No. 23-1008

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

IMRE KIFOR,

individually and on behalf of all others similarly situated,

Plaintiff-Appellant,

v.

THE COMMONWEALTH OF MASSACHUSETTS, MIDDLESEX PROBATE AND FAMILY COURT, MASSACHUSETTS DEPARTMENT OF REVENUE CHILD SUPPORT ENFORCEMENT DIVISION, YALE SCHOOL OF MEDICINE, THE COUNSELING CENTER OF NEW ENGLAND, and ATRIUS HEALTH,

Defendants-Appellees.

On Appeal from the Judgment of the United States District Court
for the District of Massachusetts, No. 1:22-cv-11141

BRIEF OF PLAINTIFF-APPELLANT IMRE KIFOR

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JURISDICTIONAL STATEMENT

The Plaintiff-Appellant, Imre Kifor, ("Father"), asserts that pursuant to 28 U.S.C. §§ 1331 and 1367, the U.S. District Court for the District of Massachusetts, ("District Court"), had subject matter jurisdiction over Father's 18 U.S.C. § 1964 (c), ("Civil RICO"), claims that also implied the continued violations of his civil rights. The District Court dismissed the case on 11/22/2022. Father timely filed a notice of appeal on 12/15/2022. This Court has appellate jurisdiction pursuant to 28 U.S.C. § 1291 as this appeal is from a final judgment disposing of all claims.

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

In the context of the 11/22/2022 dismissal, i.e., "the Eleventh Amendment of the United States Constitution generally is recognized as a bar to suits in federal courts against a state, its departments, and its agencies, unless the state has consented to suit or Congress has overridden the state's immunity," A:62[1], the three issues are:

A) Have the Defendants-Appellees self-abrogated their sovereign immunities by deliberately sabotaging Father's continued attempts to appeal the rulings?

B) Can Congress avoid overriding a state's immunity when presented with such Civil RICO claims that specifically imply deliberate violations of civil rights?

C) Did the District Court err in circumventing Father's manifested intentions to augment his Civil RICO complaint with substantiated civil rights violations?

[1] Pages of the addendum or appendix are referred to by "A:" or "R:," respectively.

STATEMENT OF THE CASE - PRELIMINARY CONTEXT

1) Father has four children from non-overlapping, long-term, and fully committed relationships: two children, ("Twins"), with former wife [redacted] ("Mother-B"), and another two younger children, ("Siblings"), with former fiancee [redacted], ("Mother-C," and also collectively "Mothers").

2) Mothers initiated simultaneous and colluding child-custody and child-support-related lawsuits against Father under false and maliciously fraudulent pretenses in the Middlesex Probate and Family Court, ("Family Court"), in May 2011.

3) The Family Court allowed notorious Harvard Guardian ad Litems, ("GALs"), to fabricate false and infantile narratives like: "[child] is afraid the father will 'put suction cups on her feet and take her out the window,' and [child] is afraid the father would 'put him in boiling water' if he went back in the father's care."

4) Father was not permitted to present his unified defense of the deliberately splintered "one person, divergent sets of facts" reality of the three Family Court dockets, and parallel judgments were issued on 2/13/2014 and 6/30/2014.

5) In fact, the Family Court went to extreme lengths to prohibit Father from filing his evidence and calling his witnesses, in sharp contradiction to superficial claims that Father "had his day in court." Specifically, the Family Court noted in the 6/30/2014 judgment, "On December 5, 2013, [the Court] denied Father's

request to submit additional evidence. The Court provided the following rationale: I specifically find that the value of any evidence received from mental health treaters is outweighed by the prejudice which would be supposed by [Mother-B] in light of [Father's] prior vigorous assertion of privilege and [Mother-B's] inability to conduct discovery regarding such witness(es)."

6) However, that 12/5/2013 denial was never communicated to Father, and as the routinely falsified "secretive" new docket entries prove, it was not entered on the docket until 7/15/2014, rendering the evidentiary restrictions unappealable.

7) Since then, the substantiated fraud, deliberate defamation, and stereotypical discrimination by the Family Court have also tormented Father's children and predictably led to the four children's now absolute and total parental alienation.

8) Through the recent 20+ hearings, the Family Court has rejected all of Father's evidence regarding even his supervised visitations (the 14 monitors never once complained about Father's 500+ visits with his children), flatly denying the sole trial exhibit about Father having to end the visits to protect his crying children.

9) The ongoing activities allowed in Family Court have also resulted in Father's fully depleted finances and his now **forced indigency** that started on 2/12/2018 when the Family Court initiated a punitive crusade against him in response to his efforts to seek relief. As Father had been alleging child-predatory "mental

health" fraud, driven by the openly encouraged discriminatory activism, Father was labeled "dangerous," then silenced, and subsequently sentenced to jail.

10) Father has provided the Family Court with his comprehensive, verifiable, and voluntary full financial disclosures and his submitted job applications (800+ in 2019 and 580+ since 12/6/2021) to substantiate his forced indigency claims.

11) Father's deliberately forced, and thus intractable, indigency entails both a lack of assets and a purposely denied ability to earn a living. Both of these critical defining components were repeatedly and knowingly invalidated by the Family Court when continually ignoring or denying Father's affidavits of indigency.

12) Rejecting the consequences of their stereotypically discriminatory activism, perhaps to stubbornly conceal the already substantiated profiteering racket, the Family Court refused to investigate the causes of Father's forced indigency.

13) Moreover, after systemically denying Father's free speech, equal protection, and due process rights, the Family Court continued to issue parallel "guilty" judgments and orders for Father's "willful" nonpayment of child supports.

14) The Family Court has thus leveraged the parallel cases to either force Father into involuntary servitude (by ordering him to seek jobs that could not support him in the future) or to sentence him, with no intentions to address any of the

direct causes of his indigency. Specifically, the Family Court even suspended Father's driver's license while ordering him to get "minimum wage" jobs.

STATEMENT OF THE CASE - MAIN PRESENTATION

15) As none of Father's years-long sustained efforts (including his ongoing full-time professional software engineering work) have been able to solve Father's now extensively documented forced indigency, he has ever diligently attempted to properly and timely appeal the wrongful stream of interdependent rulings.

16) In a now substantiated **conspiracy to silence and enslave** Father, the Family Court systemically (and without proper jurisdiction) sabotaged Father's full appeals. This conspiracy intrinsically relies on violating Father's civil rights.

17) Father has also moved the Family Court to finalize the parallel and endlessly frivolous contempt actions by issuing judgments. With no judgments issued, Father appealed on an interlocutory level, citing the clear falsity of the claims.

18) Despite explicit requests to the Massachusetts Appeals and Supreme Judicial Courts, ("SJC"), no decisions about his forced indigency have been reviewed.

19) The Appeals Court ignoring the fundamental controversy of the parallel matters (that the conspiracy to silence and enslave Father has directly caused his thus forced indigency) could not and would not resolve Father's existential crisis.

20) The resulting controversy, and clear judicial deadlock, are therefore significant as Father's forced indigency is intractable. The act of any employer hiring him (without preemptively covering his now $310,000+ of in-arrears obligations for his four children), would immediately deny Father's ability to perform any of his duties as his income needed for survival would effectively be all garnished.

21) Father sought M.G.L.c. 211, § 3, relief from the deliberately child-predatory and subversionary "public nuisance" activities of the Appellees, ("the State"), which were continually not according to the course of the common law and which court proceedings were not otherwise reviewable by motion or appeal.

22) Father pleaded that immediate and meaningful relief was necessary "to prevent the State from undermining the rule of law and to ensure that the citizens of the Commonwealth may safely nurture and care for their children and families."

23) Father specifically claimed that a thus documented sustained and systemically discriminatory conspiracy to silence and enslave him, by ruthlessly leveraging his four children, was behind the punitive and retaliatory actions by the State as Father has repeatedly requested investigations into the matters from the State.

24) Subsequently, Father also substantiated a sinister child-predatory and financial motive that serves as a plausible direct reason for the stubborn efforts by the Family Court to forcefully conceal all the acts and decisions in these matters.

25) Father contended that the "association in fact" between the Family Court and the various other parties was a legitimate RICO Enterprise. The definition of the Enterprise, as it aims to maximize federal reimbursements (along with their reinvestments in a clear positive feedback loop), satisfies the RICO interstate or "federal" commerce requirement. The Family Court is the *de facto* "hub" of this Enterprise with all the other parties being the service provider "spokes."

26) Father's Civil RICO complaint filed with the District Court on 7/14/2022, R-I:015, documented that through the 10+ years-long pattern of "high-conflict" inducing "mental health" fraud, defamations, and discriminations, combined with herein detailed schemes of concealment and retaliations, he had lost $1M+ in "legal fees" as part of his $9M+ in damages. Father's class action 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.

27) The scheme behind the intent of these racketeering activities was to deceive a prepared Father in his affirmed efforts to appeal the Family Court's decisions and to also conceal from and sabotage any appellate reviews of his duly filed evidence or the mere docket entries. Mails and/or wires (emails) were used to further this deception scheme with specific "property in Father's hands."

28) With severely restricted access to the Family Court's docket entries, Father's only option was to rely on mailed/emailed decisions when attempting to appeal

them. Therefore, the Family Court had a duty to disclose their decisions, yet on multiple crucial occasions, the Family Court deliberately omitted to notify Father altogether. Father's relentless diligence in filing pleadings, affidavits, and exhibits throughout the ~80 hearings was countered by the Family Court's fraudulent concealment through therefore active misleading with affirmative steps or conduct (e.g. specifically banning Father from filing pleadings at all).

29) Father's access to the timely appeals process, M.G.L.c. 215 § 9, was repeatedly denied without any explanations by the Family Court, and Father suffered an injury to this property right. Even the Mass. Chief Justice of the Family Court noted to Father on 3/6/2019: "If you believe that a final decision in your case is legally wrong, you may have a right to appeal the decision. There is also a right to appeal some types of orders that are not final, called interlocutory orders."

30) The Family Court's 18 U.S.C. § 1962(c) "deception and retaliation" violations, i.e., the "to silence and enslave" punishments, are the bases of Father's realized injuries, as they simultaneously remove any chances of further judicial reviews and reparations while also purposely forcing Father to succumb to his sustained monetary injuries and damages as recovery is impossible from a $310K+ debt.

31) 18 U.S.C. § 1962(a) statutory "reinvestment" violations of previously received federal reimbursements have provided the Family Court with almost limitless

resources for their all-out "war of attrition" on Father and in their conspiracy to silence and enslave him, despite Father's supposedly protected indigent status.

32) 18 U.S.C. § 1962(b) "acquisition" violations have provided the Family Court with the means to expand the "feeder network" of professionals who would supply fraudulently obtained "expert" or "trusted" opinions (in exchange for therefore allowed obscene profiteering opportunities) with a deeply child-predatory "baiting and provoking a dedicated and loving parent" agenda.

33) 18 U.S.C. § 1962(d) "conspiracy" violations have allowed the Family Court to expand the spectrum and the intensity of attacks and retaliations on Father without sacrificing its judicial and/or sovereign immunity. The repeated filing of fraudulent complaints for contempt and the arrest by the Middlesex Sheriff can be attributed to the thus conspiring, and financially incentivized, Mothers.

34) To avoid appellate reviews, the Family Court has resorted to RICO predicate act violations when sabotaging and retaliating against Father's defensive steps of avoiding the now genuinely usurious debt from endlessly accumulating. The District Court noted on 11/22/2022: "Put more simply, Kifor maintains that the Family Court, on multiple crucial occasions, deliberately failed to notify Kifor of its rulings, which resulted in Kifor not being able to appeal the same," A:61.

35) Consequently, Father raised the question upon appeal to the full SJC: “did the Single Justice Court err on 9/30/2022 when ignoring the ‘entirety’ of the record for the decision to deny? Father has been consistently claiming that the Respondents have: (1) sabotaged and thus effectively silenced his diligent efforts to modify the underlying matters (due to now evidenced child-predatory fraud), and then (2) retaliated against the forcedly indigent Father to consequently enslave him through endlessly fabricated contempt actions (by targeting his ability to be gainfully employed or to simply 'make a living’).”

36) Father has also claimed to the SJC that the autocratic and retaliatory “seek work” orders had rendered the Family Court into Father’s **joint employer** as the forcedly induced circumstances satisfy the SJC’s standard for determining a joint employment “service relationship” between Father and the Family Court, see Jinks v. Credico (U.S.) LLC, and, pursuant to M.G.L. c. 151B, the “joint employer" Family Court has deliberately created a hostile “work environment.”

37) Nevertheless, Father had been fully complying with all court orders despite them being traps in the now-substantiated conspiracy to silence and enslave.

38) Therefore, these “employment traps” did not work as intended as the Family Court had to dismiss a secretly fabricated complaint for contempt on 6/3/2022. Even the scheduled hearing was canceled by the Family Court with the verbal admission that Father “had been fully complying with all seek work orders.”

39) The compounding of the Civil RICO profiteering racket and the retaliatory and absolute control of his earning capacities led to Father's manifest employment discrimination and substantiated his "Complaint for Violations of Title VII of the Civil Rights Act of 1964, and 42 U.S.C. §§ 1981 and 1985," ("Title VII").

40) Father's Civil RICO complaint was still dismissed "as a matter of law" citing the State's sovereign immunity, A:58. Father is appealing as he contends that Family Court self-abrogated their judicial and the State's sovereign immunities when repeatedly sabotaging Father's attempts to appeal the fraud-based rulings.

41) As Congress has explicitly abrogated a state's sovereign immunity by enacting the 1972 amendments to Title VII, see Fitzpatrick v. Bitzer, Father filed his employment discrimination complaint with the District Court on 11/14/2022[2].

42) Sovereign immunity, relative to M.G.L.c. 151B, has also been waived by the Massachusetts Legislature in state courts and Father has amended his latest Family Court complaints as per the facts presented in his federal complaints.

43) Father has been consistently pleading in courts that he had not committed any crimes, he had never been convicted, and he had been targeted by the Family Court as a **whistleblower**. The thus forcedly indigent Father's jail sentence was ordered on 10/21/2019 by the Family Court as a retaliation for his immediately

[2] See the simultaneous 23-1013 appeal in this Court based on identical facts.

prior "Is Mass. Chief Justice leveraging, torturing and abusing innocent children?" open letter, and entirely unrelated to any COVID-19 regulations.

44) The Family Court **continues to severely restrict** Father's abilities to plead, A:74. This forced projection of baseless and stereotypical "prisoner" qualities onto Father is also further manifested in the *sua sponte* dismissal by the District Court on 12/7/2022 of Father's Title VII employment discrimination and civil rights violations complaint explicitly augmenting his Civil RICO complaint.

45) Without considering the documented Civil RICO rackets, the District Court labeled Father's substantiated Title VII employment discrimination complaint "patently frivolous" and then summarized: "That the Commonwealth may receive some federal reimbursement for state monies spent in enforcing child support orders against him does not create any sort of employer/employee or 'joint employer' relationship between the Family Court and Kifor," R-II:484.

46) That conjecture is inconsistent with the "federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement."[3] Yet, federal reimbursements for all of Father's dockets would amount to $0, as the MA DOR CSE has not been involved and spent nothing on enforcing child support orders in either v. Mother-B or v. Mother-C matters between 7/13/2011 and 2/19/2019. Since 2/19/2019, the State has been

[3] See https://malegislature.gov/Budget/FY2022/FinalBudget at 1201-0160.

attempting to collect a now impossible $109,677.30 under purely fraudulent circumstances from a forcedly indigent Father in the v. Mother-C matter only.

47) Had the District Court's conjecture been true, federal reimbursements specific to Father's massive and meticulously documented 10+ years-long litigations in the Family Court would be minimized to an actual $0, in direct contradiction to the published priorities of the Mass. Legislature, A:85. In fact, the baseless and stereotypical conjecture would also point to an economically ineffective federal reimbursement program in that it would promise numerical equivalent monies to what simply cannot be collected, as the DOR levied $107,393.58 yet Fidelity returned a mere $85.06 on 10/11/2022, and $80.79 on 1/31/2023, respectively.

48) Per the State's sovereign immunity exceptions cited by the District Court, and pursuant to M.G.L. c. 231A, the Family Court has now the sole capacity to certify that no federal CSE reimbursements have been received using Father's dockets (at least from 7/11/2011 to 2/19/2019) as nothing has been spent on collection, see the complaints for modifications filed on 12/12/2022, R-II:492.

49) Short of that certification of $0 received, Father contends that the Family Court is Father's "joint employer" as federal reimbursements continue to be received solely based on Father's existing mere docket numbers and without any effort nor resources spent on the "collections." Moreover, these unjust steady "federal incomes" are **maximized through pure child abuse** that he is appealing, A:88.

STATEMENT OF FACTS

50) Father is a software engineer with a computer science/mathematics graduate degree. Father has worked all his life for his own software companies. Father sold one for $25M in 2000, with himself as the sole software developer.

51) Despite direct Family Court orders for Father to abandon his profession, only to seek "silenced and enslaved" minimum-wage jobs, Father has not stopped working full-time on open-source software, see https://github.com/quantapix.

52) Father married in 2003 and his Twins were born in 2004 through IVF. In 2007, the non-biological Mother-B deliberately abandoned Twins when deciding to hastily separate from Father only to fly to Hawaii to meet an impromptu online acquaintance. The couple was amicably divorced in 2008 and the Family Court awarded Father physical custody of the Twins. The Family Court also allowed Mother-B to forgo paying Father any child support or child-related expenses.

53) After the finalized divorce, Mother-B continued to conspire against Mother-C, provoking public confrontations with her and coaching Twins to complain to teachers, doctors, DCF, and GALs about Mother-C "beating her own children," "threatening a child with a knife," etc. In a premeditated effort to prevent the court from changing her waived child supports, Mother-B maliciously staged a "police emergency" just before Father's second Sibling was born in 2011.

54) Mother-B called the police on Father on 4/28/2011, falsely accusing him of beating his Twins. The police declined to arrest Father, and Mother-B's subsequent fraudulent application for criminal complaint was also rejected.

55) Immediate parallel Family Court actions ensued that lasted 3 years. Despite the millionaire "Whole Foods cashier" Mother-B's relentless fraudulent efforts to gain the primary and dominating child supports, the Family Court awarded her secondary support only, and 3 years after the Siblings' Mother-C's primary.

56) Father was first ordered to pay any child support in June 2011, more than 11 years ago. Between then and January 2018, when Father approached the Family Court to seek modifications and relief, he never missed nor was ever late with his ordered ~$5,000 per month support obligations for his children.

57) The non-biological Mother-B still made every effort to destroy the biological Father's reputation, earning capacity, and bonds with his Twins. Mother-B also relentlessly sabotaged Father's good relationships with teachers, doctors, etc.

Child-Predatory "Mental Health" Fraud

58) Through such malice, Mother-B conspired to fabricate plots with the appointed activist GALs to falsely diagnose Father with a "possible personality disorder."

59) As Father voluntarily submitted to long-term psychiatry tests and observations, the recommended three experts, all Harvard Medical School psychiatrists and

clinical doctors, repeatedly refuted the GALs' biased, faulty, and incomplete reports. The Harvard psychiatry professors explicitly agreed in their expert reports to the Family Court: **"Father presented no danger to his children."**

60) Mothers nevertheless continued their quest to destroy Father by maliciously reframing the Family Court's judgments. Through the next 2 years, from 2014 to 2016, both Mothers relentlessly targeted Father's supervised visitations with his children with weekly provocations, humiliations, defrauding, defamations, and cruel, endlessly unnecessary restrictions, as well as controlling rages.

61) Continually deceiving about Father's relationship with his Twins, Mother-B conspired with the Family Court to order Father not to contact his children. As Father has been unsuccessfully attempting to call his four children, 1,360 times already, both Mothers' controlling actions underscore their stated goal of a fully destroyed parental bond between a father and his dear children. Since the 2019 judgment, Twins have contacted Father in the secrecy of the night, despite the Family Court's suborned claims that they had rejected a relationship with him.

62) Being an immigrant, Father has no inherent support network, nor a large family to "help him out" during 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."

63) The original **"Father is Romanian"** fabrication (i.e., the insinuated reason for the barbaric "Romanian Orphans" tragedy publicized on TV) has been upheld by the Family Court since the deeply child-predatory 2011 GAL investigation.

64) Through years of litigation, Father has consistently informed that the U.S. granted him political asylum in 1986 exactly because he was "not Romanian, not Hungarian, not German, etc.," as per the denials from all those countries.

65) Due to Mothers' relentless public campaign of baselessly and stereotypically discriminating against Father, specifically with their malicious "mental health" claims, Father has been unable to make an income despite his 800+ work solicitations in 2019 and his now submitted 580+ compliant job applications.

Silencing "Toxic Masculinity" Retaliations

66) Father has voluntarily disclosed the complete record of his financials for protection from the barrage of false allegations by Mothers. Nevertheless, the DOR suspended his licenses as he had been also unable to support his Siblings.

67) While Mother-B had known about his license suspension, and in her targeted effort to regain her sought-after "primary child supports," she conspired with the Family Court to order Father to jail over a mere $255 by extending her financial fabrications. Recently Mother-B also paid $400 to the Middlesex Sheriff to arrest Father, only for the Family Court to immediately release him.

68) Since filing his prior complaints for modifications, Father has fully complied with his professional obligations as an able, capable, eager, trained, and skilled software engineer, by continuing to work without any compensation. Father's children still have lost all connections with, and nurturing support from their loving father and their entire deliberately and ruthlessly "ejected" paternal family. As Father's court-ordered in-arrears obligations are now at $310,000+, this is now a profoundly intractable controversy as to Father's entitlement for reconciliation, emotional, personal, and paternal reparation, and damages.

69) The entire controversy was initiated by two child-predatory and **sex-obsessed** "activist feminist" Harvard psychologists who specialized in "high-conflict" (i.e., profitable) GAL cases and deliberately fabricated infantile QAnon-style narratives and also administered faulty psychology tests without licenses.

70) The fabricating GALs went on to lead the American Psychological Association and the "Pediatric Gender Program" at Yale after repeatedly lying to the courts.

71) To forcefully silence Father from complaining, Father's children were first fully isolated from him, then they were sent out of state to be illegally medicated and actively brainwashed against him, then they were tortured with unnecessary "cancer surgery" for court purposes (and paid with fraudulent insurances), then they were "interrogated" in school (so that they cried), and finally, perjury was suborned on them to forcefully renounce their father against their clear wishes.

72) The retaliations started in earnest after Father emailed in 2018: "**Dr. Olezeski, Is your 'Pediatric Gender Program', in fact, in plain English, castrating young American boys?** It is well known that the Nazis, as part of their 'emerging eugenics movement,' started with castrating the hated 'inferior' minorities (for clarity, I grew up as a hated minority in a ruthless dictatorship). They moved onto gassing them in masses only after the population and 'scientific community' did not complain nor 'resist' them in any way."

73) As per our rights for free speech, including "to petition the government for a redress of grievances", Father has repeatedly requested investigations into these matters by the State. Father also substantiated the herein sinister child-predatory and financial motive that serves as a reason for the stubborn efforts by the Family Court to forcefully conceal the acts and decisions in the matters.

74) The Family Court's deliberate and severe evidentiary restrictions on Father's modification actions coupled with allowing and even encouraging endlessly filed complaints for contempt against Father have rendered him unemployable.

75) The Family Court's ambiguous but routine orders were also meant to forcefully keep "toxic fathers" in contempt of court (9/26/2018, 6/13/2019, 10/15/2019).

76) When claiming "both children were adamant that neither wants a relationship with Father," the Family Court allowed subornation of perjury by an ARC on

Father's Twins (4/24/2019) while also fully ignoring Father's submissions once his children contacted him (7/15/2021, 1/21/2022). Moreover, the hasty and sloppy ambiguous orders then failed to cover the cases when Father would be responding after his dear children had voluntarily contacted him (3/13/2021).

77) The Family Court's "activist feminist"-enforced and heavily state-subsidized "supervised visitations program" consistently targeted Father's bonds with his two daughters by relentlessly canceling and/or fabricating endless obstacles.

78) Father has now substantiated that the fraudulently ordered 500+ supervised visitations with his four children were discriminating and harassing to him, by coercing Father to endlessly take his children to the movies (where he could not nurture his connection with them), and in the dark theaters the "activist feminist" monitors forcefully separated him from his daughter, while baselessly insinuating "protection" (i.e., by proclaiming to Father "I need to protect you").

79) The Family Court later also forced the layman *pro se* Mother-C to first serve her deliberately frivolous complaint for contempt (8/20/2019) only to "close" it without notice 2+ years later (12/13/2021). Father contends that a complaint thus closed on 12/13/2021 and another dismissed on 6/3/2022 should not result in a still active complaint for contempt on 2/20/2023 (see docket entry logs).

<u>Conspiracy To Violate Civil Rights</u>

80) Counting on a layman *pro se* Father having no chance to stay legally afloat, the Family Court did not need to respect his constitutional rights or existential crisis. Father's filings were easy to ignore, delay, deny, dismiss, etc. for years, and the ordered "in-person" parallel contempt hearings, delayed on purpose to 12/3 and 6/2021, were staged to finally muzzle Father by endless jail sentences.

81) The intent was clear, as Father being physically present in one hearing would have rendered him guilty of contempt in the other (by him "diverting" money).

82) Father's business and property are contextualized and encapsulated by his software startup, Quantapix, Inc. The June 2011 inception of the one-person company coincides with the start of the lawsuits in the Family Court. Father's injuries to his business and/or property are tracked by his meticulous corporate records (e-filed in court) proving direct causations other than "market factors."

83) Father's continued unconditional compliance with all orders of the Family Court (directly confirmed by the Family Court on 6/3/2022) has univocally demonstrated that Father's total inability to pay was due to proven **absolute unemployability** induced by the alleged conspiracy to silence and enslave.

84) As substantiated in Father's Civil RICO complaint, the racketeering Family Court has become Father's "employer" as a relationship exists between Father and the Family Court, where Father is merely "performing a service" (of him

simply being a custom fabricated "non-custodial parent" fully separated from his four children for maximized support amounts) and from which the Family Court openly derives a material economic benefit in federal reimbursements.

85) Specifically, in the context of the substantiated Civil RICO claims, 1) Father is free from the Family Court's control to collect salary (from Quantapix) as long as a) he is paying the ordered child supports, and b) he is silent about needing any appellate reviews, 2) software development has nothing to do with serving as a "non-custodial parent" for federal reimbursements in the Family Court's official business, and 3) Father continues to perform in a thus "professional capacity" for the Family Court as a **targeted "white male having children."**

86) When initiating the alleged conspiracy to silence and enslave, the Family Court then issued orders to intently tighten control over Father's employment and existence. As the Family Court was only concerned with Father's "non-custodial parent" services (for federal reimbursements), his actual engineering expertise, training, skills, and 30+ years of the profession became irrelevant, and he was directly ordered to seek even unskilled, or "minimum wage," jobs.

87) Within the context of Father's fully degraded and degenerated services (i.e., a "non-custodial parent" serving as a mere fabricated and falsified "docket entry" for federal reimbursements), the Family Court has "under the color of law" power and jurisdiction to 1) "hire and fire" (order or cancel his child supports),

2) "supervise and control schedules/conditions" (of his support payments), 3) "determine [and enforce] rate/method" of all payments (i.e., colluding against Father with the levying DOR), and to 4) "maintain employment records," (e.g., the substantiated falsified docket entries), see Baystate Alternative Staffing.

Concealed Forced Indigency

88) Father has been consistently alleging a retaliatory conspiracy by the Appellees to silence and enslave him. This conspiracy is manifested in the deliberately induced and intractable forced indigency attacks on Father. He has attempted to appeal the now 7 faulty Family Court rulings related to his forced indigency.

89) Father's forced and intractable indigency is thus exploited *ad infinitum* in the Family Court through the endlessly allowed and also **purposely ambiguous** contempt actions (1/19/2019, 8/8/2019, 10/11/2019, 6/21/2021, 11/24/2021, 1/11/2021, 1/21/2022, 5/6/2022, 6/3/2022) that simply cannot be appealed.

90) Specifically, the Family Court has delayed these actions (6/4/2021, 6/23/2021, 12/6/2021, 5/6/2022) while sabotaging their intended appeals (10/5/2020, 6/29/2019, 7/13/2021), only to forcefully interfere with the appeals process.

91) Father still has no driver's license (since 6/13/2019), he still has no cash, no car, nor any assets, no insurance of any kind, and he continues to be forcefully kept under an informal house arrest, rendering Father unable to "earn a living."

92) The Respondents subsequently sabotaged/conspired to sabotage all of Father's properly filed timely requests for appellate reviews of the orders. Accordingly, SJC-13310 affirmed on 10/13/2022 that M.G.L.c. 211 § 3 "does not provide a second opportunity" for relief. Yet, the cited Appeals Court orders specifically excluded reviewing the faulty rulings regarding Father's forced indigency.

93) The SJC's seemingly superficial observation that "those appeals were not successful –- that is, that they did not lead to decisions in [Father's] favor –- does not entitle [Father] to additional review," is thus **manifestly incomplete**.

94) Specifically, the whistleblower Father has alleged stereotypical discrimination by the Respondents. On 12/6/2021, the Family Court ordered Father to start his employment relationships by directly compromising himself by deliberately withholding his materially significant and verifiable "pending legal issues."

95) While Father has had an also *de facto* full-time position in his own company, Quantapix, Inc., (that had been reliably paying payroll and ordered insurance for years), the Family Court deliberately and specifically denied Father the option to continue with his 30+ year "tradition" in the 12/13/2021 "seek work" orders. The Family Court then claimed that Father was "not an employee," yet it continues to control all aspects of his employment, with a retaliatory agenda.

96) The intent behind the now substantiated conspiracy to silence and enslave is also clear: the obsessive "seek work" orders would either silence Father by deliberately forcing him into jail (via involuntary "contempt") or enslave him without any escape (via garnishing all his wages as per "proposed orders").

97) On 4/13/2022 and 11/3/2022, the MA DOR attempted to levy $100,000+ from Father's remaining but inaccessible investment and SEP-IRA accounts. Fidelity transferred the mere residual $85.06 on 10/11/2022 and $80.79 on 1/31/2023.

STANDARD OF REVIEW

98) Father presented three issues for review regarding the District Court decision:

A. The "Issue Of Self-Abrogating Consent," or (A) from above, is a decision on "questions of fact" and is reviewable for clear error,

B. The "Issue Of No Congressional Override," or (B) from above, is a decision on "questions of law" and is reviewable *de novo,*

C. The "Issue Of District Court Discretion," or (C) from above, is a decision on "matters of discretion" and is reviewable for abuse of discretion.

SUMMARY OF THE ARGUMENT

99) The Issue Of Self-Abrogating Consent: despite the powerful denials by the SJC, the simple facts continue to persist: crucial sequences of fraud-based rulings by the Family Court have never been reviewed as the "ordinary

appellate process" had been deliberately undermined and clearly sabotaged to knowingly conceal a deeply child-predatory fraud on the court. Therefore, the specific unappealable and dogmatic rulings are dated: 12/5/2013, 6/13/2019, 10/21/2019, 12/6/2019, 1/21/2020, 6/23/2021, 12/3 & 6/2021, and 1/12/2022. Father was either not notified of the rulings, his timely and proper notices of appeals were ignored, his affidavits of indigences were denied without any notices sent, or the ruling was masquerading as temporary, yet it was final.

100) The Issue Of No Congressional Override: Congress has already explicitly abrogated a state's sovereign immunity in employment discrimination cases by enacting the 1972 amendments to Title VII, see Fitzpatrick v. Bitzer, and no reasonable person would expect a sudden reversal only because substantiated Civil RICO predicate acts are cited as "causes" for the Title VII "effects," A:70.

101) The Issue Of District Court Discretion: the District Court has deceived by deliberately holding the connected complaints stuck in a "procedural limbo" and Father could not formally connect the "causes" (the racket and conspiracy to silence and enslave) with the "effects" (his induced forced indigency) by amending the complaints with each other before the hasty dismissals, A:70.

ARGUMENT

102) The Eleventh Amendment immunity of the State is not absolute as "the amendment's raiment unravels if any one of four circumstances eventuates: a

state may randomly consent to suit in a federal forum; a state may waive its own immunity by statute or the like, *Edelman v. Jordan*; Congress may sometimes abrogate state immunity, *Fitzpatrick v. Bitzer*; or other constitutional imperatives may take precedence," see Metcalf Eddy v. P.R. Aqueduct Sewer Auth, as well as "a federal court's remedial power, consistent with the [amendment], is necessarily limited to prospective injunctive relief, *Ex parte Young*, and may not include a retroactive award," see Edelman v. Jordan.

A. Issue Of Self-Abrogating Consent

103) Father has now substantiated that docket entries in the Family Court continue to not reflect the reality of his properly submitted filings and the court's orders.

104) These inconsistencies are caused by documented racketeering schemes that have been deployed on purpose in a conspiracy to silence and enslave Father.

105) Responding to Father's repeated petitions, the SJC continued to threateningly dismiss Father's inquiries of "has the deliberate withholding of Father's timely filed oppositions from the Family Court's docket entries ultimately caused the direct preclusion of any appellate reviews of the Family Court's judgments?"

106) Father later petitioned the U.S. Supreme Court, asking if "in the context of the federal CSE reimbursement program, the Massachusetts Legislature enacted an ambiguous interpretation by implying a possible spectrum for the rate of

reimbursements. **Is the 'open-ended' and thus manipulatable federal program constitutional as currently practiced by Massachusetts?**", A:78.

107) Therefore, the full SJC's repeated rejections of Father's rights for the appeals are "clear declarations" as per "when dealing with the sovereign exemption from judicial interference in the vital field of financial administration a clear declaration of the state's intention to submit its fiscal problems to other courts than those of its own creation must be found," Great Northern Ins. Co. v. Read.

108) Father contends that by sabotaging all of his attempts to appeal, the Family Court deliberately self-abrogated their immunity, as "Immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction," Mireles v. Waco.

109) Moreover, the full SJC then **manifestly allowed** (through repeated "clear declarations") the Family Court's self-abrogations of immunities to stand, fully satisfying "the Court of Appeals held that [a state] 'constructively consented' to [a] suit by participating in [a] federal program and agreeing to administer federal funds in compliance with federal law. Constructive consent is not a doctrine commonly associated with the surrender of constitutional rights, and we see no place for it here. In deciding whether a State has waived its constitutional protection under the Eleventh Amendment, we will find waiver only where stated 'by the most express language or by such overwhelming

implications from the text as [will] leave no room for any other reasonable construction.' *Murray v. Wilson Distilling Co.*, " see Edelman v. Jordan.

B. Issue Of No Congressional Override

110) Father contends that Congress could not avoid overriding the State's Eleventh Amendment sovereign immunity under the combined identical facts as alleged.

111) Specifically, as to Father's Title VII complaint, "[t]he Eleventh Amendment does not bar a backpay award ... since the principle of state sovereignty that it embodies are limited by the enforcement provisions of § 5 of the Fourteenth Amendment, which grants Congress authority to enforce 'by appropriate legislation' the substantive provisions of the Fourteenth Amendment, which themselves embody significant limitations on state authority. Congress in determining what legislation is appropriate for enforcing the Fourteenth Amendment may, as it has done in Title VII, provide for suits against States that are constitutionally impermissible in other contexts. The 'threshold fact of congressional authorization' for a citizen to sue his state employer, which was absent in Edelman, supra, is thus present here," see Fitzpatrick v. Bitzer.

112) The addition of the State's specifically formulated and requisite Civil RICO "criminal intent" (to establish the cited predicate acts as the "causes" for the Title VII "effects" on Father) does not change the already abrogated premises.

C. Issue Of District Court Discretion

113) Father had strict timing constraints when filing his Civil RICO complaint first and then his subsequent Title VII employment discrimination complaint, A:68.

114) Nevertheless, Father had also clearly indicated to the District Court that both complaints were **based on identical facts** and were tightly interconnected by their thus trivial "documented causes and their effects" relationships, A:70.

115) Federal Rules of Civil Procedure 15(a) states that "[t]he court should freely give leave when justice so requires," and "[l]eave to amend should be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay," see Martinez v. Newport Beach.

116) The District Court could have acted on the Civil RICO complaint months sooner, however, the "abusive of discretion" dismissal came timed just after Father had substantiated and formalized the "effects" of the "causing" rackets.

CONCLUSION

For the reasons stated within the above Argument, Father respectfully requests that this Court reverse the District Court's dismissal and enter a judgment in Father's favor as a matter of law on the basis of the State's abrogated sovereign immunity.

Signed under the pains and penalties of perjury.

February 20, 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