

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

No. 26-1346

DOCKETING STATEMENT
(First Circuit Form CA1-P1)

Appeal from the United States District Court
for the District of Massachusetts

Imre Kifor, Plaintiff-Appellant,

v.

Commonwealth of Massachusetts, et al., Defendants-Appellees.

District Court Case No. 1:25-cv-11831-AK
(Hon. Angel Kelley, U.S. District Judge)

1. Court Below and Case Number

United States District Court for the District of Massachusetts, Civil Action No. 1:25-cv-11831-AK, before the Honorable Angel Kelley, United States District Judge.

2. Date(s) of Judgment or Order(s) Appealed

This appeal is taken from four orders:

- (a) Memorandum and Order (Dkt. 26), entered March 25, 2026, dismissing the First Amended Class Action Complaint [Dkt. 23] with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) on the ground of res judicata;
- (b) Order of Dismissal (Dkt. 27), entered March 25, 2026, closing the case;
- (c) Electronic Order (Dkt. 30), entered March 31, 2026, denying Plaintiff's Motion to Alter the 3/25/2026 Judgment/Order and for Relief from All Prior Judgments Pursuant to Fed. R. Civ. P. §§ 59(e) and 60(b)(6) [Dkt. 28]; and
- (d) Order of Enjoinment (Dkt. 31), entered March 31, 2026, enjoining Plaintiff from filing any new cases on the civil docket of the District Court without first obtaining written approval by petition to the Miscellaneous Business Docket.

3. Date Notice of Appeal Filed

March 31, 2026. The Notice of Appeal [Dkt. 32] was filed the same day as the entry of Dkts. 30 and 31, and within the time permitted by Fed. R. App. P. 4(a)(1)(A) and 4(a)(4)(A)(iv) as to Dkts. 26 and 27 (appeal time having been tolled by the timely Rule 59(e) motion filed as Dkt. 28 on March 27, 2026). The Clerk's Certificate [Dkt. 34] was entered on April 3, 2026, transferring the record to this Court.

4. Basis for Appellate Jurisdiction

28 U.S.C. § 1291 (final decision of a district court). Dkts. 26 and 27 constitute the final judgment dismissing the action with prejudice. Dkt. 30 is the final ruling on the post-judgment Rule 59(e)/60(b)(6) motion. Dkt. 31 is an independently appealable injunctive order. See *Cok v. Family Court of Rhode Island*, 985 F.2d 32, 34 (1st Cir. 1993) (pre-filing injunction is immediately appealable as a collateral order).

5. Basis for District Court Jurisdiction

28 U.S.C. § 1331 (federal question) and **28 U.S.C. § 1343** (civil rights). The complaint asserted claims under 42 U.S.C. §§ 1981, 1983, and 1985, Title VI, and Title VII of the Civil Rights Act of 1964.

6. Nature of the Case

Civil rights action under 42 U.S.C. §§ 1981, 1983, and 1985 alleging deprivation of due process and equal protection rights, denial of the right to petition, and conspiracy to deprive civil rights, arising from a 13-year pattern of documented fraud on the court in Massachusetts Probate and Family Court proceedings, including a secret gatekeeper order concealed from Plaintiff for over 10 years (December 5, 2013 to April 20, 2024), systematic erasure of 437 uncontested admissions from the court docket, and coordinated obstruction of Plaintiff's access to state and federal courts. No defendant ever responded to the complaint during the nine-month pendency of the action. The case was dismissed sua sponte under 28 U.S.C. § 1915(e)(2)(B)(ii).

7. Issues Presented on Appeal

Issue 1: Whether the District Court erred in applying res judicata to bar claims grounded in newly discovered evidence — specifically, the secret December 5, 2013 gatekeeper order deliberately concealed from Plaintiff until April 20, 2024 — where no prior court could have adjudicated claims dependent on evidence that was affirmatively hidden from the litigant. (Standard of review: de novo.)

Issue 2: Whether the prior federal judgments invoked as res judicata predicates are vitiated by fraud on the court under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), where all such prior judgments were entered before April 20, 2024, and nine documentary exhibits (Dkts. 28-1 through 28-9) establish the fraud beyond dispute. (Standard of review: de novo.)

Issue 3: Whether the District Court abused its discretion in denying the Rule 59(e)/60(b)(6) motion [Dkt. 28] with a conclusory statement that “none of the additional categories listed in Fed. R. Civ. P. 60(b), including fraud, are present here,” without addressing any of Plaintiff’s nine categories of documentary fraud-on-the-court proof. (Standard of review: abuse of discretion.)

Issue 4: Whether the Order of Enjoinment [Dkt. 31] was an abuse of discretion where the District Court imposed a pre-filing injunction without adequately weighing (a) the non-frivolous nature of Plaintiff’s claims, (b) the extraordinary circumstances of documented fraud on the court, (c) Plaintiff’s pro se and IFP status, and (d) the severe burden the \$52 MBD fee imposes on an indigent litigant with \$0.71 in available cash. (Standard of review: abuse of discretion.)

8. Related Cases in This Court or the District Court

In this Court (First Circuit):

- (a) Kifor v. Commonwealth, et al., No. 24-1075 (1st Cir.), affirmed Nov. 19, 2025 (appeal from No. 23-CV-12692-PBS);
- (b) Kifor v. Commonwealth of Massachusetts, et al., No. 23-1013 (1st Cir.), affirmed March 20, 2023 (appeal from No. 22-CV-11948-PBS);
- (c) Kifor v. Commonwealth of Massachusetts, et al., No. 23-1008 (1st Cir.), affirmed Aug. 4, 2023 (appeal from No. 22-CV-11141-PBS).

In the District Court (D. Mass.):

- (a) No. 23-CV-12692-PBS (screening dismissal);
- (b) No. 22-CV-11948-PBS (screening dismissal);
- (c) No. 22-CV-11141-PBS (screening dismissal);
- (d) No. 21-CV-11968-IT (screening dismissal);
- (e) No. 21-CV-10699-IT (screening dismissal);
- (f) No. 20-CV-11601-PBS (summary dismissal of § 2241 habeas petition).

In the United States Supreme Court:

- (a) Petition No. 25-6878 (filed Oct. 6, 2025; docketed Feb. 23, 2026; PENDING). Questions Presented: (1) whether “double protecting” some citizens at the expense of revoking constitutional protections from others waives Constitutional protections for all; (2) whether immunities apply when the state uses federal reimbursements for forced separation of children from their parents and homes. Appeal from SJC Nos. SJ-2025-M006 and DAR-30493.
- (b) Petition No. 24-7282 (filed Mar. 1, 2025; docketed May 23, 2025; DENIED). Appeal from No. 24-1075 (1st Cir.).

(c) Prior petitions: Nos. 22-7115, 23-5932, and 23-6398 (all docketed and denied).

On the Miscellaneous Business Docket (D. Mass.):

No. 1:26-mc-91166-DJC (assigned Apr. 3, 2026; Casper, C.D.J.) — Petition for Leave to Commence New Civil Action filed in full compliance with the Order of Enjoinment [Dkt. 31]. New complaint against the Commonwealth of Massachusetts, the Massachusetts Supreme Judicial Court, and Chief Justice Kimberly S. Budd (in official capacity) under 42 U.S.C. §§ 1981, 1983, and 1985(3). None of these defendants were parties to the dismissed action. This action is distinct from the instant appeal. (Initial filing was docketed as No. 1:26-cv-11536-AK on Apr. 1, 2026; the properly docketed MBD version was assigned to Chief Judge Casper on Apr. 3, 2026.)

In Massachusetts state courts:

(a) Mass. Appeals Court No. [REDACTED] (direct appeal, ongoing);

(b) SJC gatekeeper dockets: SJ-2024-M026; SJ-2025-M006; and prior dockets SJ-2022-0041, SJ-13263, SJ-2022-0193, SJ-13310, SJ-2022-0271, SJ-13339, SJ-2022-0380, SJ-2022-0407, SJ-2023-0028, SJ-13392, SJ-2023-0122, SJ-13427.

9. In Forma Pauperis Status

Plaintiff-Appellant was granted leave to proceed in forma pauperis by the District Court (Dkt. 2, confirmed at Dkt. 26 § II). Plaintiff-Appellant requests leave to proceed on appeal in forma pauperis pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3). Plaintiff-Appellant’s financial circumstances have not changed: monthly income of approximately \$298 (SNAP benefits only); \$0.71 cash on hand as of March 28, 2026; currently residing in a men’s homeless shelter; no driver’s license; four dependent children.

Good faith: This appeal presents non-frivolous issues within the meaning of *Coppedge v. United States*, 369 U.S. 438, 445 (1962). The appeal challenges the application of res judicata to claims dependent on evidence concealed for over 10 years, raises the question whether fraud on the court vitiates the res judicata predicate under *Hazel-Atlas Glass Co.*, 322 U.S. 238 (1944), and contests a pre-filing injunction imposed without adequate weighing of the non-frivolous nature of the claims or the litigant’s indigency. The underlying constitutional questions—whether “double protecting” some citizens at the expense of revoking protections from others waives Constitutional protections for all, and whether immunities apply when the state uses federal reimbursements for forced separation of children—have also been raised in the last two petitions for certiorari (Nos. 24-7282 and 25-6878), with No. 25-6878 currently pending before the United States Supreme Court.

10. Estimated Length of Appellant’s Brief

Appellant’s principal brief is estimated at approximately 7,800 words, within the 13,000-word limit prescribed by Fed. R. App. P. 32(a)(7)(B).

Signed under the pains and penalties of perjury.

Respectfully submitted,

/s/ Imre Kifor

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Dated: April 4, 2026