minimal periods of time, constitutes irreparable injury. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

7. The continued enforcement and reporting of the underlying orders is actively preventing me from securing new employment, impairing my income, professional standing, and ability to support myself.
8. This harm is ongoing, concrete, and irreparable, and continues during the pendency of the appeal and the Court's consideration of the pending Emergency Motion for Stay. Absent a stay, these continuing enforcement mechanisms will remain active throughout the pendency of this appeal despite the unresolved jurisdictional defect.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document "**SUPPLEMENTAL DECLARATION IN SUPPORT OF PENDING EMERGENCY MOTION FOR STAY OF ENFORCEMENT PENDING APPEAL and Exhibit A**" filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing (NEF), and a copy was also sent to the Respondents' counsel,

- **Nigel Stevens, Assistant Attorney General**
nigel.stevens@mass.gov
- **Alexander Weiss, Assistant Attorney General**
alexander.weiss@mass.gov
- **Office of the Attorney General (Administrative Law Filings)**
AdLawEFilings@mass.gov

via email to email address on the record, on April 29, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

EXHIBIT A

Massachusetts Child Support Enforcement Policies Regarding Continuing Enforcement Pending Administrative Relief

True and correct excerpts of Massachusetts Department of Revenue Child Support Enforcement policies reflecting that employers must continue income withholding and related enforcement actions unless and until DOR issues formal administrative notice releasing, terminating, suspending, or modifying the withholding obligation.

Relevant language includes: “The employer must continue withholding until it receives a new IWO from DOR instructing the employer to withhold \$0,” and “If the employer receives a copy of a court order terminating withholding, the employer cannot rely on the order to stop withholding. The employer must send the order to DOR and await instructions from DOR.”

Additional policy excerpts confirm that “DOR will continue to enforce the child support obligation,” that “Even if DOR closes its case, if child support is paid by income withholding, DOR must continue to collect and disburse the child support paid by income withholding,” and that cases qualifying for Federal Tax Refund Intercept are also certified for Federal Administrative Offset (FAO), with continued certification and recertification unless formally decertified through administrative action.

Withholding Rules for Employers

Who is required to withhold income?

Massachusetts law requires that employers and all other payors of periodic income must withhold for child support. In this policy, the term employer includes the following:

- Employers (including businesses who hire contractors);
- DUA and other state's unemployment agencies;
- SSA;
- Insurers (e.g. WC insurers);
- Payors of annuities;
- Any other entity that makes payments to a person on a periodic (e.g. monthly, weekly) basis.

When must an employer begin withholding?

By law, the employer does not have to change its payroll cycle to accommodate the payment frequency noted in a court order. The employer must begin withholding income on the first payment cycle that occurs at least 3 days after receiving the IWO from DOR and must send the amount withheld to DOR within 3 business days of when the income would have been paid to the parent.

How long is an employer required to withhold?

The employer must continue withholding until it receives a new IWO from DOR instructing the employer to withhold \$0.

Note: If the employer receives a copy of a court order terminating withholding, the employer cannot rely on the order to stop withholding. The employer must send the order to DOR and await instructions from DOR.

How does an employer send payments to DOR?

Employers with five or more employees with IWOs must send payments to DOR through Electronic Funds Transfer (EFT). Employers with fewer than five employees may send a check, but may sign up for EFT voluntarily.

What if DOR sends more than one IWO for the same parent?

Since IWOs are case-specific, DOR sends an employer a separate IWO for each case a parent has. If the employer receives more than one IWO for the same parent, the employer sends the total withholding amount due for all of the IWOs and DOR allocates the payments according to our distribution rules.

Who determines how much income should be withheld?

The employer must withhold the total amount indicated in the IWOs unless the total exceeds the maximum an employer may withhold from a parent's wages.

What is the maximum amount an employer can withhold from a parent's wages?

The federal Consumer Credit Protection Act (CCPA) sets the maximum amount that an employer can withhold from a parent's income. The employer, not DOR, is responsible for calculating the CCPA limits.

What are the CCPA limits for withholding child support?

The CCPA sets the following limits for child support withholding:

For a parent who is supporting other dependents:

- 50% if the amount owed is less than 12 weeks past due
- 55% if the amount owed is more than 12 weeks past due

For a parent who is not supporting other dependents:

- 60% if the amount owed is less than 12 weeks past due
- 65% if the amount owed is more than 12 weeks past due

contingencies that are subject to interpretation, DOR will end enforcement of the medical support order on the date that the obligation for current child support terminates.

10. Application for services is not complete: If DOR is not currently providing full services on a case and the custodial parent is not receiving public assistance benefits, but one of the parents wants to receive full services, DOR must have a completed application for services before the order can be enforced by DOR. Only one party to an order needs to complete an application, and either the custodial parent or the noncustodial parent can apply for services. If the custodial or noncustodial parent has submitted an incomplete application, DOR will notify that parent of the information he or she must submit before DOR will provide child support enforcement services.

11. DOR received a copy of the order, but the order does not state whether income withholding is immediate or suspended: The law provides that every child support order must have an income withholding provision. DOR will treat the income withholding provision as "suspended" under the following circumstances: (1) the child support order does not indicate clearly whether income withholding is immediate or suspended, (2) the order is silent on the issue of income withholding (i.e., the order makes no mention whatsoever of income withholding), or (3) the order specifically states income withholding is not ordered. If the noncustodial parent does not comply with the support order and support becomes 30 days overdue, or upon request of either parent, DOR will implement the income withholding immediately.

12. Neither parent wants DOR's full services, but the order states that child support is to be paid by income withholding: Unless the custodial parent receives public assistance or the noncustodial parent owes past-due support to the Commonwealth, the parties are not required to receive full child support enforcement services from DOR. The court order, however, may state that child support is to be paid by income withholding through DOR. The parties, or the employer, must provide the identifying information necessary for DOR to create a case record and disburse the child support payments made by income withholding. If the income withholding provisions of the court order are unclear, DOR will treat the income withholding order as "suspended."

13. Neither party wants DOR's full services and the income withholding order is suspended: If the court orders that income withholding is suspended, DOR will limit its involvement to maintaining a record of the order in the state case registry provided that the custodial parent does not receive public assistance and the noncustodial parent does not owe past-due support to

the Commonwealth. The custodial and noncustodial parent each must still provide DOR with the following information: name; residential and mailing addresses; telephone number; Social Security number; driver's license number; employer's name, address and telephone number; and date of birth and Social Security number for each child for whom support is ordered. The parties must also provide a copy of the child support order. DOR will notify the parties if any of the required information is missing or unclear and the parties will be required to provide the information to DOR.

14. Case is income withholding only and child support obligation has terminated: In an income withholding only case, it is the responsibility of the parents to notify DOR and to notify the employer or other payor to stop withholding and remitting child support. In these cases, the only service DOR provides is to collect and distribute child support paid by income withholding (including withholding from Workers' Compensation and Unemployment Compensation benefits). DOR's computer system will not automatically stop collecting the current support when the support obligation terminates. DOR will continue to collect and distribute any payments received in the case.

Authority: G.L. c. 119A, §§1, 4, 6, 12.


Navjeet K. Bal
Commissioner of Revenue
November 4, 2009

**FEDERAL ADMINISTRATIVE OFFSET (FAO)
POLICY & PROCEDURE**

SELECTION CRITERIA	INFORMATION ON CERTIFICATION PROCESS	FEDERAL ADMINISTRATIVE OFFSET AVAILABILITY
Cases meeting all of the following criteria for Federal Tax Refund Intercept will also be certified for Federal Administrative Offset (FAO): • Active Annual Notice. • Valid court order. • Primary, active and valid/verified SSN on COMETS for noncustodial parent. • Public assistance (PA) balances: Arrears + interest, after crediting pre-distribution holds, are \$150 or more. • Non-public assistance (NA) balances: Arrears + interest, after crediting pre-distribution holds, are \$500 or more. Recertification: If the case is not decertified (i.e. deleted from data exchange) during the year, the threshold criteria for recertification for the next calendar year are lower. A new record will be created on COMETS for the next calendar year if any prior certified balance remains more than \$25 and all other criteria are met. Excluded cases: • Non-IV-D wage withholding only and SCR cases. • Closed IV-D cases. • MA responding cases. • Approved or pending Good Cause claims. • Value of MANUAL TURN OFF, SYSTEM TURN OFF or DISPUTED is recorded in FED TAX INTERCEPT field on CSE629 – “Enforcement Matrix” screen. • SSN is out of range, inactive, unverified, or associated with BAD PIN or with more than one PIN. COMETS INFORMATION: Event Filter Code: EAT Screens: CSE614 “Tax Intercept History”	Certified as part of Federal Offset program: The federal government allows IV-D agencies to certify a case for collection through the Federal Offset program. One single master file is used to certify a child support debt for five different remedies: (1) federal tax refund intercept; (2) federal administrative offset (FAO); (3) passport denial; (4) Multi-state Financial Institution Data Match (MSFIDM); and (5) federal insurance match. • DOR displays information relating to the master file on the Tax Intercept History screen. DOR does an annual certification and then sends weekly updates for new referrals, changes in balances and deletions when cases no longer qualify for intercept. • A case must be currently certified for federal tax refund intercept for the case to be eligible for FAO. • Interstate cases: DOR does not certify a case for FAO unless DOR is the initiating case. Priority of offset requests: In determining the priority of offset, the federal government applies payment of offsets in the following order: • Federal tax debts • Past-due child support • Other federal debts (e.g. student loans) • State tax debts Note: If the payment is subject to offset requests by multiple IV-D agencies, the oldest certified debt gets paid first. It is the date of certification that controls, not the age of the arrears. If a case was decertified at any point, the new certification date is used to determine the age of the debt for offset purposes.	Payments subject to FAO: The federal government allows intercept of various types of payments made by the federal government, whether the payments are recurring or non-recurring. Non-recurring payments are subject to 100% offset so that the entire payment is intercepted. Among the types of payments subject to offset are the following: • Payments made to private vendors for work performed for federal agencies • Relocation and travel reimbursements owed to federal employees • Agricultural subsidies • Federal retirement benefits Note: The federal government charges a fee for FAO and the fee is deducted from the intercepted payment before it is forwarded to DOR. Payments not subject to FAO: The federal government excludes certain types of payments from offset, including the following: • Federal student loans • Payments made by the Department of Veterans’ Affairs (VA) • Payments made under programs based on financial need • Payments made by the Federal Emergency Management Agency (FEMA) • Victim compensation payments • Housing and Urban Development payments (e.g. Section 8 housing) Note: DOR may be able to intercept funds that are not subject to FAO once the funds are distributed (e.g. levy VA benefits once in bank account).

10/2012

**LICENSE SUSPENSION AND MOTOR VEHICLE REGISTRATION REVOCATION
POLICY AND PROCEDURE**

POLICY STATEMENT	OVERVIEW OF LICENSE SUSPENSION AND REINSTATEMENT PROCESS	KEY INFORMATION
It is DOR policy to use license suspension to help ensure that child support is paid on time and in full. - Any noncustodial parent who does not make required periodic payments for current support and arrears may be subject to license suspension. - Noncustodial parents for whom DOR has had to initiate the license suspension process more than once must meet more stringent requirements before DOR will stop the suspension process or reinstate a suspended license. <i>Statutory Authority:</i> G. L. c. 119A, §16 <i>Note:</i> DOR has the statutory authority to suspend the license of an obligor who fails to appear at a hearing but this policy and procedure is limited to license suspension for non-payment.	<i>Step 1: License Suspension Warning Letter:</i> - Generated by COMETS automatically when all required selection criteria are met (batch process); - Manually generated by case owner when certain selection criteria are met; - Gives noncustodial parent 30 days to contact DOR and reach agreement to avoid license suspension or ask for an administrative hearing. <i>Step 2: Final Determination of Delinquency Letter:</i> - Generated automatically by COMETS or manually by case owner; - Provides notice to noncustodial parent of opportunity to file complaint for judicial review if contests license suspension. <i>Step 3: Notification to Licensing Authority to Suspend:</i> - For RMV suspensions, done electronically by staff granted on-line access to RMV; - For all other suspensions, paper notice is sent to licensing authority. <i>Step 4: License Reinstatement Letter:</i> - Notice to licensing authority that DOR no longer wants license suspended because of delinquent child support.	As used in this Policy and Procedure,: License suspension: refers to all license suspensions and registration revocations. RMV or RMV suspension: refers to driver's license suspensions and motor vehicle registration revocations. Professional license suspension: refers to all non-RMV license suspensions and registration revocations, including professional, occupational, trade, hackney, recreational, fishing and hunting licenses. - An active Annual Notice is <u>not</u> needed for license suspension. The initial License Suspension Warning Letter gives notice of possible enforcement action and the opportunity to appeal before DOR takes the step of suspending the license. - A License Payment Agreement must be signed by the noncustodial parent whenever the case owner enters into a payment plan. - License suspension is turned off on the Enforcement Matrix when a noncustodial parent is in bankruptcy but manual license suspension may be appropriate in limited circumstances. <i>Note:</i> Staff must obtain the approval of Special Litigation before taking any action in a case where the noncustodial parent has an open bankruptcy case. Staff must send an e-mail to [REDACTED] with "License Suspension Bankruptcy" in the subject line.

09/28/07

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No. 26-1280

IN THE
United States Court of Appeals
For the First Circuit

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, *et al.*

Defendants - Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

RENEWED LIMITED EMERGENCY MOTION FOR STAY OF
ENFORCEMENT PENDING DISPOSITION OF APPEAL

GREGORY ALVIN JAMES VAN ETTEN
c/o: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM

Appellant Gregory Alvin James Van Etten respectfully renews his request for a limited emergency stay of enforcement of the challenged state-court orders pending resolution of this appeal.

This renewed motion is filed in light of the materially changed procedural posture. Appellees have now filed their merits brief, Appellant has filed his reply brief, and the threshold jurisdictional issue has been fully presented to this Court. Appellees have now had a full merits opportunity to identify record evidence that lawful service was completed before coercive orders entered. They do not identify a completed return of service, affidavit of diligent search, proof of publication, publication certificate, newspaper tear sheet, or other record evidence establishing that personal jurisdiction attached before the challenged enforcement chain began.

At the same time, the harm to Appellant continues to accumulate. Each additional month of enforcement deepens injuries that cannot be fully repaired even if Appellant ultimately prevails. Interim relief is therefore necessary to preserve meaningful appellate review and prevent further irreparable harm while this Court resolves the threshold jurisdictional issue.

I Compliance with Fed. R. App. P. 8(a)

Although Federal Rule of Appellate Procedure 8(a)(1) generally requires a motion for stay to be made first in the district court, such a motion would be impracticable here. The district court has already dismissed the underlying action and denied related relief, rendering further application to that court impracticable. See *In re Grand Jury Proceedings*, 417 F.3d 179, 181 (1st Cir. 2005).

II Nature of Relief Requested

Appellant seeks a limited stay of enforcement actions arising from the challenged state-court orders, including support enforcement, arrears enforcement, income withholding, levy, lien, offset, credit reporting, license-related enforcement, collection activity, and related enforcement mechanisms, pending resolution of this appeal.

This motion does not seek to alter the merits of the appeal, decide custody, decide support amount, recalculate arrears, modify parenting time, divide marital property,

or decide any domestic-relations factual issue. Appellant seeks only to preserve meaningful appellate review while this Court resolves the threshold jurisdictional issue: whether the orders being enforced were entered before personal jurisdiction attached.

A stay would preserve the status quo by temporarily suspending enforcement without altering the ultimate rights of the parties pending resolution of the jurisdictional question. If Appellees prevail, enforcement may resume. But if Appellant prevails after enforcement continues unchecked, the employment, reputational, financial, and household harm suffered during the appeal cannot be fully repaired.

III Background

This appeal presents a narrow and dispositive constitutional question: **whether the underlying state-court orders were entered without personal jurisdiction due to the absence of lawful service of process.**

The certified state-court records submitted at Dkt. 119 fail to contain legally sufficient proof of service, including no affidavit of diligent search, no proof of publication, no publication certificate, no newspaper tear sheet, and no completed return of service. Appellees do not identify any record evidence establishing completed service before coercive orders entered.

An order authorizing publication is not proof that publication was completed. Actual notice does not substitute for completed service. Later participation does not establish pre-deprivation personal jurisdiction. Nor do immunity doctrines, Rooker-Feldman, Younger abstention, or failure to appeal supply personal jurisdiction where the record does not show that authority over the person attached before coercive orders entered.

Service of process is the mechanism by which a court obtains jurisdiction over a defendant. See *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999). A judgment entered without notice or service violates due process and is void. See *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86 (1988); *Pennoyer v. Neff*, 95 U.S. 714, 732–33 (1878).

IV Need for Immediate Relief

The urgency of this request has increased since Appellant's prior motion. Appellees have now had a full merits opportunity to identify record evidence that lawful service was completed before coercive orders entered. They do not identify a completed return of service, affidavit of diligent search, proof of publication, publication certificate, newspaper tear sheet, or other record evidence establishing that personal jurisdiction attached before the challenged enforcement chain began.

At the same time, the harm to Appellant continues to accumulate. Each additional month of enforcement deepens injuries that cannot be fully repaired even if Appellant ultimately prevails. Accordingly, interim relief is necessary to preserve meaningful appellate review while this Court resolves the threshold jurisdictional issue.

V Application of the Stay Factors

A stay pending appeal is governed by the traditional four-factor test: (1) likelihood of success on the merits; (2) irreparable injury absent a stay; (3) substantial injury to other parties; and (4) the public interest. *Nken v. Holder*, 556 U.S. 418, 426–34 (2009); 1st Cir. R. 8.0.

Each factor supports a limited stay here.

VI Likelihood of Success on the Merits

This appeal presents a threshold constitutional and jurisdictional issue: whether state actors may continue enforcing orders where Appellees identify no record evidence that personal jurisdiction attached before coercive orders entered.

The certified record contains authorization to publish. It does not contain proof that publication was completed. It contains a summons by publication. It does not contain a completed return of service. Nor does it contain an affidavit of diligent search, proof of publication, publication certificate, newspaper tear sheet, or other record evidence establishing completed service before coercive orders entered.

This is a binary legal issue. Either the certified record contains proof that service by publication was completed before the Probate Court exercised coercive authority, or it does not. Appellees have not identified such proof.

Because personal jurisdiction is a threshold requirement, enforcement cannot lawfully continue if authority over Appellant never attached. At minimum, Appellant has presented a serious and substantial threshold jurisdictional question warranting interim relief while this Court decides the appeal.

VII Irreparable Harm

The harm facing Appellant is not theoretical. Appellant has now been unemployed for approximately one year while the challenged enforcement remains active. During that year, Appellant has continued attempting to obtain employment, support his wife, and provide for three dependent children in his household. Yet enforcement-related consequences, including federal liens, adverse reporting, and employment-impacting collection activity, continue to impair his ability to rebuild financially.

Appellant is also subject to a federal tax lien and an IRS lock-in letter that substantially affect his employment prospects and financial condition. Appellant has previously submitted un rebutted evidence showing that the lock-in letter arose during the same period as the challenged enforcement and litigation activity.

During the period of ongoing enforcement, Appellant has repeatedly advanced through interviews and hiring processes for substantial employment opportunities. On multiple occasions, prospective employment appeared likely to proceed until the matter reached final review, background screening, human resources review, or onboarding stages, after which the opportunity disappeared or communication ceased. Appellant cannot prove the precise internal reason for each hiring decision. However, the pattern has repeated throughout the period of ongoing enforcement, federal liens, adverse reporting, and related collection activity.

Major damage has already occurred. A one-year gap in employment within Appellant's field is itself a substantial and potentially permanent injury. Even if Appellant ultimately prevails and the challenged enforcement is later determined to have lacked a

lawful jurisdictional foundation, no future court order can restore the lost year of employment, erase the resulting employment gap, repair the reputational consequences associated with prolonged unemployment and enforcement activity, or fully restore the career opportunities that have already been lost.

The employment-related harm is not limited to the absence of current income. Appellant has observed that professional relationships developed over many years are deteriorating as the period of unemployment continues. Recruiters and industry contacts who previously engaged with Appellant have become increasingly unresponsive or disengaged. Appellant can document that Massachusetts child-support enforcement communicated with Insight Global during the same period in which Appellant's employment and enforcement-related issues escalated. Insight Global previously maintained contact with Appellant but has since ceased responding to communications. Appellant does not ask this Court to determine the precise reason for every lost opportunity or discontinued communication in this motion. The point is that enforcement-related activity has reached Appellant's employment sphere, and the resulting employment, reputational, and professional harm is ongoing and difficult to repair after the fact.

The harm also extends beyond lost employment opportunities. Appellant's credit has been substantially impaired by continuing enforcement, federal liens, collection activity, and adverse reporting. Damaged credit affects housing, employment screening, borrowing ability, business opportunities, and household stability. These consequences cannot be fully repaired through a later judgment. Even if Appellant ultimately prevails, no future order can restore lost creditworthiness during the intervening period, undo missed opportunities caused by adverse reporting, or erase the practical consequences of prolonged financial impairment.

The financial consequences have become so severe that Appellant and his wife have begun discussing whether bankruptcy protection may become necessary if the present circumstances continue. This is not presented as a future certainty, but as evidence of the immediate and escalating nature of the harm facing the household. Appellant, his wife, and their three dependent children are experiencing the cumulative effects

of prolonged unemployment, impaired credit, federal liens, continuing enforcement activity, and diminished financial opportunities.

Once an enforcement mechanism is activated, the resulting harm is not undone simply because enforcement may later be paused or corrected. Enforcement-related reporting, liens, credit consequences, employer communications, background flags, and reputational effects can continue to affect employment, credit, and household stability even after the underlying enforcement activity stops. The longer enforcement continues, the more difficult the cleanup becomes and the more irreversible the harm becomes.

A stay would not fully repair the damage already done, but it would slow the accumulation of additional irreversible harm while this Court resolves the threshold jurisdictional issue. Without interim relief, Appellant faces continuing enforcement consequences that may outlast the enforcement itself and may not be fully remediable by any later order.

Absent interim relief, Appellant faces a substantial risk that his family's financial condition will become unsustainable before this appeal is resolved. The resulting harm extends beyond monetary loss. It threatens Appellant's ability to provide housing, food, transportation, and other basic necessities for his family. It also places severe strain on family stability and creates harms that cannot be fully remedied after the fact through a later judicial decision.

These harms are continuous and not compensable through later relief. Each continued enforcement action constitutes a fresh deprivation of property and liberty interests while the threshold jurisdictional issue remains unresolved. The Supreme Court has recognized that the loss of constitutional rights, even for minimal periods, constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion).

VIII Balance of Equities

The balance of equities favors a stay.

Appellant faces ongoing constitutional, financial, employment, reputational, and household injury while the threshold jurisdictional issue remains unresolved. As set

forth above, Appellant has been unemployed for approximately one year, continues to experience impaired employment opportunities, and faces escalating harm that cannot be fully remedied through a later judgment.

By contrast, Appellees face minimal prejudice from a temporary stay pending resolution of this appeal. Appellant presently has no employment income subject to wage withholding. A limited stay would therefore preserve the status quo while this Court resolves the threshold jurisdictional issue. It would not determine the merits of the appeal, eliminate any claimed obligations, or otherwise alter the parties' ultimate rights.

If Appellees prevail, enforcement mechanisms remain available following disposition of the appeal. If Appellant prevails after enforcement continues during appellate review, however, the resulting employment, reputational, financial, and household harm cannot be fully repaired.

The balance of harms therefore strongly favors preserving meaningful appellate review through a limited stay.

IX Public Interest

The public interest favors preventing enforcement of judgments entered without jurisdiction. Jurisdiction is a threshold requirement that must be established before a court may exercise authority. See *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998).

The public has a strong interest in lawful enforcement. The public also has a strong interest in ensuring that state enforcement mechanisms operate only where courts have obtained personal jurisdiction consistent with due process.

No public interest is served by continuing enforcement under orders where Appellees identify no record evidence that lawful service was completed before coercive orders entered. The public interest is served when courts ensure that enforcement follows jurisdiction, not the other way around.

This case does not ask the Court to interfere with domestic-relations merits. It asks the Court to preserve meaningful appellate review of a threshold constitutional question:

whether orders entered before personal jurisdiction attached may continue to be enforced by state actors under color of law.

X Interim Relief Is Necessary During Appellate Consideration

This appeal is now fully presented on the threshold jurisdictional issue. Absent a stay, enforcement will continue while the Court considers the appeal, harm will continue to accumulate, and the Court's eventual ruling risks being diminished in practical effect. This is not a neutral delay. It permits continued enforcement under a jurisdictional foundation that Appellant contends never lawfully attached and that Appellees have not supported with record evidence of completed service.

A stay preserves the status quo and ensures that this Court's ultimate decision remains meaningful. If Appellant ultimately prevails, much of the employment, reputational, and family harm caused during the intervening period cannot be undone. Temporary relief is therefore necessary to preserve meaningful appellate review.

The purpose of a stay is not to undo harm already suffered, but to prevent additional irreversible harm while this Court determines whether the challenged enforcement rests on a lawful jurisdictional foundation.

XI Request for Prompt Consideration

Given the ongoing and continuing nature of the harm, Appellant respectfully requests expedited consideration of this motion. If the Court determines that a response is necessary, Appellant respectfully requests that any response be ordered on a shortened schedule.

Absent interim relief, Appellant may be required to seek further emergency relief to prevent continued irreparable harm before the threshold jurisdictional issue is resolved.

XII Relief Requested

Appellant respectfully requests that this Court:

1. Grant a limited emergency stay of enforcement pending resolution of this appeal;
2. Stay enforcement of the challenged support, arrears, income-withholding, levy, lien, offset, credit-reporting, license-related, collection, and related enforcement mechanisms as applied to Appellant pending disposition of this appeal;
3. Consider this motion on an expedited basis; and
4. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document "**RENEWED LIMITED EMERGENCY MOTION FOR STAY OF ENFORCEMENT PENDING DISPOSITION OF APPEAL**" filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing(NEF), and a copy was also sent to the Respondents' counsel,

- **Nigel Stevens, Assistant Attorney General**
nigel.stevens@mass.gov

- **Alexander Weiss, Assistant Attorney General**
alexander.weiss@mass.gov
- **Office of the Attorney General (Administrative Law Filings)**
AdLawEFilings@mass.gov

via email to email address on the record, on June 9, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

No. 26-1280

IN THE
**United States Court of Appeals
For the First Circuit**

GREGORY ALVIN JAMES VAN ETTEN

Plaintiff - Appellant

v.

FATTMAN, et al.

Defendants - Appellees

**APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

(HON. MARGARET R. GUZMAN, U.S. DISTRICT JUDGE)

**NOTICE OF CONTINUING ENFORCEMENT, NO IDENTIFIED
RECORD EVIDENCE OF SERVICE, AND ONGOING
IRREPARABLE HARM**

**GREGORY ALVIN JAMES VANETTEN
c/o: 1530 P B LN #V1425
WICHITA FALLS, TEXAS [76302]
(301) 820-5302
JIM.VANETTEN@GMAIL.COM**

Plaintiff–Appellant Gregory Alvin James Van Etten respectfully submits this Notice to update the Court regarding continued enforcement activity occurring during the pendency of this appeal while the threshold personal-jurisdiction issue remains unresolved.

This appeal presents a threshold question: whether the underlying state-court orders were entered before personal jurisdiction attached.

Appellant has repeatedly identified that the certified state-court record contains **no affidavit of diligent search, no proof of publication, and no completed return of service** establishing lawful service before enforcement began.

To date, Appellees have not identified any certified record evidence establishing that personal jurisdiction attached before the challenged orders were entered.

Nor has any lower court required Appellees to identify the specific certified record document showing lawful service.

More than one year after Appellant first raised the issue in federal court, the threshold jurisdictional question remains unanswered.

Despite that unresolved threshold jurisdictional question, enforcement continues.

On or about June 1, 2026, Capital One sent Appellant notice that it had received a legal order from the Massachusetts Department of Revenue, Child Support Services Division, directing Capital One to take \$110,437.68 from Appellant’s bank account(s). The notice identifies the order as a child-support garnishment or levy issued by Massachusetts DOR.

Capital One’s account records then reflected a pending “**LEGAL HOLD**” in the amount of \$110,437.68, resulting in an available balance of negative \$110,437.68.

Copies of the levy notice and resulting account hold reflecting the continuing enforcement activity described herein are attached as Exhibit A and Exhibit B.

This is not speculative harm.

It is current enforcement activity occurring while the threshold jurisdictional question remains unanswered.

The continued restraint, levy, and collection activity are occurring while no court has yet required Appellees to identify the certified record evidence establishing that personal jurisdiction attached.

The continued restraint, levy, and collection activity cause ongoing and irreparable harm by impairing Appellant's access to bank accounts, credit, employment prospects, financial stability, and ability to support his household.

The present procedural posture therefore permits continued enforcement while the threshold jurisdictional question remains unresolved.

Appellant submits this Notice solely to preserve the record that enforcement is continuing during appellate review, that irreparable harm is ongoing, and that no court has yet required Appellees to identify the certified record evidence showing that personal jurisdiction attached before the challenged orders were entered.

Respectfully submitted.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

CERTIFICATE OF SERVICE

I, Gregory Alvin James Van Etten, hereby certify that this document '**NOTICE OF CONTINUING ENFORCEMENT, NO IDENTIFIED RECORD EVIDENCE OF SERVICE, AND ONGOING IRREPARABLE HARM**' filed through the CM/ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing(NEF), and a copy was also sent to the Respondents' counsel,

- **Nigel Stevens, Assistant Attorney General**

nigel.stevens@mass.gov

- **Alexander Weiss, Assistant Attorney General**

alexander.weiss@mass.gov

- **Office of the Attorney General (Administrative Law Filings)**

AdLawEFilings@mass.gov

via email to email address on the record, on June 16, 2026.

/s/ Gregory Alvin James Van Etten

Gregory Alvin James Van Etten
Appellant
Self-Represented

EXHIBIT A

**Capital One Notice of Massachusetts Child Support Services Division Levy and
Garnishment Order**

A true and correct copy of the Capital One notice reflecting receipt of a levy/garnishment order issued by the Massachusetts Department of Revenue, Child Support Services Division, in the amount of \$110,437.68.



Capital One
PO Box 9970
Glen Allen, VA 23058

800-655-BANK (2265)
capitalone.com

0102473 01 MB 0 67 **AUTO T8 0 3954 76302-261230 -C01-P02475-1



GREGORY VAN ETTEN
1530 P B Ln
PMB V
Wichita Falls, TX 76302

June 01, 2026



Important info about a legal court order concerning your account(s)

Dear GREGORY VAN ETTEN,

On **May 20, 2026**, Capital One received a legal order instructing us to take **\$110,437.68** from your bank account(s) and turn it over to **Massachusetts Department of Revenue**. The legal order was issued in **MA**. Please note that the legal order may require us, in certain circumstances, to collect additional amounts deposited in your bank account(s) after the date of this letter.

Please read this letter carefully and consider consulting a lawyer or seeking free legal assistance from a source such as a legal aid society. Capital One cannot provide legal advice to you. Capital One will comply with this legal document and any related orders as required by applicable law.

What's a garnishment?

A garnishment (also known in some states as a levy) is a legal order that allows a creditor to remove money from your bank account(s) to satisfy a debt you owe. In other words, if you owe money to a creditor, the creditor can obtain a court order directing your bank to take money out of your account(s) and turn it over to the creditor to pay off your debt. The bank is legally obligated to comply with the terms of the court order.

Who's collecting against my account?

The creditor who is seeking to collect money from your account(s) with the **Child Support** is **Massachusetts Department of Revenue**. This may be someone to whom you owe money directly or an agency that was hired to collect money on someone else's behalf. If you wish to contact **Massachusetts Department of Revenue**, you may do so using the following information:

- **Contact Name:** MA DOR - Child Support Services Division
- **Creditor Name (who is owed money):** Massachusetts Department of Revenue
- **Contact's Phone Number:** (800) 332-2733
- **Docket Number/Case Number:** 2142944
- **Type of Court Order:** Child Support

See reverse side for more information

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66940 63426001001

What types of federal benefit payments are protected from garnishment?

In most cases, you have protections from garnishment if the money in your account include **one or more** of the following federal benefit payments:

- Social Security benefits
- Supplemental Security Income benefits
- Veterans benefits
- Railroad retirement benefits
- Railroad Unemployment Insurance benefits
- Civil Service Retirement System benefits
- Federal Employees Retirement System benefits



What should I do if I think additional funds in my account(s) are protected federal benefit payments or are otherwise exempt from collection?

If you believe additional funds in your account(s) are protected federal benefit payments, or are otherwise exempt from your collection, you may wish to consult an attorney who can help you navigate the process of assessing whether you're entitled to proactively claim additional exemptions to protect more money in your account(s).

- The legal order may identify exemptions available to you under the law of the state where the order was issued.
- Alternatively, if you live in a state other than the state where the order was issued, you may be entitled to exemptions under the law of the state where you live.

According to Capital One's records, you live in **TX**. You may wish to consult an attorney to help you determine whether you're entitled to any additional exemptions.

If you have questions about the information in this letter, you may wish to contact an attorney. You may also contact Capital One at 800-655-2265, 8 a.m.-11 p.m. ET, 7 days a week.

Thanks,
Capital One

**MULTI-STATE FINANCIAL INSTITUTION RESPONSE TO LEVY**

Levy #: 2142944

Please complete this form and return it to DOR, at the address below, along with any payments resulting from this levy. Make all payments to the Commonwealth of Massachusetts.

Individual's Name	SSN	Total Amt. of Levied Funds
GREGORY VANETTEN	██████-2823	\$

Signature	Financial Institution	Date
	CAPITAL ONE, N.A.	

SEND TO: Massachusetts Department of Revenue
Child Support Services Division
Misc. Pmt. Processing
P.O. Box 55149
Boston, MA 02205-5149

**NOTICE OF RIGHT TO GARNISH FEDERAL BENEFITS**

This garnishment order was issued by the Child Support Services Division of the Massachusetts Department of Revenue (DOR) pursuant to authority to attach or seize assets of noncustodial parents in financial institutions in the Commonwealth of Massachusetts and other states. 42 U.S.C. § 666, M.G.L. c. 119A, § 6.

Accordingly, the garnishee is hereby notified that the procedures established under 31 CFR Part 212 for identifying and protecting federal benefits deposited to accounts at financial institutions do not apply to this garnishment order.

The garnishee should comply with the terms of the order, including instructions for withholding and retaining any funds deposited to any accounts covered by this order, pending further order of DOR.





Help



PNC

360 CHECKING...1196
[VIEW ACCOUNT DETAILS >](#)

AVAILABLE BALANCE

\$ - 110,437⁶⁸

[Transfer Money](#)

Skip the trip to the bank and deposit checks right from your phone. Download the app to get started.

[Send money with Zelle®](#)

[Bill pay](#)

[Statements](#)

[Account services & settings](#)

Upcoming Transactions

You don't have any upcoming transactions. If you schedule a payment or transfer in the future, you will see it here.

Past Transactions

[Download Transactions](#)

Search amount, date, check # or transaction description

[Filter](#)

DATE	DESCRIPTION	AMOUNT
Pending	LEGAL HOLD Hold Pending ⓘ	-\$110,437.68



To help you identify your purchases, we may provide additional information about your transactions, including the company name, address, phone number, marks, and logos. This additional information might not be accurate and does not imply any affiliation between Capital One and the company. Always refer to the original transaction descriptions that appear on your statement.

PRODUCTS **> ABOUT US** **CAREERS** **> LEGAL**

HELP **CONTACT US** **PRIVACY** **SECURITY** **TERMS & CONDITIONS** **ACCESSIBILITY** **FEEDBACK**

Products and services are offered by Capital One, N.A., Member FDIC. Deposit products are insured to [current FDIC limits](#).



Certificate of Service

I, Gregory Alvin James Van Etten, hereby certify that on July 16, 2026, I served a true and correct copy of the **EMERGENCY APPLICATION FOR STAY OF ENFORCEMENT PENDING APPEAL** and accompanying Appendix upon counsel of record for Respondents-Appellees by depositing one complete copy for each counsel in the United States mail via USPS Priority Mail, postage prepaid, and by transmitting electronic copies by email to the following:

- **Nigel Stevens, Assistant Attorney General**

Office of the Massachusetts Attorney General

1441 Main Street, 12th Floor

Springfield, Massachusetts 01103

Telephone: (413) 264-6419

nigel.stevens@mass.gov

Counsel for Respondents-Appellees

- **Alexander Weiss, Assistant Attorney General**

Office of the Massachusetts Attorney General

One Ashburton Place, 20th Floor

Boston, Massachusetts 02108

Telephone: (617) 963-2934

alexander.weiss@mass.gov

Counsel for Respondents-Appellees

An additional electronic copy was transmitted to:

- **Office of the Attorney General (Administrative Law Filings)**

AdLawEFilings@mass.gov

All parties required to be served have been served.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 16, 2026.

A handwritten signature in black ink, reading "Gregory Alvin James Van Etten", written over a horizontal line.

Gregory Alvin James Van Etten

c/o: 1530 P B LN #V1425

Wichita Falls, Texas 76302

301-820-5302

jim.vanetten@gmail.com

Petitioner

Self-Represented