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SJC-13339

IMRE KIFOR vs. COMMONWEALTH & others.¹

December 1, 2022.

Supreme Judicial Court, Superintendence of inferior courts.
Practice, Civil, Action in the nature of certiorari.

Imre Kifor appeals from a judgment of the county court denying, without a hearing, his petition for relief in the nature of certiorari under G. L. c. 249, § 4. We affirm the judgment.

Kifor has filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), although it is unclear what, if any, interlocutory ruling of the trial court is being challenged. Regardless of whether the rule technically applies here, it is clear that the single justice neither erred nor abused his discretion by denying relief. In his petition, Kifor was apparently seeking to have this court intervene in proceedings in the Probate and Family Court concerning the custody and support of his children. Such proceedings are reviewable in the ordinary appellate process.² "It would be hard to find any principle more fully established in our practice than the principle that neither mandamus nor certiorari is to be used as a substitute for ordinary appellate procedure or used at

¹ Middlesex Division of the Probate and Family Court Department, Barbara A. Duchesne, and Cynthia S. Oulton.

² Indeed, Kifor has invoked the ordinary appellate process in this matter in the past. See Kifor v. Duchesne, 101 Mass. App. Ct. 1111, S.C., 490 Mass. 1106 (2022). The fact that the Appeals Court did not rule in Kifor's favor does not entitle him to additional review.

any time when there is another adequate remedy." D'Errico v. Board of Registration of Real Estate Brokers & Salespersons, 490 Mass. 1008, 1008 (2022), quoting Matter of Burnham, 484 Mass. 1036, 1036 (2020).

This is the third time that Kifor has sought some form of extraordinary relief from this court, all arising from the same litigation between him and the mothers of his children.³ See Kifor v. Commonwealth (No. 2), 490 Mass. 1019 (2022); Kifor v. Commonwealth (No. 1), 490 Mass. 1003 (2022). Each time, we have clearly advised him that he is not entitled to extraordinary relief, whether pursuant to the certiorari statute, our superintendent powers under G. L. c. 211, § 3, or otherwise, to correct errors that are reviewable in the ordinary appellate process. Kifor is on notice that further attempts to obtain such relief in like circumstances may result in the imposition of sanctions.

Judgment affirmed.

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

Imre Kifor, pro se.

³ We are also advised that Kifor has filed further petitions in the county court. Those petitions are not before us now, and we express no view as to them.