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SJC-13310

IMRE KIFOR vs. COMMONWEALTH & others.¹

October 13, 2022.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, Imre Kifor, appeals from a judgment of a single justice of this court denying his petition pursuant to G. L. c. 211, § 3. We affirm.

In his petition, Kifor stated that he was seeking relief from "activities" of the respondents that "are continually not according to the course of the common law." His claims appear to stem from several different proceedings, both in the trial court and the Appeals Court, and he argued, among other things, that he has been subject to systemic fraud and "preclusion" of appeals. He also argued that his due process rights have been violated. The single justice denied the petition without a hearing.

Kifor has now filed what purports to be a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), even though, as best we can discern from the record, he is not challenging any interlocutory ruling of the trial court. Indeed, it is difficult to discern what, specifically, he is challenging, although it is clear that he is expressing general dissatisfaction with various lower court rulings and judgments. This is not the first time that Kifor has sought relief in this court. See, e.g., Kifor v. Commonwealth, 490 Mass. 1003 (2022). In that case, as here, Kifor had adequate alternative remedies available to him,

¹ Attorney General and Middlesex Division of the Probate and Family Court Department.

notwithstanding his assertions to the contrary. Indeed, he has pursued several of those avenues, including in the Appeals Court. See, e.g., Duchesne v. Kifor, 101 Mass. App. Ct. 1111, S.C., 490 Mass. 1106 (2022). That those appeals were not successful -- that is, that they did not lead to decisions in Kifor's favor -- does not entitle Kifor to additional review. General Laws c. 211, § 3, "does not provide a second opportunity" for relief. Guzzi v. Secretary of Pub. Safety, 450 Mass. 1016, 1016 (2007). "Relief under G. L. c. 211, § 3, is properly denied where there are adequate and effective routes other than c. 211, § 3, by which the petitioning party may seek relief." Greco v. Plymouth Sav. Bank, 423 Mass. 1019, 1019 (1996).

The single justice did not err or abuse his discretion in denying relief under G. L. c. 211, § 3.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Imre Kifor, pro se.