

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

PLAINTIFF-APPELLANT'S PETITION FOR PANEL REHEARING
PURSUANT TO SUSTAINED 42 U.S.C. §§ 1981, 1983,
and 1985 VIOLATIONS

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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>

PLAINTIFF-APPELLANT’S PETITION FOR PANEL REHEARING
PURSUANT TO SUSTAINED 42 U.S.C. §§ 1981, 1983, and 1985
VIOLATIONS

The Plaintiff-Appellant, Imre Kifor (“Father”), respectfully petitions this Court for a panel rehearing of the attached 8/4/2023 judgment pursuant to Local Rule 40.

Therefore, Father respectfully states as follows:

- 1) Citing the state’s alleged sovereign immunity, the Commonwealth Defendant-Appellees filed a Motion for Summary Disposition in this Court on 2/10/2023.
- 2) Following the parallel hearings held in the underlying matters in the Middlesex Probate And Family Court on 3/23/2023, Father respectfully moved this Court to grant him 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 on 4/9/2023.
- 3) Citing independent proofs from the DOR CSE as well as the Family Court’s assigned Probation Officer for all aspects of his forced indigency, Father filed his Renewed Motions For Relief Pursuant To Rule 60 Fraud On The Court with the Family Court on 5/16/2023. Subsequently, Ms. Qin notified Father on 6/13/2023 that she could not provide “homeless shelter and food” any longer.
- 4) Father promptly contacted Massachusetts Governor Healey and Mayor Fuller (City of Newton) on 6/15/2023 with a fully substantiated open request for the federal Homeless Emergency Assistance and Rapid Transition to Housing Act

of 2009 (HEARTH) assistance. Father forwarded his Conspiracy To Silence And Enslave Only To Conceal Title VI Discriminations And Retaliations open letters with the relevant evidentiary attachments to the “Emergency Solutions Grant” providers in the City of Newton. No responses were received so far.

- 5) Father repeatedly updated this Court with his timely e-filed status affidavits.
- 6) Father e-filed his latest Status Affidavit On Sustained And Systemic Civil Rights Violations on 7/3/2023, including his efforts to secure employment.
- 7) After submitting a total of 1,600+ job applications, e.g., ~800 solicitations in 2019 and another 800+ closely monitored and compliant submissions since 12/12/2021, Father filed for a discrimination charge with EEOC on 7/24/2023.
- 8) Facing a Family-Court-induced health emergency without the possibility of any insurance or supported healthcare whatsoever, Father filed his Status Affidavit On Deliberately Induced Existential Employment, Health, And Housing Crisis with the Massachusetts Supreme Judicial Court, SJC-13427, on 7/31/2023.
- 9) The affidavit included Father’s 7/29/2023 open letter to Massachusetts Governor Healey, titled An “LGBTQ+” Massachusetts Ruthlessly Profiteers From Child-Abusive “Pseudo-Science,” with the following complaint:

“As an almost 62 years old white male legal immigrant (who cannot ever become pregnant) with no criminal or otherwise record, I assert that I belong to all necessary 'protected classes' that form the thus

satisfied criteria of all state and federal anti-discrimination statutes (specifically based on race, sex, national origin, and age) relative to an activist ‘black/female/LGBTQ+’ Massachusetts government.”

10) Before Father had a chance to duly update his status regarding his deliberately induced existential employment, health, and housing crisis, this Court issued a judgment on 8/4/2023 granting the Commonwealth Defendant-Appellees their requested summary disposition of Father’s herein appeal. For completeness’ sake, Father petitions this Court for a rehearing for the following two reasons:

State Courts Do Not Respect Federal Rights

11) Despite Father’s argument to the Massachusetts Supreme Judicial Court, e.g., “all of Father’s relevant evidence has been fully communicated and readily accessible as Father had e-filed his entire collection with the Appeals Court. Therefore, the Family Court’s ‘gatekeeper orders,’ while unappealable, serve as secretive instruments to conceal the already substantiated fraud on the court,” SJC-13427 ruled in an **endlessly circular** fashion on 8/8/2023: a) “to the extent he challenges the entry of interlocutory ‘gatekeeper’ orders... he could seek reconsideration of those orders” -- which is not possible in the purposeful absence of the actual orders, b) “to the extent he challenges the entry of any final order of the Family Court, he may appeal from any such order” -- which is not possible in the purposeful absence of any final orders, and c) “to the

extent Kifor contends that the docketing of any order was delayed and that the appellate period lapsed in the interim, a motion under Mass. R. Civ. P. 60 (b) (1) or (6) may provide a remedy” -- which is exactly what Father consistently and repeatedly attempted to do since 2018, see his “Renewed Motion(s) For Permission To File The Attached Refiled Motion(s) For Relief Pursuant To Rule 60 Fraud On The Court,” specifically for Mass. R. Civ. P. 60 (b) (6).

The Conspiracy To Silence And Enslave Continues

- 12) The Family Court’s Probation Officer, (“PO”), filed a motion to terminate the retaliatory “seek work” program on 8/16/2023, claiming that “Regarding Mr. Kifor's forthcoming nature, Probation questions his authenticity and desire to secure employment.” However, Father has communicated with PO exclusively through emails. Father emailed her the ordered 10+ compliant job applications weekly (including all available details for every selected job opening). For full transparency, Father also emailed her all communications with all interested prospective employers every week. Father also updated PO with the status of the lawsuits Father was continually forced to face (all of them directly caused by the substantiated 12/5/2013 Rule 60 fraud on the court in the Family Court).
- 13) All the emails Father has received from PO are herein attached. PO has not questioned any of Father’s job applications, reports, responses, claims, filings, etc., at all. Had she raised any “authenticity” or “desire” issues to Father, he

would have immediately attempted to **fully address all of her concerns** or would have provided her with meticulous documentation and/or explanations.

- 14) PO also noted in her motion that “It appears to this Officer that there are numerous barriers to Mr. Kifor's employment, such as not being reachable by telephone, and his full disclosure of multiple ongoing legal cases to potential employers.” This simplistic characterization is blatantly incomplete and also outright deceitful. PO was repeatedly informed that all of Father’s even screening interviews were immediately canceled due to the fact that Father now owes **\$345,000+** in court-ordered obligations and that Father is almost **62 years old**. These two vital pieces of “screening” information are not “full disclosure.”

Argument For Rehearing

- 15) The Massachusetts Supreme Judicial Court’s 8/8/2023 decision to once again fully ignore all of Father’s timely and properly filed substantiating evidence, even regarding an explicit conspiracy and racketeering for the concealment of a Rule 60 fraud on the court by the Family Court, is a new direct violation of Father’s constitutional rights for free speech (i.e., “to petition the Government for a redress of grievances”), due process (i.e., no “gatekeeper orders” or the repeated preclusions of appeals), and equal protection (i.e., no “equity-based” discrimination due to race, sex, national origin, and age). Father also argues that the timing of the 8/8/2023 decision, e.g., right after this Court’s 8/4/2023

abandonment of its months-long protection of Father's constitutional civil rights by yielding to the "sovereign" state, is a materially significant factor.

- 16) The Family Court's renewed "under the color of law" decision to baselessly insinuate once again questions of "authenticity," "desire," etc., regarding Father's character, work ethic, and commitment to his children (without giving him a chance to defend himself from the continued and massive invalidations) is a second new direct violation of Father's constitutional rights for free speech (e.g., "free disclosure to prospective employers"), due process (e.g., no **secretive**, agenda-driven complaints for contempts from Probation), and equal protection (e.g., no forcing the *pro se* Mother to file frivolous and fraudulent complaints for contempts against Father). Once again, the timing of the filings regarding Father's "seek work" orders is a materially significant factor as the responses to Father's now filed EEOC charges are due by the end of the month.
- 17) To further substantiate his arguments for a rehearing, Father hereby attaches his EARLY DRAFT Class Action Complaint For Relief And Damages along with his Affidavit On Deliberately Induced Existential Employment, Health, And Housing Crisis that he will be ready to file with the U.S. District Court as soon as this appeal is finalized. The main additions to the new class action complaint will be the additional age discrimination that a layman Father is still studying.

WHEREFORE, Father respectfully petitions this Court to grant him a rehearing of these matters as the above two new and very recent (since this Court's judgment) decisions/developments in the Commonwealth's courts directly point to continued systemic disregard of and conspiracy against Father's free speech, due process, and equal protection constitutional rights, pursuant 42 U.S.C. §§ 1981, 1983, and 1985.

Signed under the pains and penalties of perjury.

August 17, 2023,

Respectfully submitted,

/s/ Imre Kifor

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