

IN THE DISTRICT COURT OF RUSH COUNTY, KANSAS

Tyce Bonjorno,
Petitioner,

v

Case No. 2018-DM-000019

Tara Jennings,
Respondent.

SUPPLEMENT TO PLAINTIFF'S RULE 60(b)(4) MOTION FOR RELIEF FROM VOID
JUDGMENT

COMES NOW Petitioner Tyce A. Bonjorno, pro se, and respectfully submits this supplement to his pending Rule 60(b)(4) Motion for Relief from Void Judgment, filed on June 27, 2025. This supplemental memorandum reinforces the constitutional and statutory violations at issue and demands immediate judicial action under Kansas law.

I. THE COURT HAS AN OBLIGATION TO VACATE A VOID JUDGMENT

A void judgment is a legal nullity that carries no force and must be vacated. "A judgment is void if the court that rendered it lacked jurisdiction over the parties or the subject matter or acted in a manner inconsistent with due process." *In re Marriage of Welliver*, 869 P.2d 653, 657 (Kan. Ct. App. 1994).

Under K.S.A. 60-260(b)(4), "[o]n motion and upon such terms as are just, the court may relieve a party... from a final judgment [that is] void." This provision mandates relief where jurisdiction or due process is absent.

Here, the March 30, 2020 order falsely asserted that paternity was adjudicated, but no adjudication of paternity ever occurred. The Rush County Court Clerk has confirmed that no paternity order or signed Voluntary Acknowledgment of Paternity (VAP) exists. Therefore, the order is jurisdictionally void and unenforceable.

II. DUE PROCESS REQUIRES A HEARING—NOT SILENT DENIAL

It is a violation of the Fourteenth Amendment and Kansas procedural law for the Court to issue or uphold any order without granting Petitioner hearing. “Where a party is denied the opportunity to be heard, a judgment entered is void.” *State v. Smith*, 261 Kan. 438, 450 (1997).

Further, “due process requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner.” *State v. Snodgrass*, 46 Kan. App. 2d 523, 532 (2011). A ruling on Petitioner’s motion must not be delayed or silently denied.

III. THE COURT HAS A LEGAL DUTY TO RULE PROMPTLY

Under Kansas Supreme Court Rule 18.01, “A district judge must decide and enter a judgment on any motion or matter taken under advisement within 120 days of final submission.”

However, Petitioner respectfully asserts that this matter cannot wait 120 days, as enforcement of a void judgment constitutes ongoing constitutional injury each day it remains in effect.

Furthermore, under K.S.A. 20-3102, all Kansas judges are subject to the Kansas Code of Judicial Conduct, which requires impartiality, timeliness, and respect for litigants’ constitutional rights. Specifically:

- Canon 2, Rule 2.2: “A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.”

- Canon 2, Rule 2.5(A): "A judge shall perform judicial and administrative duties competently and diligently."
- Canon 2, Rule 2.6(A): "A judge shall accord to every person who has a legal interest in a proceeding... the right to be heard."

IV. JUDICIAL DUTY TO EXPEDITE EMERGENCY CONSTITUTIONAL MOTIONS

Petitioner's Rule 60(b)(4) Motion, now supplemented and requested to be converted to an Emergency Motion, addresses ongoing constitutional harm and the enforcement of a void order, making it legally urgent.

Kansas courts have recognized that "a court has not only the authority but the obligation to promptly address motions implicating ongoing constitutional violations."

In *re Marriage of Welliver*, 19 Kan. App. 2d 510, 657, 869 P.2d 653 (1994) precedent is consistent: "A party is entitled to an expedited hearing where the ongoing deprivation of constitutional rights is alleged." See *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972); *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Delay is constitutionally impermissible where fundamental rights are implicated. *Beit v. Burton*, 402 U.S. 535, 542 (1974).

V. AUTHORIZATION TO SUPPLEMENT AND EXPAND EMERGENCY RELIEF REQUESTS

Petitioner is authorized to submit this supplemental filing under Kansas law and general civil procedure. Pursuant to K.S.A. 60-215(d) and Fed. R. Civ. P. 15(d) (adopted as persuasive authority), a party may supplement a motion based on events or clarifications occurring after the original filing.

This supplement provides:

- Updated facts (current custody status);
- Expanded legal authority for emergency conversion; and
- Amplified constitutional context requiring immediate judicial action.

Any attempt to dismiss or ignore this supplemental emergency filing without ruling would itself violate due process under *State v. Snodgrass*, 46 Kan. App. 2d 523, 263 P.3d 1250 (2011).

Petitioner for the record that no state remedy remains available, adequate, or effective. Abstention doctrines such as *Younger* or *Rooker-Feldman* do not apply because the judgment in question is void ab initio, and Petitioner has been categorically denied access to a meaningful state forum. This Court's failure to rule, or to correct a fabricated and jurisdictionless order, guarantees that federal review will proceed unimpeded.

VI. FAILURE TO VACATE THE JUDGMENT MAY TRIGGER FEDERAL CONSEQUENCES

This Court is on notice that continued enforcement of a void order, or failure to provide due process on a constitutional motion, will be treated as judicial misconduct and may trigger further federal civil rights action. This includes potential claims under 42 U.S.C. § 1983 for denial of procedural and substantive due process.

VII. REQUEST TO CONVERT TO EMERGENCY MOTION AND JUDICIAL DISQUALIFICATION FOR JURISDICTIONAL MISCONDUCT

Petitioner respectfully requests that the Court convert this Rule 60(b)(4) Motion into an Emergency Motion for Immediate Relief. The underlying judgment is facially void, and its ongoing enforcement results in daily constitutional violations. The urgency is magnified by the fact that Petitioner currently exercises physical custody of two of the minor children, while

Defendants and state agencies continue to enforce a void order—including for a child Petitioner is not legally or biologically obligated to support.

All judges who have participated in issuing or enforcing orders based upon the void March 30, 2020 judgment are now jurisdictionally disqualified. Under both Kansas law and federal precedent, a judge who continues to act in reliance on a void order acts in the complete absence of jurisdiction and loses judicial immunity. See *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978); *Forrester v. White*, 484 U.S. 219 (1988); *Mireles v. Waco*, 502 U.S. 9, 12 (1991).

This Court has been presented with clear, un rebutted proof that no adjudication of paternity ever occurred. Continued enforcement or failure to vacate the void order constitutes judicial misconduct, actionable under K.S.A. 20-3102 and Canon 1, Rule 1.1 of the Kansas Code of Judicial Conduct.

Petitioner warns this Court that any attempt to issue or enforce a custody directive without a valid motion from a party, and based solely on an order now challenged as void, will be treated as an extrajudicial abuse of power. Courts cannot act sua sponte to fabricate or impose custody jurisdiction where none exists. Such action would constitute a further deprivation of Petitioner's constitutional rights under the Fourteenth Amendment and will warrant immediate federal intervention under 42 U.S.C. § 1983.

VIII. ADDITIONAL FEDERAL NOTICE AND RESERVATION OF SUPPLEMENTAL USE

Petitioner further places this Court on notice that, regardless of whether a ruling is issued, all materials in this Rule 60(b)(4) motion and this supplement will be submitted as evidence of constitutional deprivation in federal proceedings, including *Bonjorno v. Kansas DC F et al.*, Case No. 6:25-cv-01042-JWB-GLB (D. Kan.).

This Court's decision—or failure to decide—will be presented as proof of institutional misconduct, bad-faith obstruction, and willful judicial inaction under color of state law.

Petitioner states that he is fully aware that all four judges involved since March 30, 2020, who have issued or enforced orders based on a judgment lacking any adjudicated paternity, have done so in the complete absence of jurisdiction, and therefore forfeit all claims to judicial immunity under *Stump*, *Forrester*, and *Mireles*.

Continued silence or inaction by this Court is not mere delay — it is active concealment of known violations and will be treated as such in federal litigation.

IX. PREEMPTIVE NOTICE OF SELECTIVE ENFORCEMENT AND CONSTITUTIONAL OBSTRUCTION

Petitioner respectfully places this Court on formal notice that the opposing party, Tara Jennings, may file a motion or emergency request on or around September 18, 2025, seeking enforcement of a custody arrangement or return of the children—despite the fact that this Court has been clearly notified that the March 30, 2020 judgment is void for lack of an adjudicated paternity determination. As of June 30, 2025, no valid court order governs custody or return of the children. Petitioner has legal and physical custody. Any future emergency request by the mother would have no lawful basis without a valid judgment. Any hearing on such a motion—without first ruling on this Rule 60(b)(4) motion—would compound the constitutional injury and violate both procedural and substantive due process.

Petitioner affirms under oath that he is currently exercising lawful physical custody of the children and that there exists no valid, enforceable order governing their return.

It would constitute a flagrant violation of the Fourteenth Amendment's guarantee of due process and equal protection if this Court were to (1) refuse to rule on Petitioner's properly filed Rule

60(b)(4) Motion and Supplement, while simultaneously (2) granting or hearing any new motion by the opposing party based on a judgment that this Court now knows to be jurisdictionally void.

This Court is bound by Canon 2, Rule 2.6(A) of the Kansas Code of Judicial Conduct, which provides:

"A judge shall accord to every person who has a legal interest in a proceeding... the right to be heard according to law."

See also *State v. Snodgrass*, 46 Kan. App. 2d 523, 532 (2011) (due process requires a meaningful opportunity to be heard)

Federal law affirms the same principle:

"An individual must be given an opportunity for a hearing before he is deprived of any significant property interest."

Boddie v. Connecticut, 401 U.S. 371, 379 (1971).

"Selective enforcement or delay that favors one party and obstructs another violates the Equal Protection Clause."

Yick Wo v. Hopkins, 118 U.S. 356 (1886); *Kingquist v. Oregon Dept. of Agriculture*, 553 U.S. 591, 598 (2008).

If this Court schedules or rules on any motion by the opposing party while continuing to ignore or delay action on Petitioner constitutional filings, such behavior will be treated as intentional judicial obstruction, retaliatory conduct, and selective enforcement under color of law, in violation of both the Fourteenth Amendment and 42 U.S.C. § 1983.

Accordingly, Petitioner hereby notifies the Court that if any motion by the opposing party is heard or ruled upon before a ruling is issued on Plaintiff's Rule 60(b)(4) Motion and Supplement, Petitioner will pursue immediate emergency injunctive relief in federal court and file additional civil rights claims against all judicial officers involved. Continued silence or

selective responsiveness by this Court will serve as direct evidence of systemic bias and willful suppression of constitutional rights.

X. STATEMENT ON JUDICIAL MISCONDUCT PROCESS AND MANDAMUS DENIAL

Petitioner asserts that filing a judicial misconduct complaint in Kansas is not only pointless—it is emblematic of the very structural corruption now under federal scrutiny. The judiciary in Kansas has demonstrated time and again that it protects its own, even in the face of clear constitutional violations, fabricated orders, and complete absence of jurisdiction. Petitioner previously submitted a detailed and well-supported Petition for Writ of Mandamus to the Kansas Supreme Court, documenting irrefutable evidence of due process violations, ex parte misconduct, and orders issued without legal foundation. That petition was denied without hearing, without explanation, and without any legal justification—proving that Kansas courts are not interested in remedying unlawful conduct when it implicates their own judges.

The refusal to enforce constitutional rights, despite direct evidence and formal filings, exposes the internal judicial complaint process as a hollow procedural formality—one designed to protect power, not justice. Petitioner therefore makes clear for the record: further complaints to state judicial conduct authorities are futile. The Kansas judiciary has already had its opportunity to act lawfully and failed. Its silence and denial only confirm that it is complicit in shielding judges who have operated without jurisdiction and outside the bounds of law. That pattern of evasion and protectionism will now be exposed in federal court.

This Court and its judges are further cautioned that any future attempt to retroactively create or reference a non-existent adjudication of paternity will be met with judicial estoppel and treated as bad faith fraud on the court. The record is closed on this issue. Fabricating authority post hoc only increases legal liability under § 1983.

XI. DEMAND FOR EMERGENCY RULING

THIS SUPPLEMENT SERVES AS BOTH A DEMAND FOR EMERGENCY RELIEF AND A FORMAL NOTICE OF JUDICIAL ACCOUNTABILITY. IF THIS COURT REFUSES TO VACATE A VOID JUDGMENT OR TO HOLD A HEARING ON A RULE 60(b)(4) MOTION, IT BECOMES COMPLICIT IN THE ONGOING VIOLATION OF FEDERAL AND STATE LAW.

Petitioner demands this Court rule within no more than 14 days from receipt, or in the alternative, set a hearing within 10 days, as required when emergency relief is sought to halt unconstitutional harm.

Failure to act will be treated as judicial silence in the face of known federal violations, and Petitioner reserves the right to initiate further action under both 42 U.S.C. § 1983 and the Kansas Commission on Judicial Conduct.

XII. NOTICE TO ALL JUDICIAL OFFICERS:

CONTINUING TO ENFORCE OR REMAIN SILENT ON A JUDGMENT THIS COURT KNOWS TO BE VOID IS NOT A CLERICAL OVERSIGHT. IT IS A WILLFUL CONSTITUTIONAL VIOLATION. IMMUNITY ENDS WHERE JURISDICTION ENDS.

XIII. NOTICE REGARDING FEDERAL CHILD CUSTODY JURISDICTION AND TEXAS DOMICILE

Petitioner further asserts that because the minor children are currently residing in Texas and have been in Petitioner's custody for several months, any future custody action must comply with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). Kansas no longer qualifies as the children's home state under K.S.A. 23-37201(a), and any attempt by this Court to sub

sponte reassert jurisdiction—absent a valid motion from the opposing party—would violate the UCCJEA and exceed the scope of this Court’s lawful authority.

If the Court fails to vacate the void order and instead attempts to enforce custody or child support provisions that derive from a non-adjudicated paternity order, it will be considered a direct violation of the Supremacy Clause of the United States Constitution and a breach of 42 U.S.C. § 1983.

Continued refusal to vacate a facially void order despite proper notice and evidence places the Court and its officers at risk under 18 U.S.C. § 242 (Deprivation of Rights Under Color of Law). Each day the judgment remains in place despite known invalidity constitutes a separate constitutional violation and will be treated as such in federal proceedings.

Petitioner further asserts that a court acting in the complete absence of jurisdiction has no lawful power to revise, modify, or perpetuate the void judgment. Once a judgment is void ab initio, the only lawful remedy is vacatur. See *United States v. Espinosa*, 559 U.S. 260, 271 (2010) (“A void judgment is null from the beginning and incapable of legal effect.”); *Ex parte Rowland*, 101 U.S. 604, 617 (1881) (“The law is well settled that a judgment rendered by a court without jurisdiction is a nullity, and may be so declared in any collateral proceeding.”). Any judicial act taken to alter or “clarify” the March 30, 2020 order while knowingly lacking jurisdiction will constitute further bad-faith action under color of law and expose the responsible officers to liability under 42 U.S.C. § 1983 and 18 U.S.C. § 242.

XIV. FORMAL OBJECTION TO RETURN OF CHILDREN TO THE STATE OF KANSAS BASED ON DUE PROCESS VIOLATIONS AND FEAR FOR THEIR SAFETY

Petitioner hereby submits a formal objection to the return of his minor children to the State of Kansas and respectfully notifies the Court that he refuses to surrender physical custody of the children due to a well-founded and legally supported fear for their safety. This objection is made

in accordance with the rights guaranteed to Petitioner and his children under the United States Constitution, including but not limited to the Fourteenth Amendment's Due Process Clause, which protects the fundamental liberty interest of parents and children to remain together free from arbitrary and abusive state action.

As the Supreme Court has held, "[t]he liberty interest . . . of parents in the care, custody, and control of their children... is perhaps the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Further, "[w]hen the State seeks to alter, terminate, or interfere with a parent's custody of their child, it must do so in a fundamentally fair manner, consistent with due process." *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

In this case, the State of Kansas, through its courts and agencies, has failed to act in a constitutionally lawful or fair manner. The Rush County District Court knowingly enforced an order based on a nonexistent paternity adjudication, and the court has never provided Petitioner or the children with a constitutionally sufficient hearing. Multiple emergency filings were denied or ignored, and substantial evidence of child endangerment was never addressed by any Kansas tribunal or agency. These systemic failures constitute clear violations of both procedural and substantive due process.

Petitioner's children have now been in his care for the duration of his summer parenting time, totaling nearly four months. During that time, Petitioner has ensured their safety, stability, and well-being. To now force the children to return to a jurisdiction where the courts have repeatedly demonstrated disregard for their constitutional rights and safety would not only be unjust — it would be unlawful.

The Fourteenth Amendment prohibits states from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1. That clause has been interpreted to include the right of children to be free from harm inflicted by the state. See *DeShaney v. Winnebago County Dept of Soc. Servs.*, 489 U.S. 189, 195 (1989) (recognizing substantive due process protections for children in state custody from harm by state actors)

Petitioner also invokes the right to familial integrity, which has been repeatedly upheld by federal courts. "The right to family integrity is a fundamental liberty interest protected by the Fourteenth Amendment." *Hallis v. Spencer*, 202 F.3d 1126, 1136 (9th Cir. 2000). When the state interferes with that relationship without proper cause or procedure, it violates the Constitution.

Given the documented and ongoing constitutional violations -- including

- enforcement of a void child support order.
- denial of hearings.
- systemic refusal to acknowledge critical motions and evidence.
- and complete institutional failure to protect the children from harm

Petitioner cannot, in good conscience or law, return the children to a state where their safety and rights are at imminent risk.

Accordingly, Petitioner respectfully requests that this Court take notice of the children's current lawful placement and withhold any action that would require their return to Kansas pending full adjudication of the constitutional claims now before the federal courts. Plaintiff further gives notice that federal court jurisdiction has been properly invoked under 42 U.S.C. § 1983 for systemic constitutional violations arising out of this Court's actions. Accordingly, this Court is prohibited from engaging in further enforcement, modification, or retaliation under the doctrines of *Younger v. Harris*, 401 U.S. 37 (1971) and *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923). Any attempt to relitigate or override matters already before the U.S. District Court may itself constitute a separate violation of Plaintiff's federal rights.

XV. EMERGENCY LEGAL NOTICE AND DEMAND FOR IMMEDIATE CESSATION OF UNLAWFUL ENFORCEMENT

This filing serves as formal legal notice and emergency warning to this Court that any further attempt to enforce custody or child support orders—based on a jurisdictionally void judgment and absent a lawful adjudication of paternity—will result in immediate federal emergency

intervention, including a motion for injunctive relief, declaratory relief, and protective orders under 42 U.S.C. § 1983 and 28 U.S.C. § 2201.

The Kansas state court's prior enforcement actions—absent jurisdiction and in willful disregard of due process—constitute a continuing violation of the Fourteenth Amendment. As the Supreme Court held in *Ex parte Rowland*, 104 U.S. 604, 617 (1881), “If a judgment is void, it is not merely erroneous but is entirely null and without legal force.” Any further action by this Court to enforce that void judgment will constitute not just civil liability, but a deliberate constitutional trespass.

Plaintiff hereby places this Court and all affiliated state actors on notice that the return of the minor children to Kansas is categorically refused. Based on the overwhelming record of systemic misconduct, abuse of discretion, and denial of rights, Plaintiff no longer recognizes Kansas as a safe or constitutionally valid jurisdiction for his children.

If the Court proceeds with any enforcement action, without adjudicating the Rule 60(b)(4) motion, or issues orders *ex parte*, without notice or hearing, Plaintiff will seek immediate federal restraining orders, emergency relief, and monetary sanctions.

The right to be heard before one is deprived of liberty or property is a bedrock principle of due process, protected by *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950). Continued deprivation without jurisdiction is not judicial error—it is constitutional malpractice, and Plaintiff will hold every responsible actor to account in federal court.

XVI. FORMAL OBJECTION TO ENFORCEMENT, CONTEMPT, OR ARREST BASED ON VOID JUDGMENT — NOTICE OF FEDERAL CONSEQUENCES

Petitioner hereby issues formal and urgent notice to this Court that any attempt to arrest, detain, threaten contempt, or otherwise enforce custody or child support orders arising from the March 30, 2020 judgment will be treated as a retaliatory and unconstitutional act under color of state law, in direct violation of clearly established federal rights.

This Court has been presented with uncontested evidence that no paternity adjudication ever occurred, and that its prior orders are therefore facially void and legally unenforceable. Enforcement of a void judgment, particularly when it involves the deprivation of physical liberty, constitutes a fundamental due process violation under the Fourteenth Amendment. See *Turner v. Rogers*, 564 U.S. 431, 442 (2011) (“a defendant may not be incarcerated in a civil contempt proceeding unless the court affords him proper procedural protections.”); *Bearden v. Georgia*, 461 U.S. 660, 672 (1983) (state may not imprison without a meaningful inquiry into ability and due process).

Should this Court, or any actor under its authority, proceed with any form of coercive enforcement, arrest, or contempt, Plaintiff will immediately petition the U.S. District Court for emergency injunctive relief under *ex parte Young*, 209 U.S. 123 (1908), and pursue damages under 42 U.S.C. § 1983 for retaliatory deprivation of liberty and obstruction of constitutionally protected proceedings.

Further, this Court is warned that:

- Plaintiff has properly invoked federal jurisdiction in two pending § 1983 lawsuits now before the U.S. District Court in Kansas;
- Any state action that interferes with or retaliates against those federal proceedings will be construed as bad-faith misconduct under *Younger v. Harris*, 401 U.S. 37 (1971), and as impermissible relitigation under *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923).

- Any judicial or clerical actor involved in such enforcement shall be subject to individual-capacity liability for constitutional violations and stripped of immunity for knowingly acting outside the scope of lawful authority

This is not a request. This is formal notice that Petitioner will treat any arrest or detention attempt as unlawful, and will pursue all available remedies under federal law to expose and remedy the abuse of state power against both himself and his children.

XVII. RELIEF REQUESTED

Petitioner has standing to bring this motion as the subject of the void order, and the Court may not sua sponte dismiss or ignore a constitutional challenge to its jurisdiction.

WHEREFORE, Petitioner respectfully demands that this Court:

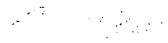
1. Immediately vacate the March 30, 2020 order as void for lack of adjudicated paternity;
2. Set this matter for an emergency hearing to determine the scope of constitutional violations and ongoing harm, and
3. Enter any other relief deemed just and proper under Kansas and federal law.

Petitioner reserves all rights to pursue additional federal actions against individual judges under *Pulliam v. Allen*, 466 U.S. 522 (1984), and to seek both injunctive relief and declaratory findings of judicial misconduct where immunity no longer applies due to absence of jurisdiction.

Plaintiff further requests that this Court temporarily stay all enforcement of custody and support orders pending full adjudication of this Rule 60(b)(4) motion, as the orders are alleged to be jurisdictionally void. Plaintiff also respectfully demands that the Court bar any ex parte or emergency motions from being scheduled or ruled upon without first providing Plaintiff with proper notice and a meaningful opportunity to be heard, in accordance with *Mullane v. Central Hanover Bank*, 339 U.S. 306 (1950), and *Fuentes v. Shevin*, 407 U.S. 67 (1972). Proceeding

without such notice would constitute a separate and continuing violation of Plaintiff's Fourteenth Amendment due process rights.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by Fax to

Clerk of District Court
PO BOX 387
La Crosse, KS 67548
785-222-2718
785-222-2748 Fax

Petitioner is unable to serve Defendant Tara Jennings directly because her current address is unknown. Despite repeated requests and multiple motions filed in this case, the Rush County District Court has refused to compel or disclose her address. Therefore, pursuant to due process requirements and in good faith, petitioner is serving the Clerk of the Court with the expectation that this filing be made available to Defendant in the case file, as no alternative service method is available.

Respectfully submitted,

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