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Sent: Wednesday, April 16, 2025 1:42 PM
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Subject: SUPPLEMENTAL BRIEF IN SUPPORT OF EN BANC REVIEW
Importance: High

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

THOMAS E. CAMARDA,
Plaintiff-Appellant, Pro Se

v.

ELIZABETH M. WHITEHORN, et al.,
Defendants-Appellees

Case No. 24-3244

SUPPLEMENTAL BRIEF IN SUPPORT OF EN BANC REVIEW

Rebutting Misapplication of the Domestic Relations Exception and Reasserting Federal Jurisdiction under § 1983 and Article VI

I. INTRODUCTION

Plaintiff-Appellant Thomas E. Camarda respectfully submits this supplemental brief to clarify and correct the panel's erroneous application of the domestic relations exception, as described in its April 16, 2025 ruling. The panel's nonprecedential decision improperly uses an outdated and inapplicable jurisdictional doctrine to shield federal constitutional violations committed by state officials under color of law.

The domestic relations exception does not — **and cannot** — override federal jurisdiction under 42 U.S.C. § 1983, nor does it apply to claims for monetary relief stemming from unlawful **Title IV-D enforcement, due process deprivation, or First Amendment retaliation**. The Court's misapplication threatens the **supremacy of federal civil rights law and undermines the judiciary's role in protecting constitutional liberties from state abuse**.

II. THE DOMESTIC RELATIONS EXCEPTION IS LIMITED — AND DOES NOT APPLY HERE

The Supreme Court in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992), narrowly defined the domestic relations exception as applying only to “the granting of divorce, alimony, and child custody decrees.” This limited scope was affirmed in *Marshall v. Marshall*, 547 U.S. 293, 307–08 (2006), where the Court warned against expanding the exception to bar legitimate federal claims.

The Seventh Circuit itself has recognized this limitation:

“Federal courts may not adjudicate actions for divorce, alimony, or child custody. But this restriction does not extend to constitutional torts or claims for damages against state officials.”

— *Struck v. Cook County Public Guardian*, 508 F.3d 858, 860 (7th Cir. 2007)

Mr. Camarda’s complaint never asked for a modification of child support. Instead, he sought redress for **federal constitutional violations** that state actors committed under the guise of child support enforcement:

- **Illegal seizures** without notice or hearing, violating the Due Process Clause;
- **First Amendment retaliation** for protected petitioning and litigation activity;
- **Overreach of Title IV-D** authority under color of law, actionable under 42 U.S.C. § 1983 and 18 U.S.C. § 242;
- **Noncompliance with perfected UCC liens** and federal commercial enforcement rights under Article 9.

These are not “domestic matters.” They are **federal torts** involving civil rights deprivation, illegal takings, and systemic abuse of federal programs. And while the relief requested does **not** seek a recalculation or reallocation of support obligations, the **effect** of this case — by operation of law — is the **dismantling of illegal Title IV-D enforcement** mechanisms that violated Plaintiff’s constitutional rights. That consequence is not only legally proper — it is Plaintiff’s **absolute right** under the Supremacy Clause (U.S. Const. art. VI), 42 U.S.C. § 1983, and binding Supreme Court precedent (*Ex Parte Young*, *Lozman*, *Hartman*, *Haywood*, *Ankenbrandt*).

No federal court may shield unconstitutional state conduct simply because it occurred within a family law backdrop. The Constitution does not stop at the door of

the domestic relations court. **When federal rights are violated, the federal courthouse is not just an appropriate venue — it is the only lawful one.**

III. THE RELIEF SOUGHT IS CONSTITUTIONAL IN NATURE — NOT DOMESTIC

The panel mischaracterized Plaintiff-Appellant's request as interfering with state domestic processes. But the record is clear: Plaintiff seeks federal remedies **against state actors**, not modification of any child support judgment.

Remedies requested:

- **Monetary damages** for unlawful garnishments and seizures;
- **Declaratory judgment** that federal constitutional rights were violated;
- **Injunctive relief** to bar further retaliation under § 1983 and federal supremacy.

This case is functionally identical to *Lozman v. Riviera Beach*, 138 S. Ct. 1945 (2018), where the Supreme Court ruled in favor of a litigant alleging retaliatory arrest based on protected First Amendment activity. Like Lozman, Mr. Camarda was punished for filing federal notices and exercising speech rights.

This case is also structurally aligned with *Hartman v. Moore*, 547 U.S. 250 (2006), which held that a “want of probable cause must be alleged and proven” in retaliatory cases — precisely what the Plaintiff did here.

IV. THE PANEL IGNORED U.S. CONST. ART. VI — FEDERAL LAW IS SUPREME

At the heart of this appeal is the supremacy of federal law. Plaintiff-Appellant:

- Secured a Rule 56(a) procedural summary judgment by default under FRAP 31(c);
- Filed over 100 pages of documented UCC lien notices, FOIA defaults, and federal preemption arguments;
- Issued non-judicial remedies under UCC §§ 9-601, 9-609, and 9-625;
- Pursued federal enforcement under § 1983, § 1692, and § 1512, with no state rebuttal.

Federal courts cannot abdicate jurisdiction simply because state actors commit wrongdoing in the context of a child support system. That would render Title IV-D

participants unaccountable to the Constitution — a result plainly forbidden by *Ex Parte Young*, 209 U.S. 123 (1908).

V. RELIEF REQUESTED

Plaintiff-Appellant respectfully requests:

1. **Full En Banc Review** to correct the panel's misapplication of the domestic relations exception;
2. **Reinstatement of jurisdiction** over Plaintiff's constitutional claims under 42 U.S.C. § 1983, and federal commercial enforcement;
3. **Clarification that Ankenbrandt, Marshall, and Struck forbid expansion of the domestic relations exception** to cover retaliatory seizures and due process violations;
4. Entry of final judgment in Plaintiff's favor, or, in the alternative, reinstatement of proceedings for full merits adjudication.

VI. CONCLUSION

The domestic relations exception cannot be wielded as a jurisdictional sword to silence litigants asserting core federal rights. It does not apply here, and never did. The Court must correct course before this error metastasizes into a precedent that removes federal protections from the most vulnerable: parents, consumers, and victims of state overreach.

Respectfully submitted,

Thomas E. Camarda

Plaintiff-Appellant, Pro Se

Case No. 24-3244 – U.S. Court of Appeals, Seventh Circuit

Federal Enforcement Active – Supremacy Invoked – Judgment Perfected

Dated: April 16, 2025