

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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<p>IMRE KIFOR, Petitioner.</p>	<p>Miscellaneous Business Docket (Prior Action: No. 1:25-cv-11831-AK) (Kelley, D.J.)</p>
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**IMRE KIFOR'S PETITION FOR LEAVE TO COMMENCE  
A NEW CIVIL ACTION PURSUANT TO THE  
ORDER OF ENJOINMENT [DKT. 31]**

Petitioner Imre Kifor ("Father") respectfully submits this Petition for Leave to Commence a New Civil Action, together with the accompanying materials required by the Order of Enjoinment entered March 31, 2026 [Dkt. 31] (the "Enjoinment Order"). Petitioner has also, on this same date, filed a Notice of Appeal from the Enjoinment Order [Dkt. 31] — and from the Dismissal Order [Dkt. 26], Order of Dismissal [Dkt. 27], and denial of Rule 59(e)/60(b)(6) relief [Dkt. 30] — to the United States Court of Appeals for the First Circuit, as expressly permitted by paragraph 6 of the Enjoinment Order. This Petition is submitted in compliance with the Enjoinment Order and without prejudice to that pending appeal.

**A. COMPLIANCE WITH THE ORDER OF ENJOINMENT**

1. On March 31, 2026, this Court entered the Enjoinment Order [Dkt. 31] providing that Petitioner is ENJOINED from commencing any new action on the civil docket of this Court without first obtaining written approval of a judge of this Court. To obtain approval, the petition must be accompanied by: (a) a copy of the Enjoinment Order; (b) the papers sought to be filed; (c) a certification under oath of good-faith basis for the filing; and (d) payment of the \$52.00 Miscellaneous Business Docket fee or a motion for leave to proceed without prepayment of that fee. [Dkt. 31 ¶¶ 1–3.] This Petition satisfies each requirement.
2. Specifically: this Petition is the written petition seeking leave of Court required by paragraph 1. Attached hereto is a printed copy of the Enjoinment Order [Dkt. 31] as required by paragraph 2. The papers sought to be filed — consisting of the Proposed Complaint (described in Section B), Civil Cover Sheet, Category Sheet, Summonses (x3), and Application to Proceed In Forma Pauperis (AO 240) — are enclosed herewith as required by paragraph 2. The certification under oath required by paragraph 2 is set forth in Section E of this Petition. The motion for leave to proceed without prepayment of the \$52.00 Miscellaneous Business Docket fee, as permitted by paragraph 3, is set forth in Section F. Petitioner further notes that, consistent with paragraph 6 of the Enjoinment Order — which expressly preserves Petitioner's right to file a notice of appeal and to seek

IFP status on appeal in the closed case without MBD approval — Petitioner has simultaneously filed a Notice of Appeal from the Enjoinment Order [Dkt. 31] and from the other orders identified above [Dkts. 26, 27, 30] to the First Circuit. This Petition is submitted in parallel and without prejudice to that pending appeal.

### **B. THE PROPOSED NEW ACTION**

3. The papers sought to be filed consist of a complaint for deprivation of civil rights and conspiracy to deprive civil rights under 42 U.S.C. §§ 1981, 1983, and 1985(3) ("the Proposed Complaint"). The proposed defendants are: (a) the Commonwealth of Massachusetts; (b) the Massachusetts Supreme Judicial Court ("SJC"); and (c) the Chief Justice of the Massachusetts Supreme Judicial Court, Kimberly S. Budd, in her official capacity only. None of these defendants were parties to Civil Action No. 1:25-cv-11831-AK.
4. The Proposed Complaint alleges that the SJC and the Commonwealth have, over more than a decade, conspired to deprive Petitioner of his federal civil rights through: (a) the issuance of a secret "gatekeeper" filing restriction order on December 5, 2013, deliberately concealed from Petitioner until April 20, 2024, and premised on a fabricated rationale that has since been affirmatively refuted by documentary proof — including Petitioner's signed June 12, 2012 health disclosure authorizations for all three Harvard Medical School therapists, which directly contradict the order's stated "prejudice" rationale, and the February 10, 2026 court-ordered stipulation in which Petitioner's adversary left all 437 Rule 36 requests for admission unanswered and uncontested; (b) the SJC's August 8, 2023 and September 26, 2024 orders, signed by all seven justices including Chief Justice Budd, imposing and enforcing that restriction without meaningful hearing or review; (c) the erasure of Petitioner's 437 uncontested Rule 36-admitted facts from the dockets on sixteen separate occasions; and (d) ongoing Family Court obstruction of Petitioner's direct appeals in February and March 2026, coordinated with the Family Court's denial of Petitioner's Rule 60(b)(6) motion on February 25, 2026.
5. The Proposed Complaint is supported by nine documentary exhibits, previously filed in this Court as Dkts. 28-1 through 28-9, and previously submitted to the United States Supreme Court in Petition No. 25-6878. These exhibits constitute a largely uncontested, immediately verifiable factual record.

### **C. THE PROPOSED ACTION IS DISTINCT FROM THE ENJOINED PROCEEDINGS**

6. The Enjoinment Order was entered based on this Court's finding that Petitioner's prior filings sought "to relitigate the very same family court matters." [Dkt. 31 at 2.] Petitioner respectfully submits that the Proposed Complaint is fundamentally different from that characterization. It does not ask this Court to revisit, reverse, or modify any Family Court order. It does not seek to relitigate the underlying domestic relations proceedings. The

Proposed Complaint is an independent federal civil rights action targeted at the SJC's own unconstitutional acts — acts that occurred entirely within the Massachusetts appellate court system, and that have directly suppressed Petitioner's access to federal remedies for over a decade.

7. The distinction is structural and legal. The Proposed Complaint is brought under 42 U.S.C. §§ 1981, 1983, and 1985(3). Section 1983 provides a federal cause of action for deprivation of constitutional rights under color of state law. Section 1985(3) provides an independent cause of action for civil conspiracy to deprive persons of their constitutional rights. These claims arise from the SJC's own conduct — including the issuance and concealment of the December 5, 2013 secret order — not from the underlying family court proceedings.
8. The *Ex parte Young* doctrine, 209 U.S. 123 (1908), provides that a suit against a state official in her official capacity seeking prospective injunctive relief is not barred by the Eleventh Amendment. Petitioner's claim against Chief Justice Budd in her official capacity — seeking an injunction against continued enforcement of the unconstitutional gatekeeper order — falls squarely within this doctrine.
9. Nor is the Proposed Complaint barred by the *Rooker-Feldman* doctrine. That doctrine bars lower federal courts from reviewing final state court judgments. It does not bar federal courts from adjudicating independent federal claims that arise in connection with state court proceedings, particularly where the federal claim challenges the state court's own unconstitutional conduct rather than seeking to overturn the underlying judgment. See *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005); *Lance v. Dennis*, 546 U.S. 459 (2006).
10. Finally, the *res judicata* analysis that resulted in dismissal of the prior action cannot apply to the Proposed Complaint. A judgment procured or sustained through fraud on the court cannot serve as a preclusive *res judicata* predicate. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). The Proposed Complaint is premised on the secret December 5, 2013 gatekeeper order that was deliberately concealed from Petitioner for over a decade — evidence that no prior court ever adjudicated because the defendants affirmatively concealed it.

#### **D. GOOD-FAITH BASIS FOR THE PROPOSED ACTION**

11. The Proposed Complaint is not frivolous. It presents non-trivial federal legal questions supported by documentary evidence. The constitutional violations alleged — including the issuance of a secret judicial order concealed for over a decade, the fabrication of that order's factual rationale (affirmatively demonstrated by the February 10, 2026 court-ordered stipulation and the June 12, 2012 health disclosure authorizations), and a multi-year conspiracy to suppress evidence — are serious federal claims that warrant adjudication on the merits.

12. The Proposed Complaint's § 1981 race discrimination claim is supported by the United States Supreme Court's recent decision in *Ames v. Ohio Dep't of Youth Services*, 605 U.S. \_\_\_ (2025), which reaffirmed that § 1981 does not impose a heightened pleading standard for majority-group plaintiffs and that § 1981 provides an independent federal remedy for race discrimination by state actors. Petitioner's § 1983 due process and equal protection claims are supported by the documented pattern of procedural manipulation across sixteen court proceedings. Petitioner's § 1985(3) conspiracy claim is supported by the coordinated and contemporaneous conduct of multiple state actors documented in Exhibits 1 through 9.
13. The Proposed Complaint was prepared carefully and in good faith. It reflects Petitioner's genuine belief, grounded in the documentary evidence, that the SJC's actions have deprived him of federally protected rights. Petitioner has not brought this action for any improper purpose. The filing is not intended to harass, multiply proceedings, or circumvent any prior order. Its purpose is to obtain federal judicial review of constitutional violations that cannot be adequately redressed in the state court system.

#### **E. CERTIFICATION UNDER OATH**

14. Pursuant to paragraph 2 of the Enjoinment Order [Dkt. 31] and 28 U.S.C. § 1746, Petitioner Imre Kifor hereby certifies under oath, under penalty of perjury, that there is a good-faith basis for the filing of the papers submitted with this Petition. Petitioner has personally reviewed the Proposed Complaint and its supporting exhibits and genuinely believes that the claims asserted therein are legally cognizable and factually well-founded based on the documentary evidence described herein and accompanying this Petition.
15. Petitioner further certifies that he understands the obligations imposed by the Enjoinment Order [Dkt. 31] and that he has complied with each of its requirements in preparing and submitting this Petition.

#### **F. MOTION FOR LEAVE TO PROCEED WITHOUT PREPAYMENT OF THE MISCELLANEOUS BUSINESS DOCKET FEE**

16. Petitioner Imre Kifor respectfully moves, pursuant to paragraph 3 of the Enjoinment Order and 28 U.S.C. § 1915(a), for leave to proceed without prepayment of the \$52.00 fee to initiate a case on the Miscellaneous Business Docket. Petitioner is unable to pay this fee.
17. In support of this motion, Petitioner states as follows. First, Petitioner was previously granted leave to proceed *in forma pauperis* in Civil Action No. 1:25-cv-11831-AK [Dkt. 2, and confirmed by this Court at Dkt. 26 at 3 ("GRANTED")]. His financial circumstances have not materially changed since that grant. Second, Petitioner has no income except approximately \$298 per month in federal SNAP benefits. Third, Petitioner has no meaningful cash or assets (cash on hand: \$0.71 as of March 28, 2026; no savings account). Fourth, Petitioner is currently residing at a men's homeless shelter. Fifth, Petitioner has four dependent children. Sixth, Petitioner is burdened by obligations

including over \$500,000 in unpaid child support arrears, 2 x \$30,263 in DOR interest and penalties, \$241,060 in documented survival expenses, and over \$13,475 in IRS obligations. A copy of the AO 240 *in forma pauperis* application, previously submitted in this Court, is enclosed as part of the papers sought to be filed.

18. This Petition and the Proposed Complaint present non-frivolous issues of federal constitutional law. The \$52.00 Miscellaneous Business Docket fee is an insurmountable barrier to access to the courts given Petitioner's documented indigency. Petitioner respectfully requests that the Court grant leave to proceed without prepayment of that fee.

### **G. RELIEF REQUESTED**

19. For the foregoing reasons, Petitioner respectfully requests that this Court: (a) grant leave to commence the Proposed Action described in Section B of this Petition; (b) grant leave to proceed without prepayment of the \$52.00 Miscellaneous Business Docket fee; (c) direct the Clerk to file the enclosed papers and open a new civil action; and (d) grant such further relief as the Court deems just and proper.

*I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing Petition and all statements made herein are true and correct to the best of my knowledge, information, and belief.*

Respectfully submitted,

Date: March 31, 2026

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Imre Kifor  
Petitioner, Pro Se  
[demolished house mailbox] (mailbox only, house torn down)  
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ikifor@gmail.com  
(857) 340-8699 (federal Lifeline program)  
I have no valid driver's license  
I am currently residing at a men's homeless shelter