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UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 25-1661

NAQUEA ELAINE JOHNSON,

Plaintiff - Appellant,

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transcripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation;

WILLIAM BRANCH, individually and not in his official capacity as an employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, Chief District Judge. (2:25-cv-00186-MSD-DEM)

Submitted: September 25, 2025

Decided: September 29, 2025

Before GREGORY and WYNN, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Naquea Elaine Johnson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Naquea Elaine Johnson appeals the district court's order denying her motion to proceed in forma pauperis. Having reviewed the record and Johnson's submissions on appeal, we conclude that the district court did not abuse its discretion in denying Johnson's motion.* See *Dillard v. Liberty Loan Corp.*, 626 F.2d 363, 364 (4th Cir. 1980). Accordingly, we affirm the district court's order. *Johnson v. New Jersey*, No. 2:25-cv-00186-MSD-DEM (E.D. Va. June 6, 2025). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* A district court's order denying a motion to proceed in forma pauperis is immediately appealable. *Roberts v. U.S. Dist. Court*, 339 U.S. 844, 845 (1950). Although this court granted Johnson's motion to proceed in forma pauperis on appeal, we decline to disturb the district court's order given our deferential standard of review. See *Brodziak v. Runyon*, 145 F.3d 194, 196 (4th Cir. 1998) ("Reversal for abuse of discretion is reserved for those instances in which the court is clearly wrong; a[decision] within the discretion of the court should be affirmed even though we might have exercised that discretion quite differently." (internal quotation marks omitted)).

FILED: September 29, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661
(2:25-cv-00186-MSD-DEM)

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk

Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN BUSH, individually and his official capacity as legal counsel; TIFFANY CLARKE-BURROUGHS, individually and her official capacity as Attorney of Burroughs Family Law LLC; SCOTT COHEN, individually and his capacity as Agency Director of G&L Transripts of NJ; G&L TRANSCRIPTS OF NJ, a New Jersey Corporation; WILLIAM BRANCH, individually and not in his official capacity as en employee of the National Archives and Records Administration; ANSON BRETT ORR, individually; DIANTHE MARTINEZ-BROOKS, a/k/a Dawn Orr, individually; ALAN CLINTON WILSON, individually; DIONNE WILLIAMS, individually and not in his official capacity as an employee of the United States Department of Agriculture; TAHAJA WILSON, individually

Defendants - Appellees

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

FILED: December 23, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1661
(2:25-cv-00186-MSD-DEM)

NAQUEA ELAINE JOHNSON

Plaintiff - Appellant

v.

STATE OF NEW JERSEY; COMMONWEALTH OF VIRGINIA; NEW JERSEY DIVISION OF CHILD PROTECTION AND PERMANENCY, a state agency; OFFICE OF ATTORNEY GENERAL STATE OF NEW JERSEY, a state agency; UNITED STATES DEPARTMENT OF JUSTICE, a federal agency; FEDERAL BUREAU OF INVESTIGATION, a federal agency; UNITED STATES MARSHALS SERVICE, a federal agency; UNITED STATES DEPARTMENT OF AGRICULTURE, a federal agency; NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, a federal agency; CITY OF NORFOLK POLICE DEPARTMENT, a municipal law enforcement agency; MATTHEW PLATKIN, individually and in his official capacity as Attorney General for the State of New Jersey; COMMISSIONER CHRISTINE NORBUT BEYER, individually and in her official capacity as Commissioner of NJ Division of Children, Protection and Permanency (DCPP); HONORABLE SHARIFA RASHIDA SALAAM, individually and in her official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; LYN SIMMONS, individually and her official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE RANDOLPH CARLSON, individually and in his official capacity as Judge of the Norfolk Juvenile and Domestic Relations District Court; HONORABLE ALDO RUSSO, individually and his official capacity as Judge of the Superior Court of New Jersey, Essex Vicinage; ALEJANDRO TORRES, individually and his official capacity as Intake Supervisor for Norfolk Juvenile and Domestic Relations Court; JAMES D. GARRETT, individually and in his official capacity as Court Appointed Guardian ad Litem; ALLISON ANDERS, individually and in her official capacity as legal counsel; JUSTIN

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Defendants - Appellees

O R D E R

The court denies the petition for rehearing and rehearing en banc, the motion to continue stay of mandate, the motion to disqualify and appoint special counsel, the motion to clarify, the motion to recuse and assign substitute counsel, and the motion to file supplemental certificate of interest. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Gregory, Judge Wynn, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

NAQUEA ELAINE JOHNSON,

Plaintiff,

v.

ACTION NO. 2:25cv186

STATE OF NEW JERSEY, *et al.*,

Defendants.

ORDER

Plaintiff Naquea Elaine Johnson ("Plaintiff"), appearing *pro se*, filed an application to proceed *in forma pauperis* ("IFP Application"), i.e., without paying the requisite filing fees. IFP Appl., ECF No. 1. Upon review, the Court finds that Plaintiff does not qualify for *in forma pauperis* status.

"Federal courts have statutory power under 28 U.S.C. § 1915 to authorize commencement of civil actions *in forma pauperis*." *DeBlasio v. Gilmore*, 315 F.3d 396, 398 (4th Cir. 2003) (italics added). "The federal *in forma pauperis* statute . . . is intended to guarantee that no citizen shall be denied access to the courts 'solely because his [or her] poverty makes it impossible for him [or her] to pay or secure the costs.'" *Nasim v. Warden, Md. House of Corr.*, 64 F.3d 951, 953 (4th Cir. 1995) (quoting *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948)). A litigant need not be "absolutely destitute" to proceed *in forma pauperis*; however, such "status is a privilege, not a right, and is only available to a litigant who establishes an inability, due to poverty, to pay the requisite filing fees and still provide for the necessities of life." *Hess v. Mainstreet Bank*, No. 1:19cv138, 2019 WL 2583598, at *1 (E.D. Va. Mar. 4, 2019) (first quoting *Adkins*, 335 U.S.

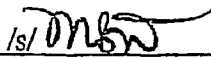
at 339; and then *El v. U.S. Dep't of Commerce*, No. 2:15cv532, 2016 WL 9223874, at *1 (E.D. Va. Sept. 21, 2016)), *adopted by* 2019 WL 2579640 (E.D. Va., June 24, 2019). The decision to grant or deny *in forma pauperis* status lies in the discretion of the district court. *See Dillard v. Liberty Loan Corp.*, 626 F.2d 363, 364 (4th Cir. 1980).

Based on a review of the financial information submitted in support of Plaintiff's IFP Application, it appears to the Court that Plaintiff's monthly income is sufficient to allow Plaintiff to pay the requisite filing fees and still provide for the "necessities of life." *See* IFP Appl. at 1-5; *see also Hess*, 2019 WL 2583598, at *1. Accordingly, Plaintiff's IFP Application, ECF No. 1, is **DENIED**. If Plaintiff would like to proceed with this action, Plaintiff is **ORDERED** to remit the \$350.00 filing fee and \$55.00 administrative fee within thirty (30) days of the date of entry of this Order. If Plaintiff fails to do so, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b). (explaining that the Court may dismiss an action when a plaintiff fails to prosecute the action or fails to comply with an Order of the Court).

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff.

IT IS SO ORDERED.

Norfolk, Virginia
June 6, 2025



Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**