

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

IMRE KIFOR, individually and on behalf  
of all others similarly situated,  
Plaintiff,

v.

THE COMMONWEALTH OF MASSACHUSETTS,  
MIDDLESEX PROBATE AND FAMILY COURT,  
MASS. DOR CHILD SUPPORT ENFORCEMENT DIVISION,  
YALE SCHOOL OF MEDICINE (YALE UNIVERSITY),  
THE COUNSELING CENTER OF NEW ENGLAND,  
ATRIUS HEALTH,  
Defendants.

Case No:  
1:22-cv-11141-PBS

**PLAINTIFF’S MOTION TO STAY PENDING APPEAL**

NOW COMES the Plaintiff, Imre Kifor (“Father”), and, pursuant to Federal Rules of Appellate Procedure Rule 8(a)(1), respectfully moves this Court to grant simultaneous Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and 42 U.S.C. § 1983 injunctions against the Commonwealth and the Middlesex Probate And Family Court, (“Family Court”), Defendants:

- 1) This matter was dismissed sua sponte due to the state’s sovereign immunity, and Father is appealing the decision (see the latest Court of Appeals order for docket 23-1008 attached).
- 2) Pursuant to §2000d–7(a), “(1) a state shall not be immune under the Eleventh Amendment from suit in Federal court for a violation of Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.],” Moreover, “though a § 1983 action may be instituted, a federal court's remedial power, consistent with the Eleventh Amendment, is necessarily limited to prospective injunctive relief ... and may not include a retroactive award which requires the payment of funds from the state treasury,” Edelman v. Jordan, 415 U.S. 651, 677 (1974).

- 3) Father asserts that he will continue to suffer irreparable harm without the injunction, that the injunction's benefit to him outweighs its burden on the Family Court, that the injunction is in the public interest, and that he is likely to succeed in the eventual trial based upon the facts.

**Title VI of the Civil Rights Act of 1964 Substantiating Facts**

- 4) Father is a Title VI "person."
- 5) The Family Court is a Title VI "recipient" receiving federal financial assistance as per the Child Support Enforcement: Program Basics, i.e., "the program is a federal-state matching grant program under which states must spend money in order to receive federal funding."
- 6) "The CSE program provides seven major services on behalf of children: ... (3) establishment of child support orders, (4) review and modification of child support orders... " and "the child support order is established administratively ... through the state courts" and also "Federal law requires that states review and, if appropriate, adjust child support orders."
- 7) "CSE programs usually rely on one of the parents to request a modification of the child support order. It is important for parents facing ... substantial changes in circumstances to seek a modification to their order quickly so that they do not fall behind in their payments and thereby have to contend with past-due child support payments. Pursuant to Federal law, the court cannot retroactively reduce the arrearages that a noncustodial parent owes."
- 8) Title VI prohibits discrimination based on "race, color, or national origin ... under any program or activity receiving Federal financial assistance." Being an immigrant, Father has no inherent support network nor a large family to "help him out" during such stressful times. Understanding how raw nationalistic discrimination works in communist tyrannies, where

authorities enforce rules selectively based on subjects' identity group memberships, Father has avoided identifying his national origin with anything more than a "not Romanian."

- 9) The original "**Father is Romanian**" fabrication (the insinuated reason for the "Romanian Orphans" tragedy publicized on TV) has been upheld by the Family Court since the child-predatory 2011 GAL investigation. Through years of litigation, Father has consistently informed that the U.S. had granted him political asylum in 1986 precisely because he was "not Romanian, not Hungarian, not German, etc.," as per the denials from all those countries.
- 10) In his underlying Civil RICO Class Action Complaint, Father also specifically asserted a) "this complaint refers to allegations of 18 U.S.C. § 1961(1) retaliations and mail (and wire) fraud as the offenses or 'predicate acts' of the RICO racketeering activities," b) "the scheme behind the intent of the Racketeering Activities was to deceive a prepared Father in his affirmed efforts to appeal the Family Court's decisions and to conceal from and sabotage any appellate reviews of filed evidence and/or docket entries. Mails and/or wires (internet and emails) were used to further this deception scheme with 'property in Father's hands,'" and c) "there is no reason to suppose that any of the alleged misconducts by the Family Court, (e.g., retaliations and preclusion of appeals), would not continue indefinitely without this lawsuit."
- 11) Private parties seeking judicial enforcement of Title VI's nondiscrimination protections must prove intentional discrimination, Alexander v. Sandoval, 532 U.S. 275, 280–81 (2001).
- 12) The Family Court continues to commit the RICO predicate acts while intentionally targeting, discriminating, and retaliating against Father, and Father continues to suffer irreparable harm.
- 13) As Father's ordered in-arrears obligations for his children have skyrocketed to \$320,000+, he had desperately attempted to request the Family Court to modify the child support orders five

- times since 6/23/2022, when the “preclusion of the appeals pattern was verified by the Mass. Appeals Court,” also coinciding with the completion of Father’s Civil RICO cause of action.
- 14) Father’s downloadable standard one-page complaints for modifications were allowed by the Family Court on 11/17/2022. Father emailed the ultimately received summonses, one-page complaints, and strictly rules-compliant amended complaints to the parties on 12/28/2022.
- 15) As Father had no financial means to serve the summonses, pursuant to M.G.L.c 261, § 27C, he immediately submitted his motions to waive/affidavits of indigency to the Family Court.
- 16) The Family Court, once again, deliberately failed to inform Father about the decisions (see above RICO predicate acts) despite the concise language of the Mass. Indigency Laws.
- 17) After two interventions by the Single Justice Mass. Appeals Court, the Family Court finally resorted to the “you need permission to file on these cases” deliberately arbitrary, capricious, and whimsical “**gatekeeper orders**,” pursuant to “an abuse of discretion is defined in this circuit as a judicial action which is arbitrary, capricious, or whimsical. *United States v. Wright*,” *Pelican Production Corp. v. Marino*, 893 F.2d 1143 (10th Cir. 1990), see attached.
- 18) While Father has unsuccessfully attempted to appeal the 6/13/2019 “gatekeeper order” in the parallel case, as it was based on the discriminatory “he is dangerous, writes too much, and is not cogent” direct reference to Father’s immigrant Romanian national origin and his purpose fabricated “possible mental health” problems, the order was current and therefore respected.
- 19) However, the Family Court never communicated any such orders, until the 3/7/2023 response from the Register, in the critical v. █████ matter, as the victimized layman mother felt the need to testify in the Family Court on 3/23/2023 that “**the Court made me file**” the repeated deliberately frivolous and damaging complaints for contempts against an indigent Father.

20) The Family Court's never communicated "gatekeeper orders" are arbitrary, untraceable, and unappealable (they are not based on statutes) instruments that are the definition of **targeted discrimination and silencing retaliation "backdoors"** into the Family Court's activist "legal machinery" that Title VI of the Civil Rights Act of 1964 was intended to eradicate.

**42 U.S.C. § 1983 Substantiating Facts**

21) The continually repeated RICO predicate acts, i.e., retaliations and mail (and wire) fraud, and the arbitrary "gatekeeper orders" not just directly infringe on but also utterly deny Father's constitutional rights for due process and equal protection in all his existentially significant interactions with the activist and thus discriminating "under the color of law" Family Court.

22) Specifically, not knowing if Father's filings and relevant evidence are ever even considered by the Family Court and then utterly unable to find out about any of the Family Court's decisions is precisely what the "conspiracy to silence and enslave" was intended to convey.

WHEREFORE, Father respectfully requests that this Court grant him simultaneous injunctions against the activist Family Court, pursuant to Title VI of the Civil Rights Act of 1964 intentional discriminations and 42 U.S.C. § 1983 violations of Father's Fourteenth Amendment right to due process and equal protection as well as violations of 18 U.S. Code § 1962 prohibited activities.

Signed under the pains and penalties of perjury.

March 24, 2023

Respectfully submitted,  
/s/ Imre Kifor  
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I have no phone

I have no valid driver's license

I have to move to a homeless shelter

<https://femfas.net>

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