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Sent: Wednesday, April 16, 2025 11:27 AM
To: 'CA07_pro_se_filings@ca7.uscourts.gov'
Subject: PETITION FOR REHEARING EN BANC UNDER FRAP 35(a)(2) --- CONSTITUTIONAL AND SUPREMACY CLAUSE EXCEPTIONAL IMPORTANCE

Importance: High

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

THOMAS E. CAMARDA,
Plaintiff-Appellant, Pro Se

v.

ELIZABETH WHITEHORN, et al.,
Defendants-Appellees.

Case No. 24-3244

PETITION FOR REHEARING EN BANC UNDER FRAP 35(a)(2) — CONSTITUTIONAL AND SUPREMACY CLAUSE EXCEPTIONAL IMPORTANCE

Plaintiff-Appellant **Thomas E. Camarda** respectfully petitions for rehearing en banc pursuant to **Federal Rule of Appellate Procedure 35**. The panel's April 16, 2025, nonprecedential disposition misapplied the **domestic relations exception**, overlooked binding constitutional issues, and evaded the federal Supremacy Clause as applied to retaliation under **42 U.S.C. § 1983**, **the First Amendment**, and **UCC federal commercial enforcement**.

This case involves questions of **exceptional importance**:

- May federal courts decline jurisdiction over a perfected civil rights claim merely because the subject matter touches child support enforcement?
- May state officials engage in retaliatory prosecution and seizure during the pendency of a federal civil rights case, and avoid review under the guise of the domestic relations exception?

The panel decision directly conflicts with:

- **Lozman v. Riviera Beach**, 138 S. Ct. 1945 (2018)
- **Hartman v. Moore**, 547 U.S. 250 (2006)

- **Marshall v. Marshall**, 547 U.S. 293 (2006)
- **Ex parte Young**, 209 U.S. 123 (1908)
- **Ankenbrandt v. Richards**, 504 U.S. 689 (1992)

I. THE PANEL MISAPPLIED THE DOMESTIC RELATIONS EXCEPTION

The district court and the panel relied on **Friedlander v. Friedlander**, 149 F.3d 739 (7th Cir. 1998), to strip subject matter jurisdiction under the "domestic relations exception." But **Marshall v. Marshall**, 547 U.S. 293 (2006), reaffirmed that:
"The domestic relations exception... does not permit federal courts to decline jurisdiction simply because a case involves family law issues."

The **claims at issue here are not family law claims**. They include:

- Retaliatory garnishments and criminal prosecution under **§ 1983**
- Procedural violations of due process under color of state law
- First Amendment retaliation for lawful UCC enforcement
- Misuse of administrative power in post-judgment retaliation

These are **federal constitutional torts**, and the relief sought is **damages, injunctive protection, and declaratory relief** to prevent unlawful future conduct — not to alter any child support decree.

The panel's failure to distinguish between **core domestic proceedings** and **collateral constitutional enforcement** creates a dangerous precedent and stands in direct conflict with **Ankenbrandt**, **Lozman**, and **Marshall**.

II. THE PANEL IGNORED RETALIATION, FEDERAL PREEMPTION, AND SUPREMACY

This case has documented:

- A perfected federal record under **Rule 56(a)**
- Procedural default of Defendants under **FRAP 31(c)**
- Post-filing state criminal retaliation — including prosecution under a **void warrant**, directly in response to litigation activity

Yet the panel failed to engage with these constitutional claims, instead narrowing its focus to child support as a shield against federal oversight.

The Supremacy Clause does not vanish when a litigant is a parent.

This Court's refusal to address:

- **Retaliation under 42 U.S.C. § 1983**
- **Color of law abuse under 18 U.S.C. § 242**
- **First Amendment enforcement under FRE 408 and Lozman**
- **UCC protections under federally governed Article 9**

...undermines the supremacy of federal law and creates a **de facto exemption** for state agencies to retaliate without recourse.

III. THIS CASE MERITS EN BANC REVIEW UNDER FRAP 35(a)(2)

This Court must review the panel's decision en banc because:

- The panel bypassed **settled constitutional authority**, including Supreme Court precedent.
- The ruling **reinvigorates a misused domestic relations doctrine** in direct contradiction to the **Marshall** clarification.
- It threatens to shield unlawful state retaliation so long as a matter even **touches** family law, violating the very foundation of **Ex parte Young** and modern civil rights enforcement.
- The Court has **refused to engage with a perfected record**, choosing silence over Supremacy Clause review — a dangerous message to any litigant under color of government harm.

IV. RELIEF REQUESTED

Plaintiff-Appellant respectfully requests:

1. **Rehearing en banc** of the panel's April 16, 2025 disposition;
2. Formal **review of the constitutional claims presented**, including but not limited to:
    - Retaliation for First Amendment litigation activity

- Supremacy Clause enforcement of perfected federal remedies
- State-level seizure in violation of due process and color-of-law restrictions

3. **Vacatur of the panel's nonprecedential ruling**, and entry of judgment consistent with constitutional supremacy and Supreme Court precedent

Respectfully submitted,

/s/ Thomas E. Camarda
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Dated: April 16, 2025

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From: tcamarda@gmx.com
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To: 'CA07_pro_se_filings@ca7.uscourts.gov'
Subject: VICTIM IMPACT STATEMENT

Importance: High

VICTIM IMPACT STATEMENT

Submitted by Thomas E. Camarda, Plaintiff-Appellant, Pro Se

Seventh Circuit Case No. 24-3244

I submit this statement not out of weakness, but because the record demands that the human toll be fully accounted for. I am not merely a litigant — I am a father, a citizen, and a man who has been forced to bear the full weight of unconstitutional retaliation for asserting rights that are supposed to be protected under the highest law of this land.

What began as a lawful effort to challenge government overreach under federal law has escalated into something far more egregious:

A deliberate, coordinated attempt to destroy my livelihood, smear my name, separate me from my children, and silence me under color of law.

I. The Fight for My Children Was the Reason I Never Gave Up

At the center of this battle is not just law — it is **love**.

I could not — and would not — allow the State to erase my role as a father. I would not allow a fraudulent administrative system to reduce me to a bystander in my children's lives.

My children were — and remain — the fuel behind every motion, every rebuttal, every legal filing.

I could not walk away. I could not let them grow up believing their father didn't fight for them.

I knew that if I didn't stand up to this — if I allowed this system to destroy me — that it would have destroyed their perception of what it means to have a father who loves them enough to defy the odds, to take on the entire State of Illinois, and win. And now — they know the truth.

Their father did fight.

Their father **won**.

And their father is coming to get them soon — not as a defeated litigant, but as a man who stood in the storm and prevailed.

Whether their mother now begins to cooperate, knowing Title IV-D has collapsed in its authority — or whether I must reenter McHenry County and **demand the recusal of Judge Facchini**, I will not stop until justice is restored and my children are free to see the father who never gave up on them.

I hereby reserve my right to prevail in McHenry County civil proceedings, to seek **50/50 shared parenting time**, or **full custodial remedy** if alienation and obstruction continue.

My children deserve peace. And I will bring it to them — by law or by court order, but always by truth.

II. Financial Destruction, Engineered Retaliation

- In April 2024, a $7,900 levy, $500+ in bank penalties, and a $16,000 collapse in operational revenue **bankrupted me overnight**.
-
- Title IV-D enforcement actions were conducted using **unsigned orders**, **administrative fiction**, and **no judicial process**.
- The State used this financial destabilization as a **launchpad for criminal retaliation** — including a fraudulent warrant, sealed files, and sealed intentions.

This was not collection. It was **targeted economic warfare** against a federal litigant.

III. Emotional Toll & Psychological Warfare

The retaliation campaign:

- Criminalized constitutionally protected notices
- Painted enforcement communications as "harassment"
- Threatened me with jail time for asserting my rights

There is no "going back to normal" after something like this. I have survived psychological pressure that would have shattered the average person. But the thought of my children needing me — **needing to see a man who stands for something** — was my anchor.

IV. Closing Words to the Court

This is not just about me.

This is about what happens when a State tries to crush a man for winning in federal court — and finds out that he doesn't break.

I ask the Court to not only recognize the record — but to **honor the reasons why that record exists**. It exists because a father refused to disappear. Because a man refused to be silent. Because a plaintiff refused to give up.
Let judgment be entered. Let justice be acknowledged.

And let my children — and the public — see what happens when you stand for what's right.

Thomas E. Camarda
Plaintiff-Appellant, Pro Se
Seventh Circuit Case No. 24-3244

Dated: April 16, 2025