

Supreme Court, U.S.  
FILED  
JAN 16 2025  
OFFICE OF THE CLERK

CASE NO. 24A 725

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IN THE  
SUPREME COURT OF THE UNITED STATES

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NATALIA DALTON,  
Petitioner,  
vs.  
JULIO LACAYO, ET AL.  
Respondents.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit

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EMERGENCY APPLICATION TO THE CIRCUIT JUSTICE FOR THE  
SUPREME COURT OF VIRGINIA (JOHN G. ROBERTS, JR.) FOR A RULE  
23 STAY

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SUPREME COURT, U.S.

NATALIA DALTON  
Petitioner, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
Natalia.dalton@gmail.com  
703-508-0820

RECEIVED  
JAN 21 2025  
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SUPREME COURT, U.S.

**EMERGENCY APPLICATION TO THE CIRCUIT JUSTICE FOR THE  
SUPREME COURT OF VIRGINIA (JOHN G. ROBERTS, JR.) FOR A RULE  
23 STAY**

By way of background, the Fairfax County Juvenile and Domestic Relations District Court (hereafter “**FCJ&DRDC**”) issued a 3/12/2024 “Child Support Order” in *Julio Lacayo v. Natalia Dalton*, FCJ&DRDC Case No. JA413878-06-00. In accordance with the Code of Virginia §16.1-296(A), Plaintiff Julio Lacayo (hereafter “**Respondent**”) timely appealed this 3/12/2024 FCJ&DRDC “Child Support Order” to the Circuit Court of Fairfax County (hereafter “**FCCC**”) for a *de novo* Trial/Appeal with a 3/20/2024 “Notice of Appeal – Support Proceeding.” This created *Julio Lacayo v. Natalia Dalton*, FCCC Case No. JA-2024-0000085.

Defendant Dalton (hereafter “**Petitioner**”) believes that all Virginia State, County, and City Courts are Unconstitutional with respect to the *U.S. Supremacy Clause* (U.S. Constitution, Article VI, Clause 2) and the *U.S. Supremacy Clause* as interpreted in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891) because Virginia does not enforce Federal Rights nor State Rights as a matter of Public Policy. This includes Petitioner’s Fundamental Liberty Interest in the “nurture, upbringing, companionship, care, and custody” of her son E. L.-D. (DOB – 2008) which Liberty Interest is protected by **U.S. Amendment XIV** (*Troxel v. Granville*, 530 U.S. 57, 77, 120 S.Ct. 2054 2066, 147 L.Ed.2d (2000) (Souter, J., concurring)).

Petitioner timely filed a 4/19/2024 “Notice of Removal” of FCCC Case No. JA-2024-0000085 to the U.S. District Court for the Eastern District of Virginia (hereafter “**VAED**”) in accordance with 28 U.S.C. §1446(b)(1). Petitioner included a 4/19/2024 VAED “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).” On page 5 of Petitioner’s 4/19/2024 VAED “Notice of Removal,” Petitioner states:

“The short and plain statement of the grounds for removal are that the Defendant cannot receive a fair and impartial *de novo* Trial/Appeal in the FCCC or any Virginia State, County, of City Court. These Virginia Courts have and are violating Defendant’s Liberty Interest in the ‘nurture, upbringing, companionship, care, and custody’ of her son E. L.-D. (DOB 2008) which Liberty Interest is protected by the Due Process Clause of **U.S. Amendment XIV**. *Troxel v. Granville*, 530 U.S. 57, 77, 120 S.Ct. 2054, 2066, 147 L.Ed.2d (2000) (Souter, J., concurring). Additionally,

these Virginia Courts are Unconstitutional and/or Illegitimate Courts lacking adherence to **STANDARDS** found in the Code of Virginia §20-124.2(B) as stated in the following sentences: 1) “In determining custody, the court shall give primary consideration to the best interests of the child;” and 2) “The Court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children.”

Defendant has seen her son E. L.-D. (DOB 2008) only six times since 3/14/2020 (5/9/2021, 2/11/2022, 2/12/2022, 2/26/2022, 4/8/2023 & 5/20/2023) with periods of no visitation as long as 14 months due to the alienation by [Respondent Lacayo] with his Sole Legal Custody and his Primary Physical Custody.”

The initial 4/24/2024 VAED “Order” was completely erroneous alleging that Petitioner as FCJ&DRDC & FCCC Defendant had both appealed the 3/12/2024 FCJ&DRDC “Child Support Order” then used 28 U.S.C. §1446(b)(1) to Remove that appeal from the FCCC to the VAED contrary to 28 U.S.C. §1446(b)(1). However, it had been Respondent as FCJ&DRDC & FCCC Plaintiff who had filed the 3/20/2024 “Notice of Appeal – Supporting Proceeding” so that Petitioner’s 4/19/2024 VAED “Notice of Removal” was in accordance with 28 U.S.C. §1446(b)(1). Petitioner wrote the United States District Judge Leonie M. Brinkema a 5/1/2024 Letter explaining this error. Thereafter, the 5/2/2024 VAED “Order” DENIED Removal based on the **Domestic Relations Exception**. The VAED DISMISSED AS MOOT Petitioner’s 4/19/2024 *In Forma Pauperis* Application. Petitioner had asked the VAED Judge on 4/19/2024 in relevant part the following Federal Questions under 28 U.S.C. §1331 (Federal Question Jurisdiction):

“The basis for Jurisdiction in this U.S. District Court for the Eastern District of Virginia is 28 U.S.C §1331 being FEDERAL QUESTION:

**28 U.S.C §1331 (Federal Question)** – “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

- 1) Whether or not Defendant shall receive a fair and impartial *de novo* Trial/Appeal in any Virginia State, County, or City Court?

- 2) Whether or not the 1971 Constitution of Virginia, Article VI, Sections 1 and 2 are Unconstitutional with respect to the Constitution of the United States, Article VI, Clause 2 (*U.S. Supremacy Clause*)?
- 3) Whether or not the 1971 Constitution of Virginia, Article VI, Section 7 is Unconstitutional with respect to the Constitution of the United States, Article VI, Clause 2 (*U.S. Supremacy Clause*) as found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891)?
- 4) Whether or not all Virginia State, County, and City Courts are Unconstitutional and/or Illegitimate with respect to the Constitution of Virginia, Article I, Sections 2 & 5 (Virginia Rights), Constitution of the United States, Article VI, Clause 2 (*U.S. Supremacy Clause*), and/or with respect to the *U.S. Supremacy Clause* as found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891)?”

If all the Virginia State, County, and City Courts are Unconstitutional and/or Illegitimate, then Petitioner’s 4/19/2024 VAED “Notice of Removal” from the FCCC to the VAED ought to be allowed. Petitioner timely appealed the 4/24/2024 VAED “Order” and 5/2/2024 VAED “Order” to the U.S. Court of Appeals for the Fourth Circuit (herein and hereafter “4th Circuit”) with a 5/24/2024 “Notice of Appeal to the U.S. Court of Appeals for the Fourth Circuit” and 5/24/2024 4th Circuit “Motion and Affidavit for Permission to Appeal *In Forma Pauperis*.” The 4th Circuit GRANTED the *In Forma Pauperis* Motion on 5/29/2024. After a 6/21/2024 4th Circuit Extension “Order,” Petitioner timely filed a 7/22/2024 4th Circuit “Informal Opening Brief” asking additional Federal Questions:

**“Question Presented in Addition to VAED Questions from Paragraph F Below:**

- 1) Whether or not the U.S. District Court for the Eastern District of Virginia erroneously denied (on 4/24/2024 then on 5/2/2024) Appellant’s 4/19/2024 “Notice of Removal” (28 U.S.C. §1441(a, c(1)(A), & f) & 28 U.S.C. §1446(b)(1)) of a Circuit Court of Fairfax County 3/20/2024 *de novo* Appeal from the Fairfax County Juvenile and Domestic Relations District Court where Appellant raised Federal Questions (28 U.S.C. §1331) in the Virginia Courts?
- 2) Whether or not all Virginia State, County, and City Courts are Unconstitutional and/or Illegitimate with respect to the 1971

Constitution of Virginia, Article I, Sections 2 & 5 (Virginia Rights), with respect to the Constitution of the United States, Article VI, Clause 2 (*U.S. Supremacy Clause*), and/or with respect to the *U.S. Supremacy Clause* as found in *Duncan v. McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891)?

- 3) Whether or not Defendant shall receive a fair and impartial *de novo* Trial/Appeal in any Virginia State, County, or City Court where Appellant's Liberty Interest protected by the Due Process Clause of **U.S. Amendment XIV** in the "nurture, upbringing, companionship, care, and custody" of her son E. L.-D. (DOB 2008) has gone unenforced as a matter of Virginia Policy?
- 4) Whether or not Virginia ought to be ordered to convene a Virginia Constitutional Convention to rewrite the 1971 Constitution of Virginia, Article VI, Section 1, 2, & 7 to respect the *U.S. Supremacy Clause*?
- 5) Whether or not Custody and Visitation Arrangements of Appellant's son E. L.-D. (DOB 2008) ought to be immediately modified to guarantee Plaintiff's / Appellee's ALIENATION of Defendant / Appellant [Dalton] from her son E. L.-D. (DOB 2008) ceases?
- 6) Whether or not some or all of these Legal Questions should be Certified to the Supreme Court of the United States?"

In the 12/9/2024 4th Circuit "Judgment," that Court vacated the 4/24/2024 VAED "Order" and the 5/2/2024 VAED "Order" but concluded that it lacked Subject Matter Jurisdiction because the Petitioner did not demonstrate that Respondent's 3/20/2024 Appeal from the FCJ&DRDC to the FCCC involved a Federal Question – so 4th Circuit opined it has no Federal Question Jurisdiction. Thereupon, the VAED issued a 12/9/2024 "Order" to REMAND back to the FCCC. Petitioner believes the 4th Circuit does not appreciate the fact that all Virginia State, County, and City Courts are Unconstitutional and/or Illegitimate such that Petitioner cannot receive a fair and impartial *de novo* Trial/Appeal in the FCCC and/or the Virginia Appellate Courts.

Pending in this Supreme Court of the United States (hereafter "SCOTUS") is *Mercer v. Virginia, et al.*, SCOTUS Case No. 23-7393 which also alleges that all Virginia State, County, and City Courts are Unconstitutional with respect to the *U.S. Supremacy Clause* and the *U.S. Supremacy Clause* as found in *Duncan v.*

*McCall*, 139 U.S. 449, 461, 11 S.Ct. 573, 577 (1891). That pending SCOTUS Case even asks this SCOTUS to extend the ***Incorporation Doctrine*** to make U.S. **Amendment IX** and **U.S. Amendment X** applicable to the States through **U.S. Amendment XIV** and/or the ***U.S. Privileges and Immunity Clause*** (U.S. Constitution, Article IV, Section 2) while requiring Virginia to have a Virginia Constitutional Convention to rewrite the Constitution of Virginia, Article VI, Sections 1, 2, & 7 to agree with the ***U.S. Supremacy Clause***. *Mercer (supra)* cites *Waller v. Florida*, 397 U.S. 387, 90 S.Ct. 1184, 25 L.Ed.2d 435 (1970) as an example of another previously Confederate State like Virginia that ignored the ***U.S. Supremacy Clause*** concerning the **U.S. Amendment V & XIV** State Right protecting Defendants from States that practice Double Jeopardy. *Mercer (supra)* suggests that SCOTUS Rule 10(b) is relevant where this Petitioner believes SCOTUS Rule 10(c) may also apply. *Mercer (supra)* petitions the SCOTUS to have his case joined and/or heard together with this Petitioner's SCOTUS case to be filed. However, *Mercer (supra)* does not clarify that if all Virginia State, County, and City Judges were given authority through an Unconstitutional Process involving the Virginia General Assembly not the PEOPLE (See *Duncan (supra)*), then impeachment of all the Virginia State, County, and City Judges in accordance with the Constitution of Virginia, Article IV, Section 17 is unnecessary. This Petitioner believes all Virginia State, County, and City Judges can be simply dismissed by this SCOTUS.

Therefore, Petitioner believes she has Federal Questions concerning her ability to receive a fair and impartial *de novo* Trial/Appeal in an Unconstitutional Virginia Judiciary that give the Federal Courts and this SCOTUS Federal Question Jurisdiction (28 U.S.C. §1331). Petitioner invoked 28 U.S.C. §2101(f) in her 12/18/2024 4th Circuit "Petition for Rehearing En Banc / Motion for Stay of the 12/9/2024 Judgment" in an effort to Stay the 12/9/2024 4th Circuit "Judgment" until Petitioner could file in this SCOTUS a "Petition for Writ of Certiorari [to the U.S. Court of Appeals for the Fourth Circuit]." On 12/18/2024, the 4th Circuit issued a "Temporary Stay of Mandate" concerning its 12/9/2024 4th Circuit "Judgment" (See **Attached**). In accordance with SCOTUS Rule 13.1, Petitioner has until 3/9/2025 to file in the SCOTUS but plans to file much sooner.

However after the 12/9/2024 4th Circuit "Judgment" and 12/9/2024 VAED Remand "Order," the FCCC issued a 12/18/2024 FCCC "Notice of Hearing on an Appeal to the Circuit Court from a Decision of the Juvenile and Domestic Relations Court" prematurely requiring Petitioner to appear in the FCCC for a Civil Term Day on 1/27/2025 at 11:00 am before her Federal Appeals in the 4th Circuit and SCOTUS for the Removal from FCCC to VAED have been exhausted. Petitioner believes that the Supreme Court of Virginia is attempting to make her Federal

Appeals MOOT. **Attached** are a 1/16/2025 FCCC “Motion to Stay Proceedings in the FCCC until All Federal Appeals Have Been Exhausted” and a 1/16/2025 SCV “Petition for Writ of Mandamus to the Chief Judge of the FCCC, Penney Azcarate to Stay Proceedings in Case No. JA-2024-0000085 Until All Federal Appeals Have Been Exhausted.”

Petitioner fears that while she appeals to have Julio Lacayo v. Natalia Dalton, FCCC Case No. JA-2024-0000085 removed from FCCC to the VAED through her continued Federal Appeals in the 4th Circuit and SCOTUS, the FCCC will schedule Lacayo (supra) for a trial and hear Lacayo (supra) making removal from the FCCC to the VAED impossible and MOOT because it would actually be an inappropriate appeal from the FCCC to the VAED instead of an appropriate appeal from the FCCC to the Court of Appeals of Virginia (hereafter “COAV”).

Herein, Petitioner applies to the Circuit Justice of the SCV (John G. Roberts, Jr.) for a “Stay of Proceedings in FCCC Case No. JA-2024-0000085 Until All Federal Appeals Have Been Exhausted and/or a Writ of Mandamus to the Chief Judge of the SCV (S. Bernard Goodwyn) and/or SCV for a Writ of Mandamus to the Chief Judge of the FCCC (Penney S. Azcarate) to Stay Proceedings in FCCC Case No. JA-2024-0000085 Until All Federal Appeals Have Been Exhausted.”

### 28 U.S.C. §1746 DECLARATIONS WITH SIGNATURE

**I DECLARE** under penalty of perjury under the laws of the United States of America that the foregoing “Emergency Application to the Circuit Justice for the Supreme Court of Virginia (John G. Roberts, Jr.) for a Rule 23 Stay” is true and correct. Executed on January 16, 2025.



Natalia Dalton, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
natalia.dalton@gmail.com

FILED: December 18, 2024

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 24-1480  
(1:24-cv-00653-LMB-WBP)

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JULIO LACAYO

Plaintiff - Appellee

v.

NATALIA DALTON

Defendant - Appellant

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TEMPORARY STAY OF MANDATE

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Under Fed. R. App. P. 41(b), the filing of a timely petition for rehearing or rehearing en banc stays the mandate until the court has ruled on the petition. In accordance with Rule 41(b), the mandate is stayed pending further order of this court.

/s/Nwamaka Anowi, Clerk



COPY

In the Supreme Court of Virginia  
100 North 9th Street, 5th Floor, Richmond, Virginia 23219-1315  
(804) 786-2251

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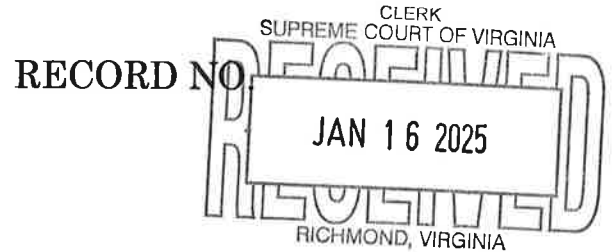
NATALIA LANELL DALTON, \*

Petitioner, \*

versus \*

JULIO CAESAR LACAYO, \*

Respondent. \*



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**MOTION FOR LEAVE OF COURT TO PROCEED  
IN FORMA PAUPERIS**

COMES NOW the Petitioner, NATALIA LANELL DALTON, *pro se*, moving this Supreme Court of Virginia (hereafter “SCV”) for Leave to Proceed *In Forma Pauperis*. Petitioner was granted Leave to Proceed *In Forma Pauperis* in both the U.S. District Court for the Eastern District of Virginia (or at least not charged to file a 4/19/2024 case in that Court) and the U.S. Court of Appeals for the Fourth Circuit on 5/29/2024 to present.

**28 U.S.C. §1746 DECLARATION IN SUPPORT OF  
MOTION FOR LEAVE OF COURT TO PROCEED IN FORMA  
PAUPERIS**

I, Natalia Lanell Dalton, am the **unmarried** Petitioner in the above-entitled case. In support of my motion for leave of Court to proceed *in forma pauperis*, I state that because of my poverty, I am unable to pay the costs of the accompanying SCV “Petition for Writ of Mandamus to the Chief Judge of the Circuit Court of Fairfax County Penney S. Azcarate to Stay Proceedings in Case No. JA-2024-0000085 Until All Federal Appeals Have Been Exhausted” and I believe I am entitled to redress.

1. Here is an estimate of average amount of money received [and expected] from the following sources during the past 12 months [next month] adjusted to monthly figures before taxes, deductions, or otherwise:

	<b><u>Past 12 Months</u></b> Petitioner	<b><u>Next Month:</u></b> Petitioner
Employment	\$935.05	\$696.89
Self-Employment	\$0.00	\$0.00
Income from real property (such as rental income)	\$0.00	\$0.00
Interest and dividends	\$0.00	\$0.00

Gifts	\$0.00	\$0.00
Alimony	\$0.00	\$0.00
Child Support	\$0.00	\$0.00
Retirement (such as social security, pensions, annuities, insurance)	\$0.00	\$0.00
Disability (such as social Security, insurance pmt's)	\$0.00	\$0.00
Unemployment payments	\$0.00	\$0.00
Public-assistance (such as welfare)	\$430.00	\$430.00
Other: _____	\$0.00	\$0.00
<b>Total monthly income:</b>	<b>\$1,365.05</b>	<b>\$1,126.89</b>

2. My employment history for the past two years, most recent first is:

Employer	Address	Dates	Gross Monthly
Kohl's	2100 Centreville Road Herndon, Virginia 20170	Since 3/2016	\$935.05

3. I am unmarried so spouse's employment history for the past two years is **NOT APPLICABLE**.

4. The amount of cash I have is \$35. The money I have in bank accounts and other financial institutions are as follows:

<b>Type of Account</b>	<b>Petitioner Amount</b>
<b>Checking</b>	<b>\$424.15</b>

5. My assets and their values which I own do not include any Real Estate, any Vehicles, or Other Assets so this section is **NOT APPLICABLE**.

6. There is no person, business, or organization owing myself money so this section is **NOT APPLICABLE**.

7. The only person who relies on me for support is my son E. L.-D. (DOB 2008) who Respondent Julio Lacayo has alienated from me by refusing to allow me visitation using Inappropriate and Unconstitutional Court Orders awarding Sole Legal Custody and Primary Physical Custody to Respondent Lacayo which Court Orders are from the Alexandria City Circuit Court (hereafter "ACCC") issued by ACCC Judge Lisa Kemler. Child Support Payments without allowing me Visitation are unfairly being deducted from my paychecks:

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
-------------	---------------------	------------

E. L.-D.            Son            16 years 11 months

8. An estimate of my average monthly expenses:

	Petitioner
Rent or home-mortgage payment (includes real estate taxes and property insurance)	\$0.00
Utilities (electricity, water, telephone, internet)	\$80.00
Home maintenance	\$0.00
Food	\$550.00
Clothing	\$60.00
Laundry and dry cleaning	\$6.50
Medical and dental expenses	\$20.00
Transportation (no motor vehicle owned)	\$75.00
Recreation, entertainment, newspaper, magazines, etc.	\$125.00
Insurance (not deducted from wages or included in mortgage payments):	
Homeowner's insurance	\$0.00
Life insurance	\$0.00
Health insurance (Medical, Vision, Dental)	\$0.00
Motor Vehicle insurance	\$0.00
Other: _____	\$0.00

Taxes (not deducted from wages  
or included in mortgage payments):

(specify): \_\_\_\_\_ \$0.00

Installment payments:

Motor Vehicle \$0.00

Credit Card(s) \$100.00

Department store(s) \$35.00

Other: \_\_\_\_\_ \$0.00

Alimony, maintenance, and support pd to others \$210.07

Regular expenses for operation of business,  
profession, or farm (attach detailed statement):

Other (specify): \_\_\_\_\_ \$0.00

**Total Monthly Expenses: \$1,261.57**

9. I currently do not expect any major changes to my income but I occasionally interview for better jobs and have been turned down several times because my license has been unduly suspended by the Virginia Department of Social Services' Division of Child Support Enforcement.

10. I have not paid any attorney any money for services in connection with this case. I am totally *pro se* at this time and have been *pro se* for the duration of the litigation presented hereafter.

11. I have not paid anyone other than an attorney (such as a paralegal or typist) any money for services in connection with this case including completion of this form. I am completing this form myself with non-attorney friends who help me free of charge because Virginia's treatment of me is so unjust.

**WHEREFORE**, Petitioner herein moves this SCV for Leave to Proceed *In Forma Pauperis*.



Natalia Dalton, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
703-508-0820  
natalia.dalton@gmail.com

### **CERTIFICATE OF SERVICE**

I CERTIFY that on Friday, January 16, 2025, I mailed certified a true and exact copy of the foregoing "Motion for Leave of Court of Proceed *In Forma Pauperis*" to: 1) Julio Lacayo; 2) Attorney General of

the United States being Merrick Garland; **3)** United States Attorney for the Eastern District of Virginia being Jessica D. Aber; and **4)** the Attorney General of Virginia being Jason Miyares “because 28 U.S.C. §2403(b) may apply:”

Julio Lacayo  
236 S. Jenkins Street  
Alexandria, Virginia 22304  
202-302-5300  
julio.lacayo@gmail.com

Merrick Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001  
202-514-2000

Jessica D. Aber  
United States Attorney for the Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria, VA 22314  
703-299-3700

Jason Miyares  
Attorney General of Virginia  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219

**28 U.S.C. §1746 DECLARATIONS WITH SIGNATURE**



**I DECLARE** under penalty of perjury under the laws of the United States of America that the foregoing “Motion for Leave of Court of Proceed *In Forma Pauperis*” is true and correct. Executed on January 16, 2025.

A handwritten signature in black ink that reads "Natalia Dalton". The signature is written in a cursive style with a horizontal line underneath the name.

Natalia Dalton, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
natalia.dalton@gmail.com

COPY

In the Supreme Court of Virginia

100 North 9th Street, 5th Floor, Richmond, Virginia 23219-1315

(804) 786-2251

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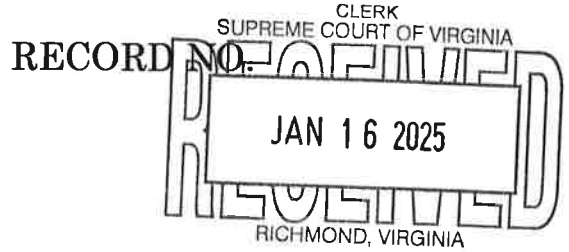
NATALIA LANELL DALTON, \*

Petitioner, \*

versus \*

JULIO CAESAR LACAYO, \*

Respondent. \*



\*\*\*\*\*

**PETITION FOR WRIT OF MANDAMUS TO THE CHIEF JUDGE OF THE CIRCUIT COURT OF FAIRFAX COUNTY, PENNEY S. AZCARATE TO STAY PROCEEDINGS IN CASE NO. JA-2024-0000085 UNTIL ALL FEDERAL APPEALS HAVE BEEN EXHAUSTED**

COMES NOW the Petitioner, NATALIA LANELL DALTON, *pro se*, petitioning this Supreme Court of Virginia (hereafter “SCV”) for a Writ of Mandamus to the Chief Judge of the Circuit Court of Fairfax County (hereafter “FCCC”), Penney S. Azcarate ORDERING her to STAY Proceedings in *Julio Lacayo v. Natalia Dalton*, FCCC Case No. JA-2024-0000085 until all Petitioner’s Federal Appeals have been exhausted. Petitioner states as and for her Petition the following:

- 1) The Fairfax County Juvenile and Domestic Relations District Court (hereafter “FCJ&DRDC”) issued a 3/12/2024 “Child Support Order” in Julio Lacayo v. Natalia Dalton, FCJ&DRDC Case No. JA413878-06-00.
- 2) In accordance with the Code of Virginia §16.1-296(A), Plaintiff Lacayo filed a timely 3/20/2024 FCJ&DRDC to FCCC “Notice of Appeal – Support Proceeding” creating FCCC Case No. JA-2024-0000085.
- 3) In accordance with 28 U.S.C. §1446(b)(1), Defendant Dalton filed a timely 4/19/2024 “Notice of Removal” in the U.S. District Court for the Eastern District of Virginia (hereafter “VAED”) and a 4/24/24 FCCC “Notice that Circuit Court Case Herein Was Removed to U.S. District Court for the Eastern District of Virginia.”
- 4) In Julio Lacayo v. Natalia Dalton, VAED Case No. 1:24-cv-653 (LMB/WBP) by 4/24/2024 VAED “Order” and 5/2/2024 VAED “Order,” the VAED DISMISSED Defendant Dalton’s 4/19/2024 “Notice of Removal” and DENIED AS MOOT her 4/19/2024 VAED “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).”

- 5) Appellant Dalton filed a timely 5/24/2024 “Notice of Appeal to the U.S. Court of Appeals for the Fourth Circuit” (hereafter “4th Circuit”) with a 5/24/2024 4th Circuit “Motion and Affidavit for Permission to Appeal *In Forma Pauperis*.”
- 6) In *Julio Lacayo v. Natalia Dalton*, 4th Circuit Case No. 24-1480, the 4th Circuit GRANTED Appellant’s 5/24/2024 4th Circuit ““Motion and Affidavit for Permission to Appeal *In Forma Pauperis*” on 5/29/2024.
- 7) After 6/21/2024 4th Circuit Extension “Order,” Appellant Dalton filed a timely 7/22/2024 4th Circuit “Informal Opening Brief.”
- 8) By 12/9/2024 4th Circuit “Judgment,” the 4/24/2024 VAED “Order” and 5/2/2024 VAED “Order” were vacated, the 4th Circuit REMANDED back to the VAED with instructions for the VAED to REMAND back to the FCCC, and the VAED issued a 12/9/2024 “Order” REMANDING back to the FCCC.
- 9) Appellant Dalton filed a timely 12/18/2024 4th Circuit “Petition for Rehearing En Banc / Motion for Stay of the 12/9/2024 Judgment” in order to file a “Petition for Writ of Certiorari [to the U.S. Court of Appeals for the 4th Circuit]” in the Supreme Court

of the United States (hereafter “SCOTUS”) by 3/9/2025 but hopefully sooner.

- 10) Thereafter on 12/18/2024, the 4th Circuit issued a “Temporary Stay of Mandate” under Federal Rules of Appellate Procedure 41(b) (see attached).
- 11) Additionally on 12/18/2024, the FCCC issued a premature “Notice of Hearing on an Appeal to the Circuit Court from a Decision of the Juvenile and Domestic Relations Court” requiring FCCC Defendant Dalton to appear in the FCCC on 1/27/2025 at 11:00 am for a Civil Term Day Hearing to schedule the FCJ&DRDC to FCCC Appeal (Case No. JA-2024-0000085) for Trial before Federal Appellant Dalton’s appeals in the 4th Circuit and SCOTUS had been exhausted.
- 12) In accordance with SCOTUS Rule 13.1, Federal Petitioner Dalton has until 3/9/2025 to file a SCOTUS “Petition for Writ of Certiorari [to the U.S. Court of Appeal for the 4th Circuit]” preceded by a 3/9/2025 SCOTUS “Motion for Leave of Court to Proceed *In Forma Pauperis*.”

- 13) In accordance SCOTUS Rule 23 which references 28 U.S.C. §2101(f), the Circuit Justice of the 4th Circuit being SCOTUS Chief Justice John G. Roberts, Jr. could issue a STAY in 4th Circuit Case No. 24-1480 after the 12/9/2024 4th Circuit “Judgment.” However due to SCOTUS Rule 23’s reference to 28 U.S.C §2101(f), Petitioner doubted that the SCOTUS Circuit Justice for the 4th Circuit would have issued a STAY in 4th Circuit Case No. 24-1480 after the 12/9/2024 4th Circuit “Judgment” without Petitioner first moving the 4th Circuit to STAY its own 12/9/2024 “Judgment” in accordance with 28 U.S.C. §2101(f) which states, “... The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court. ...” Therefore, Petitioner filed 12/18/2024 4th Circuit “Petition for Rehearing En Banc / Motion for Stay of the 12/9/2024 Judgment” which led to the 4th Circuit issuing a 12/18/2024 “Temporary Stay of Mandate” under Federal Rules of Appellate Procedure 41(b) (**see attached**).
- 14) Likewise, in order for the Circuit Justice of the SCV also being SCOTUS Chief Justice John G. Roberts, Jr. to issue a STAY

in the FCCC of all Proceedings in Julio Lacayo v. Natalia Dalton, FCCC Case No. JA-2024-0000085, Petitioner must first move the FCCC to STAY its own 1/27/2025 at 11:00 am Hearing and to STAY all other Proceedings in FCCC Case No. JA-2024-0000085 until all Petitioner's Federal Appeals in the 4th Circuit and SCOTUS are exhausted.

- 15) Because the SCOTUS Circuit Justice cannot ORDER the FCCC to do anything but can only ORDER this SCV to do something in Virginia, in addition to first moving the FCCC to STAY its own 1/27/2025 at 11:00 am Hearing and all other Orders in FCCC Case No. JA-2024-0000085 until all Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted, Petitioner must petition this SCV for a Writ of Mandamus to the Chief Judge of the FCCC being Penney S. Azcarate to STAY the 1/27/2025 at 11:00 am Hearing and all FCCC Proceedings in FCCC Case No. JA-2024-0000085 until Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted. In this way, the SCOTUS Circuit Justice for the SCV being Chief Justice John G. Roberts, Jr. could then ORDER the Chief Judge of

the SCV being S. Bernard Goodwyn and/or the SCV to issue a Writ of Mandamus to the Chief Judge of the FCCC being Penney S. Azcarate to STAY the 1/27/2025 at 11:00 am Hearing and all FCCC Proceedings in FCCC Case No. JA-2024-0000085 until all Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted.

16) After the FCCC Motion and this SCV Petition for Writ of Mandamus have been filed, Petitioner could file a SCOTUS Rule 22 Application to the SCOTUS Circuit Justice for the SCV "applying" to have an ORDER issued to the Chief Judge of the SCV and/or the SCV to then issue a Writ of Mandamus to the Chief Judge of the FCCC to STAY the 1/27/2025 at 11:00 am Hearing and all FCCC Proceedings in FCCC Case No. JA-2024-0000085 until all Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted.

17) Petitioner fears that while she appeals to have Julio Lacayo v. Natalia Dalton, FCCC Case No. JA-2024-0000085 removed from FCCC to the VAED through her continued Federal Appeals in the 4th Circuit and SCOTUS, the FCCC will schedule Lacayo (supra)



for a trial and hear Lacayo (*supra*) making removal from the FCCC to the VAED impossible and MOOT because it would actually be an inappropriate appeal from the FCCC to the VAED instead of an appropriate appeal from the FCCC to the Court of Appeals of Virginia (hereafter “COAV”).

**WHEREFORE**, SCV Petitioner herein petitions this SCV for a Writ of Mandamus to the Chief Judge of the FCCC being Penney S. Azcarate which ORDERS all Proceedings in Julio Lacayo v. Natalia Dalton, FCCC Case No. JA-2024-0000085 including the 1/27/2025 at 11:00 am Hearing STAYED until all Petitioner’s Federal Appeals in the 4th Circuit and SCOTUS have been exhausted.



Natalia Dalton, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
703-508-0820  
natalia.dalton@gmail.com

### **CERTIFICATE OF SERVICE**

I CERTIFY that on Friday, January 16, 2025, I mailed certified a true and exact copy of the foregoing “Petition for Writ of Mandamus to

the Chief Judge of the Circuit Court of Fairfax County, Penney S. Azcarate to Stay Proceedings in Case No. JA-2024-0000085 Until All Federal Appeals Have Been Exhausted” to: **1) Julio Lacayo; 2) Attorney General of the United States being Merrick Garland; 3) United States Attorney for the Eastern District of Virginia being Jessica D. Aber; and 4) the Attorney General of Virginia being Jason Miyares “because 28 U.S.C. §2403(b) may apply:”**

Julio Lacayo  
236 S. Jenkins Street  
Alexandria, Virginia 22304  
202-302-5300  
julio.lacayo@gmail.com

Merrick Garland  
Attorney General of the United States  
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950 Pennsylvania Avenue, N.W.  
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202-514-2000

Jessica D. Aber  
United States Attorney for the Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria, VA 22314  
703-299-3700

Jason Miyares  
Attorney General of Virginia  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219

**28 U.S.C. §1746 DECLARATIONS WITH SIGNATURE**

**I DECLARE** under penalty of perjury under the laws of the United States of America that the foregoing “Petition for Writ of Mandamus to the Chief Judge of the Circuit Court of Fairfax County, Penney S. Azcarate to Stay Proceedings in Case No. JA-2024-0000085 Until All Federal Appeals Have Been Exhausted” is true and correct. Executed on January 16, 2025.

A handwritten signature in cursive script that reads "Natalia Dalton". The signature is written in black ink and is positioned above a horizontal line.

Natalia Dalton, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
natalia.dalton@gmail.com

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 24-1480  
(1:24-cv-00653-LMB-WBP)

---

JULIO LACAYO

Plaintiff - Appellee

v.

NATALIA DALTON

Defendant - Appellant

---

TEMPORARY STAY OF MANDATE

---

Under Fed. R. App. P. 41(b), the filing of a timely petition for rehearing or rehearing en banc stays the mandate until the court has ruled on the petition. In accordance with Rule 41(b), the mandate is stayed pending further order of this court.

/s/Nwamaka Anowi, Clerk

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**  
**4110 Chain Bridge Road, Fairfax, Virginia 22030, 703-691-7320**

2025 JUN 16 P 12:01

**JULIO CESAR LACAYO,** )  
 )  
 **Plaintiff / Petitioner,** )  
 )  
 **v.** )  
 )  
 **NATALIA LANELL DALTON,** )  
 )  
 **Defendant / Respondent.** )  
 )

**Case Number: JA-2024-0000085**

**MOTION TO STAY PROCEEDINGS IN THE CIRCUIT COURT OF FAIRFAX COUNTY UNTIL ALL FEDERAL APPEALS HAVE BEEN EXHAUSTED**

**COMES NOW** the Defendant / Respondent, **NATALIA LANELL DALTON**, *pro se*, in accordance with 28 U.S.C. §2101(f) and Federal Rules of Appellate Procedure 41(b) moving this Court for a **STAY** of the 1/27/2025 at 11:00 am Hearing and all other Proceedings in this case until Defendant's / Respondent's Federal Appeals in the U.S. Court of Appeals for the Fourth Circuit and Supreme Court of the United States are exhausted. Defendant / Respondent states as follows:

- 1) The Fairfax County Juvenile and Domestic Relations District Court (hereafter "**FCJ&DRDC**") issued a 3/12/2024 "Child Support Order" in *Julio Lacayo v. Natalia Dalton*, FCJ&DRDC Case No. JA413878-06-00.
- 2) In accordance with the Code of Virginia §16.1-296(A), Plaintiff Lacayo filed a timely 3/20/2024 FCJ&DRDC to Circuit Court of Fairfax County (hereafter

“FCCC”) “Notice of Appeal – Support Proceeding” creating this FCCC Case No. JA-2024-0000085.

- 3) In accordance with 28 U.S.C. §1446(b)(1), Defendant Dalton filed a timely 4/19/2024 “Notice of Removal” in the U.S. District Court for the Eastern District of Virginia (hereafter “VAED”) and a 4/24/24 FCCC “Notice that Circuit Court Case Herein Was Removed to U.S. District Court for the Eastern District of Virginia.”
- 4) In Julio Lacayo v. Natalia Dalton, VAED Case No. 1:24-cv-653 (LMB/WBP) by 4/24/2024 VAED “Order” and 5/2/2024 VAED “Order,” the VAED DISMISSED Defendant Dalton’s 4/19/2024 “Notice of Removal” and DENIED AS MOOT her 4/19/2024 VAED “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).”
- 5) Appellant Dalton filed a timely 5/24/2024 “Notice of Appeal to the U.S. Court of Appeals for the Fourth Circuit” (hereafter “4th Circuit”) with a 5/24/2024 4th Circuit “Motion and Affidavit for Permission to Appeal *In Forma Pauperis*.”
- 6) In Julio Lacayo v. Natalia Dalton, 4th Circuit Case No. 24-1480, the 4th Circuit GRANTED Appellant’s 5/24/2024 4th Circuit “Motion and Affidavit for Permission to Appeal *In Forma Pauperis*” on 5/29/2024.
- 7) After 6/21/2024 4th Circuit Extension “Order,” Appellant Dalton filed a timely 7/22/2024 4th Circuit “Informal Opening Brief.”

- 8) By 12/9/2024 4th Circuit “Judgment,” the 4/24/2024 VAED “Order” and 5/2/2024 VAED “Order” were vacated, the 4th Circuit REMANDED back to the VAED with instructions for the VAED to REMAND back to the FCCC, and the VAED issued a 12/9/2024 “Order” REMANDING back to the FCCC.
- 9) Appellant Dalton filed a timely 12/18/2024 4th Circuit “Petition for Rehearing En Banc / Motion for Stay of the 12/9/2024 Judgment” in order to file a “Petition for Writ of Certiorari [to the U.S. Court of Appeals for the 4th Circuit]” in the Supreme Court of the United States (hereafter “SCOTUS”) by 3/9/2025 but hopefully sooner.
- 10) Thereafter on 12/18/2024, the 4th Circuit issued a “Temporary Stay of Mandate” under Federal Rules of Appellate Procedure 41(b) (see attached).
- 11) Additionally on 12/18/2024, the FCCC issued a premature “Notice of Hearing on an Appeal to the Circuit Court from a Decision of the Juvenile and Domestic Relations Court” requiring FCCC Defendant Dalton to appear in the FCCC on 1/27/2025 at 11:00 am for a Civil Term Day Hearing to schedule the FCJ&DRDC to FCCC Appeal (Case No. JA-2024-0000085) for Trial before Federal Appellant Dalton’s appeals in the 4th Circuit and SCOTUS had been exhausted.
- 12) In accordance with SCOTUS Rule 13.1, Federal Petitioner Dalton has until 3/9/2025 to file a SCOTUS “Petition for Writ of Certiorari [to the U.S. Court of Appeal for the 4th Circuit]” preceded by a 3/9/2025 SCOTUS “Motion for Leave of Court to Proceed *In Forma Pauperis*.”

13) In accordance SCOTUS Rule 23 which references 28 U.S.C. §2101(f), the Circuit Justice of the 4th Circuit being SCOTUS Chief Justice John G. Roberts, Jr. could issue a STAY in 4th Circuit Case No. 24-1480 after the 12/9/2024 4th Circuit “Judgment.” However due to SCOTUS Rule 23’s reference to 28 U.S.C §2101(f), Petitioner doubted that the SCOTUS Circuit Justice for the 4th Circuit would have issued a STAY in 4th Circuit Case No. 24-1480 after the 12/9/2024 4th Circuit “Judgment” without Petitioner first moving the 4th Circuit to STAY its own 12/9/2024 “Judgment” in accordance with 28 U.S.C. §2101(f) which states, “... The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court. ...” Therefore, Petitioner filed 12/18/2024 4th Circuit “Petition for Rehearing En Banc / Motion for Stay of the 12/9/2024 Judgment” which led to the 4th Circuit issuing a 12/18/2024 “Temporary Stay of Mandate” under Federal Rules of Appellate Procedure 41(b) (**see attached**).

14) Likewise, in order for the Circuit Justice of the SCV also being SCOTUS Chief Justice John G. Roberts, Jr. to issue a STAY in the FCCC of all Proceedings in Julio Lacayo v. Natalia Dalton, FCCC Case No. JA-2024-0000085, Petitioner must first move this FCCC to STAY its own 1/27/2025 at 11:00 am Hearing and to STAY all other Proceedings in FCCC Case No. JA-2024-0000085 until all Petitioner’s Federal Appeals in the 4th Circuit and SCOTUS are exhausted.



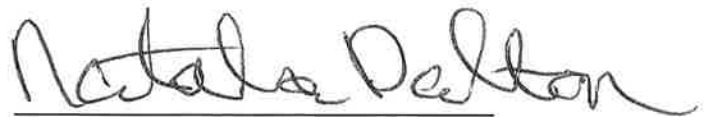
15) Because the SCOTUS Circuit Justice cannot ORDER this FCCC to do anything but can only ORDER this SCV to do something in Virginia, in addition to first moving the FCCC to STAY its own 1/27/2025 at 11:00 am Hearing and all other Orders in FCCC Case No. JA-2024-0000085 until all Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted, Petitioner must petition the SCV for a Writ of Mandamus to the Chief Judge of the FCCC being Penney S. Azcarate to STAY the 1/27/2025 at 11:00 am Hearing and all FCCC Proceedings in FCCC Case No. JA-2024-0000085 until Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted. In this way, the SCOTUS Circuit Justice for the SCV being Chief Justice John G. Roberts, Jr. could then ORDER the Chief Judge of the SCV being S. Bernard Goodwyn and/or the SCV to issue a Writ of Mandamus to the Chief Judge of the FCCC being Penney S. Azcarate to STAY the 1/27/2025 at 11:00 am Hearing and all FCCC Proceedings in FCCC Case No. JA-2024-0000085 until all Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted.

16) After this FCCC Motion and the SCV Petition for Writ of Mandamus have been filed, Petitioner could file a SCOTUS Rule 22 Application to the SCOTUS Circuit Justice for the SCV "applying" to have an ORDER issued to the Chief Judge of the SCV and/or the SCV to then issue a Writ of Mandamus to the Chief Judge of the FCCC to STAY the 1/27/2025 at 11:00 am Hearing and all FCCC Proceedings in FCCC Case No. JA-2024-0000085 until all

Petitioner's Federal Appeals in the 4th Circuit and SCOTUS have been exhausted.

- 17) Petitioner fears that while she appeals to have Julio Lacayo v. Natalia Dalton, FCCC Case No. JA-2024-0000085 removed from FCCC to the VAED through her continued Federal Appeals in the 4th Circuit and SCOTUS, the FCCC will schedule Lacayo (supra) for a trial and hear Lacayo (supra) making removal from the FCCC to the VAED impossible and MOOT because it would actually be an inappropriate appeal from the FCCC to the VAED instead of an appropriate appeal from the FCCC to the Court of Appeals of Virginia (hereafter "COAV").

**WHEREFORE**, Defendant / Respondent Dalton moves this Court for a STAY of the 1/27/2025 at 11:00 am Hearing and all other Proceedings in this case until Defendant's / Respondent's Federal Appeals in the 4th Circuit and SCOTUS are exhausted.



Natalia Dalton, *pro se*  
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Apartment #201  
Reston, Virginia 20190  
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natalia.dalton@gmail.com

**CERTIFICATE OF SERVICE**

I CERTIFY that on Friday, January 16, 2025, I mailed certified a true and exact copy of the foregoing “Motion to Stay Proceedings in the Circuit Court of Fairfax County Until All Federal Appeals Have Been Exhausted” to: 1) Julio Lacayo; 2) Attorney General of the United States being Merrick Garland; 3) United States Attorney for the Eastern District of Virginia being Jessica D. Aber; and 4) the Attorney General of Virginia being Jason Miyares “because 28 U.S.C. §2403(b) may apply.”

Julio Lacayo  
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Merrick Garland  
Attorney General of the United States  
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Jessica D. Aber  
United States Attorney for the Eastern District of Virginia  
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703-299-3700

Jason Miyares  
Attorney General of Virginia  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219

#### **28 U.S.C. §1746 DECLARATIONS WITH SIGNATURE**

I DECLARE under penalty of perjury under the laws of the United States of America that the foregoing “Motion to Stay Proceedings in the Circuit Court of

Fairfax County Until All Federal Appeals Have Been Exhausted” is true and correct.  
Executed on January 16, 2025.

A handwritten signature in black ink that reads "Natalia Dalton". The signature is written in a cursive style with a horizontal line underneath the name.

Natalia Dalton, *pro se*  
11625 Charter Oak Court  
Apartment #201  
Reston, Virginia 20190  
natalia.dalton@gmail.com

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 24-1480  
(1:24-cv-00653-LMB-WBP)

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JULIO LACAYO

Plaintiff - Appellee

v.

NATALIA DALTON

Defendant - Appellant

---

TEMPORARY STAY OF MANDATE

---

Under Fed. R. App. P. 41(b), the filing of a timely petition for rehearing or rehearing en banc stays the mandate until the court has ruled on the petition. In accordance with Rule 41(b), the mandate is stayed pending further order of this court.

/s/Nwamaka Anowi, Clerk

CASE NO.

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IN THE  
SUPREME COURT OF THE UNITED STATES

---

NATALIA DALTON,

Petitioner,

vs.

JULIO LACAYO, ET AL.

Respondents.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit

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RULE 29 PROOF OF SERVICE

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17532

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
MAR 27 2017  
FBI - MEMPHIS

NATALIA DALTON  
Petitioner, *pro se*  
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Reston, Virginia 20190  
Natalia.dalton@gmail.com  
703-508-0820

**RULE 29 PROOF OF SERVICE  
(28 U.S.C. §2403(b) MAY APPLY)**

I CERTIFY that this 16th day of January, 2025 I mailed certified using USPS: a) one true copy of the 1/16/2025 “Emergency Application to the Circuit Justice for the Supreme Court of Virginia (John G. Roberts, Jr.) for a Rule 23 Stay;” with b) one true copy of this “Rule 29 Proof of Service” to each counsel for Respondents in this case at the following addresses: 1) Julio Lacayo; 2) Attorney General of the United States being Merrick Garland; 3) United States Attorney for the Eastern District of Virginia being Jessica D. Aber; and 4) the Attorney General of Virginia being Jason Miyares “because 28 U.S.C. §2403(b) may apply:”

Julio Lacayo  
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Merrick Garland  
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Jason Miyares  
Attorney General of Virginia  
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**28 U.S.C. §1746 DECLARATIONS WITH SIGNATURE**

**I DECLARE** under penalty of perjury under the laws of the United States of America that the foregoing "Rule 29 Proof of Service" is true and correct. Executed on January 16, 2025.



Natalia Dalton, *pro se*  
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