

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

IMRE KIFOR,
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,
INC.,
Defendants-Appellees.

CIVIL ACTION
No. 23-1008

PLAINTIFF-APPELLANT’S MOTION FOR STAY PENDING APPEAL

NOW COMES the Plaintiff-Appellant, Imre Kifor (“Father”), and, pursuant to Federal Rules of Appellate Procedure Rule 8(a)(2), respectfully moves this Court to grant him Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, (“Title VI”), and 42 U.S.C. § 1983 injunctions against the Commonwealth, (“State”), the Middlesex Probate And Family Court, (“Family Court”), and the Massachusetts Department Of Revenue - Child Support Enforcement Division, (“DOR”), Defendants. In support thereof, Father respectfully states as follows:

- 1) In his underlying original Civil RICO Class Action Complaint, Father claimed and specifically asserted that: a) “this complaint refers to allegations of 18 U.S.C. § 1961(1) retaliations and mail (and wire) fraud as the offenses or ‘predicate acts’ of the RICO racketeering activities,” b) “the scheme behind the intent of the Racketeering Activities was to deceive a prepared Father in his affirmed efforts to appeal the Family Court’s decisions and to conceal from and sabotage any appellate reviews of filed evidence and/or docket entries. Mails and/or wires (internet and emails) were used to further this deception scheme with 'property in Father’s hands,’” and c) “there is no reason to suppose that any of the alleged misconducts by the Family Court, (e.g., retaliations and preclusion of appeals), would not continue indefinitely without this lawsuit.”
- 2) The complaint was dismissed sua sponte, citing the State’s sovereign immunity.
- 3) Father appealed, and this Court ordered that “further briefing in this appeal is stayed pending resolution of appellees' motion for summary disposition.”
- 4) The Family Court has continued to commit the cited RICO predicate acts while intentionally targeting, discriminating, and retaliating against the now **forcedly indigent** Father, as a series of specific and systemic “disparate treatments” and not mere “disparate impacts,” and Father continues to suffer irreparable harm.
- 5) Pursuant to Federal Rules of Appellate Procedure Rule 8(a)(1), Father moved for relief from such continued violations of his civil rights in the District Court

on 3/24/2023. The District Court denied Father’s motion for stay on 3/30/2023 with the “WARNING: CASE CLOSED on 11/22/2022” (see addendum).

BACKGROUND

- 6) Father is a Title VI “person.” The Family Court is a Title VI “recipient,” receiving federal financial assistance as per the [Child Support Enforcement: Program Basics](#)¹, i.e., “the program is a federal-state matching grant program under which states must spend money in order to receive federal funding.”
- 7) “The CSE program provides seven major services on behalf of children: ... (3) establishment of child support orders, (4) review and modification of child support orders,“ “the child support order is established administratively through the state courts,” and “Federal law requires that states review and, if appropriate, adjust child support orders.” Moreover, “CSE programs usually rely on one of the parents to request a modification of the child support order. It is important for parents facing substantial changes in circumstances to seek a modification to their order quickly so that they do not fall behind in their payments and thereby have to contend with past-due child support payments.”
- 8) Title VI prohibits discrimination based on “race, color, or national origin ... under any program or activity receiving Federal financial assistance.” Being an immigrant, Father has no inherent support network nor a large family to “help

¹ <https://crsreports.congress.gov/product/pdf/RS/RS22380>

him out” during such stressful times. Understanding how raw nationalistic discrimination works in communist tyrannies, where authorities enforce rules selectively based on subjects’ identity group memberships, Father has avoided identifying his national origin with anything more than a “not Romanian.”

- 9) The original “**Father is [barbaric] Romanian**” fabrication (the fake “activist” reason for the “Romanian Orphans” tragedy publicized on TV) has been upheld by the Family Court since the deeply child-predatory 2011 GAL investigation.
- 10) Through years of litigation, Father has consistently informed that the U.S. had granted him political asylum in 1986 precisely because he was “not Romanian, not Hungarian, not German, etc.,” as per the denials from all those countries.
- 11) Pursuant to §2000d–7(a), “(1) a state shall not be immune under the Eleventh Amendment from suit in Federal court for a violation of Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d *et seq.*].” Moreover, “in notable contrast to the other statutes discussed in [this report](#)², the Supreme Court interprets the requirements of Title VI coextensively with the Equal Protection Clause of the Fourteenth Amendment.” Specifically, “we have explained that discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI,” Gratz v. Bollinger, 539 U.S. 244, 275-76 n.23 (2003).

² See Federal Financial Assistance and Civil Rights Requirements at <https://crsreports.congress.gov/product/pdf/R/R47109> on page 5.

- 12) “No State shall ... deny to any person within its jurisdiction the equal protection of the laws,” asserts the Equal Protection Clause of the Fourteenth Amendment.
- 13) Private parties seeking judicial enforcement of Title VI’s nondiscrimination protections must prove intentional discrimination, Alexander v. Sandoval, 532 U.S. 275, 280–81 (2001). Consequently, Father is attaching his Affidavit In Support Of His Motion For Stay Pending Appeal and substantiating exhibits.
- 14) Regarding Father’s simultaneously requested prospective relief, “though a § 1983 action may be instituted, a federal court’s remedial power, consistent with the Eleventh Amendment, is necessarily limited to prospective injunctive relief ... and may not include a retroactive award which requires the payment of funds from the state treasury,” Edelman v. Jordan, 415 U.S. 651, 677 (1974).

PROCEDURAL HISTORY

- 15) Since January 2018, when Father first complained for modifications in the Family Court, Father’s ordered in-arrears obligations for his four children have skyrocketed to **\$320,000+**. Father has continued to request the Family Court to modify the support orders. Since 6/23/2022, when the claimed “preclusion of the appeals pattern was verified by the Mass. Appeals Court” (also coinciding with the completion of his Civil RICO cause of action), Father has attempted to submit his rules-compliant and parallel complaints for modifications five times.

- 16) Father's downloadable standard one-page complaints for modifications were finally allowed by the Family Court on 11/17/2022. Father promptly emailed the ultimately received three summonses, one-page complaints, and his strictly rules-compliant, i.e., "first," amended complaints to the parties on 12/28/2022.
- 17) Father had no financial means to serve the summonses. Pursuant to M.G.L.c 261, § 27C, Father immediately submitted his motions to waive/affidavits of indigency to the Family Court. The Family Court, once again, deliberately failed to inform Father about their decisions (see above RICO predicate acts) despite the simple & concise language of the Mass. Indigent Court Costs Law.
- 18) After two interventions by the Single Justice Mass. Appeals Court, the Family Court finally resorted on 3/7/2023 to the "you need permission to file on these cases" deliberately arbitrary, capricious, and whimsical "**gatekeeper orders.**"
- 19) The never-before communicated and purposely silencing *ad hoc* orders can be characterized only by the "An abuse of discretion is defined in this circuit as a judicial action which is arbitrary, capricious, or whimsical. *United States v. Wright,*" Pelican Production Corp. v. Marino, 893 F.2d 1143 (10th Cir. 1990).
- 20) While Father has unsuccessfully attempted to appeal the similar 6/13/2019 "gatekeeper order" in the parallel case, as it was based on the discriminatory "Father is dangerous, writes too much, and is not cogent" direct reference to

Father's immigrant Romanian national origin and the purpose fabricated

“possible mental health problems,” that order was current and also respected.

- 21) Nevertheless, the Family Court never communicated any such silencing orders, until the 3/7/2023 response from the Register, in the critical v. [REDACTED] matters.
- 22) Sequential hearings in Father's parallel matters were held by the Family Court on 3/23/2023. And the layman mother, the victimized [REDACTED], felt the need to testify that **“the Court made me file”** the repeated, deliberately frivolous, and damaging complaints for contempt against a thus forcedly indigent Father.
- 23) On 3/23/2023, the probation officer also concluded that Father had complied with the weekly “seek work” orders as he had submitted **630+** job applications by 3/21/2023. Consequently, the Family Court seemed to admit that Father had not been the “right candidate” for the retaliatory and thus obsessive program.
- 24) The DOR issued an Annual Notice Of Child Support Delinquency to Father on 3/7/2023 with the explicit option to request a review. On 3/25/2023, Father submitted his Request For Administrative Review to the DOR (see attached).
- 25) Father's parallel matters in the Family Court have now consumed ~80 hearings.
- 26) The cases have touched the spectrum of the CSE program's core services and incentive payments (in addition to the DOR's involvement since 2/19/2019).

- 27) The DOR Notice Of Delinquency confirms that the State has received financial assistance (or “federal reimbursements”). Accordingly, Title VI applies to the CSE program’s “review & modification of child support orders” core service.
- 28) Moreover, the Family Court issued further oral “gatekeeper orders” during the 3/23/2023 hearings. Father has not received confirmation that the sequential hearings have even taken place. Therefore, appealing the orders is not possible.
- 29) Despite the DOR completely emptying even the residual and inaccessible last ~\$80 from Father’s financial accounts, including his SEP-IRA on 1/31/2023 at his age of 61 yo, Father’s requests for reviews have been once again denied.
- 30) To frame the claimed overriding cause for Father’s existential struggle in the Family Court, i.e., “is the ‘open-ended’ and thus manipulatable federal program constitutional as currently practiced by Massachusetts?”, Father’s Petition for Writ of Certiorari was docketed with the U.S. Supreme Court on 3/27/2023.

ARGUMENT

- 31) Through the purposely allowed and endlessly renewed frivolous complaints for contempt, the Family Court has waged a now years-long “war of attrition” on Father in a now substantiated direct conspiracy to silence and enslave him.
- 32) Consequently, Father stated in his Mass. Supreme Judicial Court Appeal on 3/6/2023: “Therefore, as the State now openly asserts that ‘men can get

pregnant,’ and Father is undoubtedly not a man who could ever get pregnant, Father ceases to exist as a man worthy of any protection by the State.”

- 33) The Family Court’s capricious or never communicated *ad hoc* “gatekeeper orders” are arbitrary, untraceable, and unappealable (they are not based on statutes) instruments that are the definition of targeted discrimination and silencing retaliation “backdoors” into the Family Court’s activist “legal machinery” that Title VI was intended to prevent and specifically eradicate.
- 34) The continually repeated RICO predicate acts, i.e., retaliations and mail (and wire) fraud, and the arbitrary “gatekeeper orders” not just directly infringe on but also deny Father’s constitutional rights for due process and equal protection in his existentially significant interactions with the activist and discriminating “under the color of law” Family Court. Specifically, not knowing if Father’s filings and relevant evidence are ever even considered by the Family Court and then being completely unable to find out about the Family Court’s decisions is precisely what the “conspiracy to silence and enslave” was meant to convey.
- 35) The State continues to openly divert significant federal assistance to finance this activist “experiment,” a targeted discrimination based on national origin in Father’s specific case, armed with purpose-fabricated “mental health” fraud.

36) In the case of the class, the generic discrimination would take other forms, but the core discrimination against the “men who know with certainty” that they cannot get pregnant yet want connections with their children would be shared.

37) Despite the arrests and a damaging jail sentence, an apparent switch to eject his now 19 years old twins from the Family Court occurred on 3/23/2023 as further proof that the objective had been not to protect the children but to “reprogram” men who cannot get pregnant yet still want a connection with their children.

38) Father is now ready to finally amend his original Civil RICO Class Action Complaint with simultaneous claims of deliberate violations of his civil rights by the Defendants, pursuant to Title VI and 42 U.S.C. § 1983, as the direct “targeting modalities” of each and every substantiated RICO predicate act.

CONCLUSION

39) Father asserts that a) he will continue to suffer irreparable harm without the injunction, b) the injunction’s benefit to Father outweighs its burden on the State, the Family Court, and the DOR, c) the injunction is in the public interest, and d) Father is likely to succeed in the eventual trial based upon the facts.

WHEREFORE, Father respectfully requests that this Court enjoin the State, the Family Court, and the DOR, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, intentional discrimination (targeted “adverse treatment”)

based on Father's national origin, continued 42 U.S.C. § 1983 deliberate violations of his Fourteenth Amendment rights to due process of law and equal protection of the laws, and violations of the Civil RICO 18 U.S.C. § 1962 prohibited activities.

Signed under the pains and penalties of perjury.

April 9, 2023

Respectfully submitted,

/s/ Imre Kifor

Imre Kifor, Pro Se



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I have no phone

I have no valid driver's license

I have to move to a homeless shelter

<https://femfas.net>

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