

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT

CIVIL ACTION 2181CV00921

 IMRE KIFOR,)
 Plaintiff)
 v.)
))
 THE COMMONWEALTH OF MASSACHUSETTS,)
 MIDDLESEX PROBATE & FAMILY COURT)
 Defendants)

RECEIVED

1/14/2022

PLAINTIFF'S MOTION FOR THIRD AMENDED COMPLAINT DUE TO THREATENED
AND IMMINENT SILENCING JAIL SENTENCE

NOW COMES the Plaintiff, ("Father"), and respectfully states:

1. Father brought his complaint against the Defendants, ("Family Court"), on 4/24/2021 due to ongoing violations of his civil rights and then filed a first amended complaint on 9/16/2021.
2. Based on newly revealed evidence of Family Court's routine practices, Father filed a second amended complaint on 12/2/2021.
3. The unsuspecting Father desperately assented to waiting for Family Court's delayed 12/24/2021 response that was apparently timed just before his now imminent silencing jail sentence.

4. Father needs access to his laptop to compile his opposition to the served motion to dismiss before the 1/3/2022 deadline.
 5. The indigent Father has communicated with Family Court about his inability to transport himself to court without assistance.
 6. Family Court emailed Father *"if you do not comply with the current order [to meet with me] I will have to file a criminal contempt and the sanction is up to 6 months of incarceration."*
 7. While respectful, the desperate Father still has no ability to physically transport himself and to attend the meeting with Family Court's probation officer today, on 12/27/2021, at noon.
 8. Also, the Single Justice Appeals Court has postponed acting on Father's petition for interlocutory appeal (see attached).
 9. Once in jail, the indigent Pro Se Father will not be able to adequately reply to Family Court's now served motion to dismiss.
 10. Moreover, Father now alleges that Family Court has been deliberately conspiring behind the current sentencing events to further silence Father and to violate his constitutional rights, now including the "Slavery Amendment" to the US Constitution.
- WHEREFORE, Father respectfully requests that this Court allow him to file a third amended complaint to incorporate the above.

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Signed under the pains and penalties of perjury.

December 27, 2021

Respectfully submitted,

/s/ Imre Kifor
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I have no phone
I have no valid driver's license
I no longer have a stable physical address

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1/14/2022

PLAINTIFF'S SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF HIS
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

NOW COMES the Plaintiff, ("Father"), and respectfully states:

1. Father originally brought his complaint, ("Complaint"), against the Defendants, ("Family Court"), on 4/24/2021.
2. Father filed his first and then his second amended complaints on 9/16/2021 and respectively on 12/2/2021. Family Court served Father with their Motion To Dismiss, ("MTD"), on 12/24/2021.
3. Family Court's latest orders, dated 12/3, 6 and 13/2021, substantiate and prove Father's otherwise conjecture-based, by necessity, "Conspiracy To Silence And To Enslave" theory.

4. Father has filed a motion to amend his original complaint for the third time based on Family Court's renewed punitive actions.

(RECAPITULATED) FACTUAL ALLEGATIONS

5. Years before his first order to pay child supports, Father had been consistently complaining to Family Court, since 2009, about the allowed fraud, defamation and discriminations. Between then and 2018, when Father once again approached Family Court to seek modifications and relief, he never missed nor was ever late with any of his ordered ~\$5,000/month payments for his children.

6. Father is an immigrant from Romania, admitted to the US in 1986 on a political refugee basis (as a "hated minority" from a communist tyranny), specifically because he was not "Romanian."

7. Due to the nationally televised "Romanian Orphans" tragedy and anti-Romanian feminist activism, Family Court conveniently labeled Father a "Romanian" and allowed QAnon-style disgusting fabrications to persist in his cases. Had his national origin been anything else, such discriminations could not have existed.

8. Also, had Father not been an "ignorant immigrant," sustained long-term Family Court "protections" from malicious "imminent flight risks" pure scare tactics could not have been possible.

9. Since graduating from Boston University in 1991, Father has only worked for his own companies, all based on 1099 contracts.

10. Father has had professional success with software consulting (Fidelity Investments, Putnam Investments, Varian Semiconductor, Syncra Systems, etc.) and self-funded solo development efforts (Valto Systems, sold for \$25M), all through his own companies.

11. He started his current company, Quantapix, Inc., in 2011; he is a *de facto* full-time employee; the company is ready to accept 1099 software contracts and can return to doing regular payrolls and providing insurances on short notice. Moreover, while still a Mass. company, Quantapix can also accept "remote contracts."

12. Marking the start of the "**forced indigency**" proceedings, Father informed Family Court during the 2/12/2018 hearings that he had ran out of all of his financial resources and would not be able to continue to honor the support orders without relief.

13. Father also informed Family Court that he had invested all his personal savings into Quantapix, i.e. into his solo software development efforts, and needed to start to publish his results.

14. Family Court delayed notifying Father about any decisions until 8/6/2018, which is less than 3 years before 4/24/2021.

15. Throughout the subsequent 20+ hearings, Family Court has dogmatically maintained that Father had been unconditionally able to earn at least a minimum wage, and refused to credit any of Father's claims of fraud, defamation and discriminations.

16. Family Court has discriminated against Father also based on color and sex, as none of Father's claims had ever been taken as true, regardless of him being plaintiff or defendant, while the two mothers' words had always been counted as "absolute facts," despite being self-contradictory, or sexually harassing per se.

17. As Father had been alleging extensively documented child-predatory "mental health" fraud and discriminatory activism, he was labelled "dangerous" and then he was silenced and sentenced.

18. Family Court then initiated a punitive crusade against him by blocking, ignoring, deflecting, delaying, denying, etc. his attempts to prove his innocence and his thus forced indigency.

19. Father's rights to submit evidence and to call witnesses, in order to prove his innocence and forced indigency, were denied.

20. The ongoing fraud, defamation and discriminations allowed in Family Court have forced Father into an intractable indigency.

21. In the 4 years since January 2018 his in-arrears obligations for his 4 children have now reached $4 \times 12 \times \$5,000 = \text{\$240,000+}$.

22. Appealing Family Court decisions turned into an existential struggle, as the court's actions had been designed to intimidate and coerce Father, and to fully deprive him of his rights to due process, in violation of 42 U.S.C. § 1983 and G.L.c. 12, § 11I.

23. Nevertheless, Father's repeated attempts to appeal the decisions have all been systemically sabotaged, as he had timely and properly filed 11 notices of appeals by 8/25/2021, only to have the court finally assemble the appeals record on 10/6/2021.

24. On 3/9/2021, the Appeals Court noted a) *"The on-line dockets for the two [Family Court] cases cited in the heading of the defendant's motion do not reflect any prior assembly of the record or, in fact, that a notice of appeal was filed in either matter,"* and b) *"another case involving this defendant, does reflect three notices of appeal filed by the defendant. However, in that case, the record does not reflect whether the defendant has ordered the transcripts necessary for his appeal, whether the transcripts were filed with the Probate and Family Court."*

25. Without Father's timely filed Complaint (within 60 days of the above note) the Family Court's sustained & systemic "errors in proceedings" would not have been "reviewable by motion or by appeal," and docketing his appeals¹ would have been impossible.

¹ See the paired 21-P-503, 21-P-901 and 21-P-902 appeals.

26. Responding to his Complaint, Family Court then served Father with logs of docket entries. Analyzing these allowed him to file affidavits documenting that *"[Father] has now also substantiated his claims that the lower Family Court's docket records are deliberately maintained in faulty, biased, and incomplete states with malicious, fraudulent, and child-abusive motives."*

27. He also emphasized in his affidavits that *"Father reasserts that subsequent actions based on presumptions of 'truthful' docket records constitutes material proof of Family Court's deliberate defrauding of [the] Appeals Court, while also clearly sabotaging Father's right to appeal, pursuant to G.L.c. 215 §9."*

28. To preserve these deceptions in the dockets through court actions, Father has also appealed² the single justice denials.

29. To sadistically punish and silence the vocal Father, Family Court allowed the deliberate subornation of perjury on Father's children, only to order him to never contact the children again.

30. Father, who will not abandon his children, has now attempted **1,360 times** to call his dear children, freely on the internet.

31. Father's forced and thus intractable indigency is exploited ad infinitum through the endless and ambiguous contempt actions.

² See the consolidated 21-P-825 appeal.

CONSPIRACY TO SILENCE AND TO ENSLAVE

32. MTD confirms that remote access to case dockets (like those at issue here) is limited by Family Court's Standing Order 3-16.

33. Father therefore could only speculate, without any proofs, about the observed conspiracies "secretly" at work behind the Family Court's primary objectives to silence & sentence Father.

34. Family Court used the parallel cases to either force Father into involuntary servitude (by ordering him to seek jobs that cannot support him without future jail) or immediately sentence him without any intentions to solve the known indigency issue, e.g. by crediting his fraud, defamation & discrimination claims.

35. Multiple judges apparently conspired to simultaneously order "minimum wage" jobs AND suspended driver's licenses for Father, while claiming that they didn't know/care about the other case.

36. Being unable to pay any child supports, Father proved to be a trivial target to silence with jail sentences. As only "some" portion of the in-arrears child supports is required, no payment at all (with Father somehow still present at the hearings) is a proof by itself of therefore diverted & thus controlled moneys.

37. The indigent Father, owing \$110,000+, was ordered to jail on 10/21/2019 as he had "clearly diverted" ~\$10 for the train ride.

38. Understanding that a Pro Se Father had no chance to stay afloat legally, never mind succeeding in layman appeals, Family Court had no reasons to respect Father's constitutional rights.

39. His "incogent" filings were easy to ignore, deny or dismiss for years in Family Court, and the staged "in-person" contempt hearings on 12/3 and 6/2021 were designed to silence him with a jail sentence just before he could respond in the other courts.

40. Being physically present in either one of the two parallel hearings would render Father immediately guilty of contempt in the other case for non-payment of thus diverted child supports.

41. As Father had no ability to physically transport himself to court without assistance, Family Court issued an unseen capias.

42. Fully respecting all the courts, Father immediately complied with the 12/6/2021 order for applying to at least 10 jobs/week.

43. The conspiracy scheme to silence Father with a jail sentence (for civil contempt for non-payment of child supports) had to be saved. On 12/13/2021 Family Court revised the 12/6/2021 order to compel and trap Father with mandatory weekly presence in court for proofs of e-filed job applications, an unnecessary hurdle.

44. Physically meeting with the probation officer (to avoid a threatened criminal contempt) in the already decided case would

have rendered Father guilty for civil contempt in the pending case, guaranteeing the silencing and *de facto* failed appeals.

45. The isolated, i.e. under implied house arrest, layman Father had been forced to face the Family Court's "elite sicarios," the million-dollar partner/lawyers of the nation's "Best Law Firms."

46. Based on sadistic ulterior motives that cannot be appealed, Family Court's deliberately ambiguous court orders, relentlessly and frivolously exploited by the elite sicarios, were meant to forcefully trap & continually keep Father in contempt of court.

47. A thus successful conspiracy would render Father guilty of civil contempt, with him sentenced and silenced. Father's paired appeals were thus safely left without responses on 12/20/2021.

48. Having no ability to transport himself without assistance for a third week, Father is now facing criminal contempt and 6 months of jail time for ~\$100 of personal transportation money.

49. The "slavery" (13th) amendment rightfully does not apply in child support enforcement cases. The \$100 that Father must have, under threat of immediate jail sentence, is NOT child support.

50. Having \$100 for personal transportation, only to meet the probation officer, will render the proven (as finally both cases

are decided by the same judge) long-term conspiracy successful and Father sentenced for civil contempt in the pending case.

51. Therefore, nobody who "likes" Father will give him \$100.

52. Father has now documented a child-predatory ulterior motive: federal reimbursements re: child support enforcements must be claimed at the highest rate, and any revisions of Family Court's hence documented falsified records would result in penalties.

53. Any gainful employment is also excluded by the prospect of an immediate jail sentence, due to Family Court's demonstrated objective to forcefully silence a whistleblower by all means.

54. No employer seems to be willing to entertain full-time job offers to a forcedly indigent Father, with a discrimination-induced handicap prohibiting physical transportation, when his wages would be immediately garnished at 75%+ by multiple child support orders, and thus without CCPA (Title III) protections.

55. As per the recent clear orders and threats by Family Court, Father can only escape a criminal contempt and silencing certain jail sentence by submitting himself to "involuntary servitude."

56. However, as soon as Father becomes a thus slave, he faces a silencing certain jail sentence for civil contempt of his non-payment of any portion of the \$240K+ in-arrears child supports.

57. Father has attempted to individually appeal³ Family Court's latest orders. While the interlocutory appeals have been stayed, pending reconsideration of the orders by Family Court, it is not possible to "review by motion or by appeal" the herein presented *a priori* conspiracy BETWEEN the two parallel contempt actions.

STANDARD OF REVIEW

58. "A civil action in the nature of certiorari to correct errors in proceedings which are not... otherwise reviewable by motion or by appeal, may be brought in the supreme judicial or superior court..." G.L.c. 249, § 4" Picciotto v. Chief Justice of the Superior Court, 446 Mass. 1015, 1016 (Mass. 2006).

59. "If the plaintiffs believed that the... order was erroneously entered, they were free to seek appellate review... Accordingly, we conclude that persons appointed to perform essential judicial functions are entitled to absolute immunity." LaLonde v. Eissner, 405 Mass. 207, 213 (Mass. 1989).

60. "One of the primary purposes of absolute immunity is to spare public officials the burden of having to defend their official actions in a civil lawsuit." Chicopee Lions Club v. Dist. Atty for Hampden Dist, 396 Mass. 244, 253 (Mass. 1985).

³ See the parallel 21-J-606 and 21-J-607 petitions for interlocutory appeals, stayed until 1/24/2022.

61. "His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption" Pierson v. Ray, 386 U.S. 547, 554 (1967).

62. "The complaint is nothing but an attempt at a collateral attack on a final Probate Court judgment, the appeal from which was long ago dismissed." Geyed v. Stahlin, 985 N.E.2d 875 (Mass. App. Ct. 2013).

63. "To the extent that the petitioner seeks monetary damages under 42 U.S.C. § 1983, a judge is absolutely immune unless the actions giving rise to the suit were 'not taken in the judge's judicial capacity,' or taken 'in the complete absence of all jurisdiction.' Mireles v. Waco" Johnson v. Commonwealth, 977 N.E.2d 541, 544 (Mass. 2012).

64. "Immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction." Mireles v. Waco, 502 U.S. 9, 11-12 (1991).

65. "The relevant cases demonstrate that the factors determining whether an act by a judge is a 'judicial' one relate to the

nature of the act itself, i. e., whether it is a function normally performed by a judge, and to the expectations of the parties, i. e., whether they dealt with the judge in his judicial capacity." Stump v. Sparkman, 435 U.S. 349, 362 (1978).

66. "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority, but rather he will be subject to liability only when he has acted in the 'clear absence of all jurisdiction,' *Bradley v. Fisher*." Stump v. Sparkman, 435 U.S. 349 (1978).

67. "The Court, however, has recognized that a judge is not absolutely immune from... a suit for prospective injunctive relief, *Pulliam v. Allen*." Mireles v. Waco, 502 U.S. 9, 10 n.1 (1991).

68. "We conclude that judicial immunity is not a bar to prospective injunctive relief against a judicial officer acting in her judicial capacity." Pulliam v. Allen, 466 U.S. 522, 541-42 (1984).

69. "We hold that neither a State nor its officials acting in their official capacities are 'persons' under § 1983." Will v. Michigan Dept. of State Police, 491 U.S. 58, 66 (1989).

70. "The clarity of the [42 U.S.C. § 1983] text prompted Justice Douglas to remark "[t]o most, 'every person' would mean every person, not every person except judges." *Pierson v. Ray*." Fogle v. Sokol, 957 F.3d 148, 158 n.10 (3d Cir. 2020).

71. "Public officials are not liable under the Civil Rights Act for their discretionary acts, unless they have violated a right under Federal or State constitutional or statutory law that was 'clearly established' at the time" Duarte v. Healy, 405 Mass. 43, 47 (Mass. 1989).

72. "The Supreme Court has stated that, under § 1983, '[a] law that fails to specify the precise action that the official must take in each instance creates only discretionary authority.' *Davis v. Scherer*. We hold that the same is true under our Civil Rights Act." Duarte v. Healy, 405 Mass. 43, 48 (Mass. 1989).

73. "'Statutes are to be interpreted, not alone according to their simple, literal or strict verbal meaning, but in connection with their development, their progression through the legislative body, the history of the times, [and] prior legislation... General expressions may be restrained by relevant circumstances showing a legislative intent that they be narrowed and used in a particular sense.' *Murphy v. Bohn*." Sullivan v. Chief Justice, 448 Mass. 15, 24 (Mass. 2006).

74. "Congress enacted § 1 of the Civil Rights Act of 1871, 17 Stat. 13, the precursor to § 1983, shortly after the end of the Civil War 'in response to the widespread deprivations of civil rights in the Southern States and the inability or unwillingness of authorities in those States to protect those rights or punish wrongdoers.' *Felder v. Casey*." Will v. Michigan Dept. of State Police, 491 U.S. 58, 66 (1989).

75. "The legislative history of § 1983 demonstrates that it was intended to '[create] a species of tort liability' in favor of persons who are deprived of 'rights, privileges, or immunities secured' to them by the Constitution." Carey v. Piphus, 435 U.S. 247, 253 (1978).

76. "§ 1983 was intended not only to 'override' discriminatory or otherwise unconstitutional state laws, and to provide a remedy for violations of civil rights 'where state law was inadequate,' but also to provide a federal remedy 'where the state remedy, though adequate in theory, was not available in practice.' *Monroe v. Pape*." Zinermon v. Burch, 494 U.S. 113, 124 (1990).

77. "Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified

deprivation of life, liberty, or property" Carey v. Piphus, 435 U.S. 247, 259 (1978).

78. "Claims of [bias] must overcome a presumption that state administrators are fair and honest: the court must be convinced of a 'risk of actual bias.' *Withrow v. Larkin*." O'Brien v. DiGrazia, 544 F.2d 543, 547 (1st Cir. 1976).

79. "Retaliation is, by definition, an intentional act. It is a form of 'discrimination' because the complainant is subjected to differential treatment." Jackson v. Birmingham Bd., 544 U.S. 167, 168 (2005).

80. "The elements of the tort of interference with an advantageous relationship that a plaintiff must prove are "(1) a business relationship or contemplated contract of economic benefit; (2) the defendant's knowledge of such relationship; (3) the defendant's intentional and malicious interference with it; (4) the plaintiff's loss of advantage directly resulting from the defendant's conduct." *J.R. Nolan, Tort Law*." Comey v. Hill, 387 Mass. 11, 19 (Mass. 1982).

81. "We require that a civil contempt finding be supported by clear and convincing evidence of disobedience of a clear and unequivocal command." In re Birchall, 454 Mass. 837, 838-39 (Mass. 2009).

82. "A person judged in civil contempt may not be sentenced to prison for failure to pay a compensatory sum of money if he shows that he is unable to comply." Salvesen v. Salvesen, 370 Mass. 608 (Mass. 1976).

83. "It is important to note that 'analogy to the tax statutes suggests that the government must demonstrate only that the defendant was able to pay **some** portion of his past due child support obligations in order to establish liability under the [Child Support Recovery Act, ("CSRA")]." U.S. v. Mattice." U.S. v. Smith, 278 F.3d 33, 40 n.5 (1st Cir. 2002).

84. "The House Report to the CSRA also made specific reference to these provisions: The operative language establishing the requisite intent under [the CSRA] is 'willfully fails to pay.'" U.S. v. Williams, 121 F.3d 615, 620-21 (11th Cir. 1997).

85. "Abolishing Slavery" - Thirteenth Amendment "Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation."

86. "Child-support awards fall within that narrow class of obligations that may be enforced by means of imprisonment

without violating the constitutional prohibition against slavery." U.S. v. Ballek, 170 F.3d 871, 874 (9th Cir. 1999).

87. "Where the additional punishment could involve the imposition of a very large fine, or a very long period of probation, or the forfeiture of substantial property, the severity of the total punishment may be sufficiently great so as to turn what would otherwise be a petty offense into a serious one." U.S. v. Ballek, 170 F.3d 871, 874 (9th Cir. 1999).

88. "'Circumstances that may give rise to an estoppel are (1) a representation intended to induce reliance on the part of a person to whom the representation is made; (2) an act or omission by that person in reasonable reliance on the representation; and (3) detriment as a consequence of the act or omission.' *Bongaards v. Millen*." Sullivan v. Chief Justice, 448 Mass. 15, 27-28 (Mass. 2006).

89. "'The doctrine of estoppel is not applied except when to refuse it would be inequitable." *Cleaveland v. Maiden Sav. Bank*." Sullivan v. Chief Justice, 448 Mass. 15, 28 (Mass. 2006).

90. "A complaint should not be dismissed 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.' *Conley*

v. Gibson." O'Brien v. DiGrazia, 544 F.2d 543, 546 n.3 (1st Cir. 1976) .

ARGUMENT

91. Pursuant to G.L.c. 249, § 4, this Court has jurisdiction over Complaint as Family Court has a) repeatedly denied Father's Rule 60 motions for relief without any explanations, and b) has deliberately sabotaged all his attempts to appeal the decisions.

92. Family Court's sustained & systemic actions (to deliberately prevent their indigency inducing punitive decisions from being "otherwise reviewable by motion or by appeal") could not have been "taken in [Family Court's] judicial capacity" and have been taken "in the complete absence of all [appellate] jurisdiction."

93. As judicial immunity is overcome in only these two sets of circumstances, Father's claims cannot be barred by the doctrine of judicial immunity as they simultaneously satisfy both.

94. Moreover, G.L.c. 249, § 4 provides this Court jurisdiction, and Father a direct cause of action, to amend/extend⁴ Complaint with the above "Conspiracy To Silence And To Enslave" (in direct violations of Father's Constitutional rights) and to also enjoin Complaint against Judges Allen & Cafazzo, and Officer Anderson.

⁴ See the notice and motion to amend filed in this Court on 12/27/2021.

95. Father's forced indigency only started in January 2018, and as Family Court withheld their first communicated decisions or actions from Father until 8/6/2018, a Complaint duly filed on 4/24/2021 still falls within the 3 year statutes of limitations.

96. Father also filed Complaint within 60 days of learning from the Appeals Court that his notices of appeals had been ignored.

97. MTD claims that "[A] remedy by appeal, when provided, is exclusive," by referring to G.L.c. 215, § 9 as the only remedy, while **misleadingly** exhibiting Father's denied single justice dockets. Those "J" dockets⁵ were rejected implicitly due to no existing or valid notices of appeals reported by Family Court.

98. While G.L.c. 215, § 9 does not provide a cause of action, deliberate sustained sabotaging of the statute by Family Court renders the alleged "errors in proceedings" not "reviewable by appeal" and remedied by G.L.c. 249, § 4 and its cause of action.

99. Family Court has acted without judicial capacity and in the complete absence of all appellate jurisdictions when sabotaging Father's repeated attempts to appeal their decisions, and thus could not have been acting in any "official capacities" for the purposes of § 1983, § 1985 and Mass. Civil Rights Act, ("MCRA").

⁵ See the "rejected as improper" single justice petitions 19-J-527, 20-J-007, 20-J-100, 20-J-147, 20-J-279, 20-J-280, 21-J-79 and 21-J-080.

100. If the Commonwealth and its agencies are not acting in any "official capacities" (while deliberately violating the US & MA Constitutions in order to cover up a child-predatory "Conspiracy To Silence And To Enslave" with the direct motive of maintaining the "highest rate" of federal reimbursements despite falsified docket records) then they can only be "persons" for the purposes of § 1983, § 1985 & MCRA, and subject to liability under those.

101. Pursuant to 42 U.S.C. § 2000e and G.L.c. 151B, Father has never had any ambitions to become an employee of Family Court, an agency receiving federal reimbursements referencing Father.

102. While Father has had a *de facto* full-time position in his own company (that has been reliably and properly paying payroll and all ordered insurances for years), Family Court deliberately and specifically denied Father the option to continue with that 30+ year "tradition" in the "Job Search Order" dated 12/13/2021.

103. As per the above "Conspiracy To Silence and To Enslave," the true objective behind Family Court's actions, under the color of "official capacities," is to silence the vocal Father.

104. Father has alleged and documented sustained and systemic discriminations by Family Court, including interferences, aiding and abetting, associational discriminations, etc., and direct retaliations for all the above, a discrimination in itself.

105. As a final retaliation (to induce in the imminent criminal contempt and ~6 months of jail sentence), Family Court ordered such interlocking punitive conditions for Father's "seek work" efforts that Father could not engage in **any gainful employment**.

106. Satisfying the bad faith conditions of the 12/13/2021 "Job Search Order" (to avoid criminal contempt), Father would imply to Family Court a "diversion" of ~\$100/week (from the \$240K+ accumulated in-arrears child supports) and would thus "request" his own immediate incarceration per the staged civil contempts.

107. Family Court has therefore become Father's not just "**de facto employer**" (as per his "Implied Coerced Labor Context" subsection on page 66 of Father's Memorandum Of Law submitted in this Court on 12/2/2021), but also his "**slave master**" as per "*When the master can compel and the laborer cannot escape the obligation to go on, there is no power below to redress and no incentive above to relieve a harsh overlordship or unwholesome conditions of work.*" Pollock v. Williams, 322 U.S. 4, 18 (1944).

108. More specifically: "*What is peonage? It may be defined as a status or condition of compulsory service, based upon the indebtedness of the peon to the master. The basal fact is indebtedness.*" Clyatt v. U.S., 197 U.S. 207, 215 (1905).

109. MTD claims that there is no "erroneous felony conviction resulting in incarceration," pursuant to G.L. c. 258D, while knowing that Father has been isolated with a discrimination-induced handicap (by false prosecution & forced indigency for 4 years, and living under an implied "house arrest" for ~3 years).

110. As *"the severity of total punishment may be sufficiently great so as to turn what would otherwise be a petty offense into a serious one."* U.S. v. Ballek, MTD is therefore inconsistent.

111. The **malicious prosecution** and **abuse of process** deliberately and systemically unleashed by Family Court had a well documented purpose: to silence a whistleblower Father about allowed child-predatory fraud, defamation & discriminations (see attachments).

112. MTD also claims that in the "exercise of a discretionary function by justices of the Family Court, within the scope of their offices," any potential tort claim is barred by sovereign immunity. However, if Family Court is not acting in "official capacities," *supra*, there cannot be "discretionary functions."

113. While G.L.c. 231A does not apply to the judiciary, Family Court has not acted in "official capacities," *supra*, and Father is entitled per *"Said procedure under section one may be used in the superior court to enjoin and to obtain a determination of the legality of the administrative practices and procedures."*

114. In Complaint Father specifically *"stated a claim for [judicial] estoppel on which relief could be granted, a claim that was not barred by the doctrine of sovereign immunity by operation of G.L.c. 258, § 10 (j) (1), and that fell under the concurrent jurisdiction of both the Superior Court and [SJC]."* Sullivan v. Chief Justice, 448 Mass. 15 (Mass. 2006).

CONCLUSION

115. Father has recapitulated the relevant facts of Complaint, has corrected MTD's incomplete "standard of review," and argued that MTD misreads, misinterprets and misrepresents Complaint.

116. Pursuant to Mass. R. Civ. P. 8(a), Father has claimed that Family Court had violated his civil rights and had discriminated against him based on color, sex, national origin and handicap.

117. For the foregoing reasons, Father respectfully requests that this Court deny the Family Court's latest misleading motion to dismiss, pursuant to Mass. R. Civ. P. 12(b) (1) and 12(b) (6).

Signed under the pains and penalties of perjury.

December 31, 2021

Respectfully submitted,

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Family Court's incomplete "standard of review," and argued that MTD misread, misinterpreted and misrepresented his complaint.

4. Family Court had 10 days to file the thus completed Rule 9A package to properly dismiss Father's complaint, as contemplated by the Rule 9E "notice of motion to dismiss" filed on 1/4/2022.

5. Instead of filing the Rule 9A package for MTD by 1/12/2022, Family Court converted their MTD into "hypothetical" exhibits to their (hereby to be answered) opposition to Father's motion.

6. Specifically, Family Court's opposition to Father's motion for a now third amended complaint is built on conclusions drawn from their thus exhibited hypotheticals. For completeness sake, Father's served opposition to MTD is herein attached as well.

7. By directly circumventing Father's opposition to MTD, Family Court is attempting to effectively invalidate Father's claims and to silence his earnest but perhaps also amateurish efforts.

8. Other than claiming that a proposed third amended complaint is "futile," as it "could not withstand a motion to dismiss," Family Court's opposition to Father's motion is a rehash of MTD, and therefore, as a reply, Father hereby redirects to his served opposition to MTD and supplemental memorandum of law & exhibits.

9. Moreover, as Family Court's parallel orders, dated 12/3, 6 and 13/2021, substantiate and prove Father's now documented **"Conspiracy To Silence And To Enslave"** theory, Father reiterates that this Superior Court has sole original jurisdiction over any such claims of collusion and conspiracy to violate civil rights.

10. Father's efforts to appeal the parallel Family Court cases, including interlocutory appeals of the above orders, are also limited, despite the simultaneousness or "pairing" of appeals.

11. As the original Family Court matters precluded Father from referring to the "other" case, collusion and conspiracy could not originally be claimed, and hence cannot be appealed either.

12. Pursuant to G.L.c. 249, § 4, this Court has original "in the nature of certiorari" jurisdiction, and Father a direct cause of action, to amend/extend Father's prior complaint with the above "Conspiracy To Silence And To Enslave" (in direct violations of constitutional rights) and to also enjoin Father's thus amended complaint against Judges Allen & Cafazzo, and Officer Anderson.

13. Despite the "waiting" parallel interlocutory appeals, the Family Court's attached and just reconsidered orders (dated 1/12/2022) further substantiate Father's claims for the specific need to "correct errors in proceedings which are not according to the course of the common law, which proceedings are not

otherwise reviewable by motion or by appeal, may be brought in the supreme judicial or superior court," G.L.c. 249, § 4.

WHEREFORE, Father respectfully requests that this Court allow Father's motion for a third amended complaint to specifically extend it to aspects of alleged and now documented collusions & conspiracies (to violate constitutional rights) by Family Court, through the leveraging of the parallel cases against each other.

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Signed under the pains and penalties of perjury.

January 13, 2022

Respectfully submitted,

/s/ Imre Kifor
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