

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

TREVOR RAYMOND HOUSTON,
Plaintiff-Appellant,

Appeals Court No.
2026-P-1330

v.

Lower Court No.
2684CV02321

COMMONWEALTH OF MASSACHUSETTS;
MASSACHUSETTS DEPARTMENT OF
ELEMENTARY AND SECONDARY EDUCATION;
and
PEDRO MARTINEZ, in his official capacity as
Commissioner of Elementary and Secondary Education,
Defendants-Appellees.

Trevor Raymond Houston
10 Sailors Ln, Norton, MA 02766
usurp.trevorhouston@gmail.com
508-269-6467

**ON APPEAL FROM THE SUFFOLK SUPERIOR COURT
APPLICATION FOR DIRECT APPELLATE REVIEW AND REQUEST
FOR EXPEDITED CONSIDERATION**

Trevor Raymond Houston applies under Mass. R. App. P. 11 for direct appellate review of the Superior Court's August 6, 2026 orders striking his complaint under Mass. R. Civ. P. 17(b) and denying his request to proceed personally or receive an individualized capacity hearing. He also requests expedited consideration because he turns eighteen on February 28, 2027, and ordinary appellate scheduling threatens to end the concrete disability being challenged before review can occur.

PRIOR PROCEEDINGS

Houston filed an equity action against the Commonwealth, the Department of Elementary and Secondary Education, and Commissioner Pedro Martinez. The complaint challenged DESE's categorical refusal to permit him to invoke and direct

its Problem Resolution System because he was under eighteen and pleaded related claims under the Massachusetts and United States Constitutions. R.A. 7-15.

Houston moved under Rule 17(b) for permission to proceed in his own name and direct the litigation or, alternatively, for an expedited individualized capacity hearing and the least restrictive protective order supported by findings. R.A. 16-19. He submitted a sworn declaration addressing his understanding of standing, service, deadlines, evidence, settlement, privacy, and disclosure, and stating that he did not consent to another person replacing his objectives. R.A. 22-23.

On August 6, 2026, without a hearing, the Superior Court struck the complaint for noncompliance with Rule 17(b), without prejudice to refile by a 'legally competent party,' and denied Houston's motion because an unemancipated minor was 'not a proper party unless represented by a guardian, conservator or other fiduciary.' R.A. 24-25. Houston appealed on August 7. The appeal was entered in the Appeals Court on September 11, 2026, and his brief and appendix were filed on September 18, 2026.

FACTS RELEVANT TO THE APPEAL

Houston was seventeen when the complaint and Rule 17(b) motion were filed. His papers showed that he had obtained and analyzed discipline records, communicated with DESE, separated the underlying school allegations from the judicial access controversy, identified the relief sought, and understood concrete

litigation responsibilities. R.A. 9-11, 18, 22-23. That summary understated the work involved. As the accompanying declaration explains, obtaining and challenging the response to the records request required Houston to prepare and pursue a sophisticated public records appeal before the Supervisor of Records, SPR26/2475, including identifying deficiencies and disputed redactions, complying with procedural deadlines, and seeking administrative relief. No contrary evidence was offered. The court held no hearing and made no finding that Houston misunderstood the case or could not perform any relevant litigation function. R.A. 24-25, 27.

Houston was born on February 28, 2009, and turns eighteen on February 28, 2027. The appealed restriction applies only while he remains a minor. Ordinary Appeals Court scheduling is expected to place the case before a panel after that date, creating an avoidable mootness dispute concerning the precise legal disability under review.

ISSUES OF LAW

1. Whether Rule 17(b) makes an unemancipated minor an improper party or instead permits an individualized 'other order' protecting a capable minor without transferring control of the litigation.

2. Whether the Superior Court could strike the complaint and deny personal control solely because of chronological minority, without a hearing or finding concerning actual capacity.
3. Whether categorical transfer of control burdens equality, petition, court access, and due process rights protected by Articles 1, 10, 11, and 12 of the Massachusetts Declaration of Rights and the First and Fourteenth Amendments.
4. Whether the existing un rebutted record permits an appellate order allowing Houston to proceed personally, or at minimum requires remand for an individualized determination and consideration of a tailored protective order.

These issues were preserved in the complaint, the Rule 17(b) motion and memorandum, the constitutional notice, Houston's declaration, and the notice of appeal. R.A. 7-23, 26.

BRIEF ARGUMENT

Rule 17(a) requires an action to be prosecuted in the name of the real party in interest. Houston is that party. Rule 17(b) separately addresses protection of an 'infant or incompetent person' and repeatedly distinguishes the two categories. When a minor lacks an appointed representative, the court may appoint a guardian ad litem or 'make such other order as it deems proper for the protection of the infant.' Nothing in that text declares every minor incompetent, makes representation the exclusive permissible order, or authorizes striking the real

party's complaint without considering the requested alternative. G.L. c. 221, section 48, moreover, generally provides that parties may manage their own suits personally.

The Superior Court did not exercise the discretion supplied by 'such other order.' It announced a categorical rule: an unemancipated minor is not a proper party unless represented. That premise made Houston's detailed capacity evidence and alternative request for a hearing legally irrelevant. The court thereby converted a protective rule into an irrebuttable age classification and reproduced within the lawsuit the compulsory adult gatekeeping challenged in the complaint.

Massachusetts recognizes that minors possess constitutional rights. *Commonwealth v. Weston W.*, 455 Mass. 24, 34 (2009). Although age is not itself a suspect classification, the governmental interest in protecting minors does not answer whether a restriction burdening petition, meaningful access to court, and control of one's own claims is rationally or adequately tailored. Articles 1 and 11 independently protect equality and a prompt, complete remedy. See *Goodridge v. Department of Public Health*, 440 Mass. 309, 312 (2003). This case presents the narrower question whether protection may be imposed categorically when actual capacity can be assessed and Rule 17(b) expressly permits another protective order.

The primary remedy requested is reversal and an order allowing Houston to proceed personally. At minimum, the orders should be vacated and the case remanded for an individualized hearing and consideration of a limited safeguard supported by actual findings. Either result requires authoritative construction of Rule 17(b) and its constitutional limits.

REASONS FOR DIRECT APPELLATE REVIEW

First, the appeal presents questions of first impression. No reported Massachusetts decision resolves whether Rule 17(b)'s 'other order' permits a capable minor to direct civil litigation, whether actual capacity must be considered, or whether a court may treat minority itself as conclusive legal incapacity.

Second, the constitutional questions were expressly raised below. They concern the interaction among Rule 17(b), G.L. c. 221, section 48, and Articles 1, 10, 11, and 12, as well as federal petition, due process, and equal protection guarantees. A final statewide construction belongs with the Supreme Judicial Court.

Third, the issue is recurring and structurally difficult to review. Every affected litigant ages out of minority, while ordinary appellate scheduling can outlast the challenged status. The question affects minors seeking relief throughout the Commonwealth and courts required to choose protective arrangements. Direct

and expedited review would prevent the issue from repeatedly escaping determination and would give trial courts a workable standard.

Finally, delay threatens this case specifically. Houston turns eighteen on February 28, 2027. His appeal is already briefed on his side, the record is short, and no transcript exists because the Superior Court ruled entirely on the papers. Direct review would not require factual reconstruction and would permit resolution while the challenged disability remains concrete.

REQUEST FOR RELIEF

Houston requests that the Court allow direct appellate review, expedite consideration of the appeal, and schedule briefing, submission, and decision as practicable before February 28, 2027.

Respectfully submitted,
TREVOR RAYMOND HOUSTON
Plaintiff-Appellant, self-represented
10 Sailors Ln
Norton, Massachusetts 02766
508-269-6467
usurp.trevorhouston@gmail.com

/s/ Trevor Raymond Houston
Trevor Raymond Houston
Dated: September 21, 2026

CERTIFICATE OF COMPLIANCE

Pursuant to Mass. R. App. P. 11(b), 16(k), and 20, I certify that this application complies with the rules governing form and length. The portions required to be counted contain 1,260 words. The application uses 14-point Times New Roman, a proportionally spaced font. I ascertained the word count using the word-count feature of LibreOffice Writer 25.2.3.2.

/s/ Trevor Raymond Houston
Trevor Raymond Houston
Dated: September 21, 2026

CERTIFICATE OF SERVICE

I certify under the pains and penalties of perjury that, on September 23, 2026, I served the Application for Direct Appellate Review and Request for Expedited Consideration in 2026-P-1330, Trevor Raymond Houston v. Commonwealth of Massachusetts & others, through eFileMA on the registered service contacts listed below.

Rhoda Schneider
Service contact for the Massachusetts Department of Elementary and Secondary Education and Pedro Martinez
Massachusetts Department of Elementary and Secondary Education
135 Santilli Highway
Everett, Massachusetts 02149
Rhoda.E.Schneider@mass.gov

Andrea Campbell, Esq.
Service contact for the Commonwealth of Massachusetts
Office of the Attorney General
1 Ashburton Place, 20th Floor
Boston, Massachusetts 02108

/s/ Trevor Raymond Houston
Trevor Raymond Houston
10 Sailors Ln
Norton, MA 02766
usurp.trevorhouston@gmail.com
508-269-6467

DECLARATION OF TREVOR RAYMOND HOUSTON

I, Trevor Raymond Houston, declare under the pains and penalties of perjury:

1. I am the Plaintiff-Appellant and applicant for direct appellate review.
2. I was born on February 28, 2009.
3. I am presently seventeen years old and will turn eighteen on February 28, 2027.
4. I request appellate resolution while the challenged restriction continues to apply to me.
5. The discipline records described in my lower court declaration were not obtained through a routine request. Obtaining and challenging the response required me to prepare and pursue a public records appeal before the Supervisor of Records, SPR26/2475. That appeal required me to identify deficiencies and disputed redactions, comply with procedural deadlines, and seek administrative relief.

Signed under the pains and penalties of perjury.

/s/ Trevor Raymond Houston
Trevor Raymond Houston
Dated: September 21, 2026

APPENDIX TO APPLICATION

- Appendix A Appeals Court Notice of Entry dated September 14, 2026
- Appendix B Superior Court docket entries
- Appendix C August 6, 2026 endorsements under review

2026-P-1330 - Notice of Entry

Appeals Court Clerk's Office <AppealsCtClerk@appct.state.ma.us>
To: <usurp.trevorhouston@gmail.com>

Mon, Sep 14 at 1:01PM

-COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

Dated: September14,2026

RE: No. 2026-P-1330
Lower Court No: 2684CV02321

TREVOR RAYMOND HOUSTON vs. DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION & others

NOTICE OF ENTRY OF APPEAL

On September 11, 2026, the above-referenced case was entered on the docket of the Appeals Court.

NEXT STEPS

1. ELECTRONIC FILING. Attorneys with a pending appeal in the Appeals Court must have an account with eFileMA.com. See M.A.C. Rule 13.0. Self-represented litigants are encouraged but not required to register. E-filing is open for all case types and no paper copies of the documents are required. For further information, see our Electronic Filing page: <http://www.mass.gov/courts/court-info/appealscourt/efiling-appeals-faq-gen.html>
2. FILE DOCKETING STATEMENT. Each appellant and cross-appellant (excluding appeals by incarcerated self-represented litigants) must file a docketing statement within fourteen days after the date of this notice. The form is available at <http://www.mass.gov/courts/forms/appeals/appeals-forms-gen.html>
3. BRIEFING. The parties' briefs must be filed in compliance with the Massachusetts Rules of Appellate Procedure and Massachusetts Appeals Court Rule 13.0. The appellant's brief and appendix is due within 40 days of the above entry date and the appellee's brief within 30 days after service of the appellant's brief. For guidance, see <https://www.mass.gov/service-details/appeals-court-briefs>
4. FILING OF CONFIDENTIAL OR IMPOUNDED INFORMATION. Any document containing confidential or impounded material must be filed in compliance with Mass. R. App. P. 16(d), 16(m), 18(a)(1)(A)(iv), 18(d), and 21.
5. APPEALS COURT FORMS: Appeals Court forms, including some in multiple languages, are available at: <https://www.mass.gov/lists/appeals-court-forms>

Very truly yours,
The Clerk's Office

To: TrevorRaymondHouston,DepartmentofElementaryandSecondaryEducation,CommonwealthofMassachusetts,
PedroMartinez

2684CV02321 Houston, Trevor Raymond vs. Department of Elementary and Secondary Education et al

- Case Type:
- Actions Involving the State/Municipality
- Case Status:
- Open
- File Date
- 08/04/2026
- DCM Track:
- A - Average
- Initiating Action:
- Equity Action involving the Commonwealth, Municipality, MBTA, etc.
- Status Date:
- 08/04/2026
- Case Judge:
-
- Next Event:
-

All Information

Party Information

Houston, Trevor Raymond
- Plaintiff

Alias

Party Attorney

- Attorney
- Pro Se
- Bar Code
- PROPER
- Address
- Phone Number
-

[More Party Information](#)

Department of Elementary and Secondary Education
- Defendant

Alias

Party Attorney

[More Party Information](#)

Martinez, Pedro
- Defendant

Alias

Party Attorney

[More Party Information](#)

Commonwealth of Massachusetts
- Defendant

Alias

Party Attorney

[More Party Information](#)

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	08/04/2026	11/02/2026	90	
Answer	08/04/2026	12/02/2026	120	
Rule 12/19/20 Served By	08/04/2026	12/02/2026	120	
Rule 12/19/20 Filed By	08/04/2026	01/04/2027	153	
Rule 12/19/20 Heard By	08/04/2026	02/01/2027	181	
Rule 15 Served By	08/04/2026	09/28/2027	420	
Rule 15 Filed By	08/04/2026	10/28/2027	450	
Rule 15 Heard By	08/04/2026	10/28/2027	450	
Discovery	08/04/2026	07/24/2028	720	
Rule 56 Served By	08/04/2026	08/23/2028	750	
Rule 56 Filed By	08/04/2026	09/22/2028	780	
Final Pre-Trial Conference	08/04/2026	01/22/2029	902	
Judgment	08/04/2026	08/03/2029	1095	

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/04/2026	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit Allowed, filing fee and costs related to service of process.	1	
08/04/2026	Complaint electronically filed.	2	
08/04/2026	Civil action cover sheet filed.	3	
08/04/2026	Plaintiff Trevor Raymond Houston's Motion to Proceed in Own Name and Direct the Litigation, or for Expedited Capacity Hearing	4	
08/04/2026	Trevor Raymond Houston's Memorandum in support of Rule 17(b) Motion	5	
08/04/2026	Plaintiff Trevor Raymond Houston's Notice to the Attorney General of Constitutional Questions	6	
08/04/2026	Declaration under the Penalties of Perjury Applies To: Houston, Trevor Raymond (Plaintiff)	7	
08/05/2026	Case assigned to: DCM Track A - Average was added on 08/05/2026		
08/06/2026	Endorsement on Application This complaint, filed directly with the Court by an unemancipated minor, shall be STRIKEN for non-compliance with Mass. R. Civ. P. 17(b). This ruling shall be without prejudice to a proper re-filing by a legally competent party. (dated 8/6/26) Judge: Gordon, Hon. Robert B		

(Notice Sent: 8/7/26)		
08/06/2026	Endorsement on Motion to proceed in own name and direct the litigation, or for expedited capacity hearing (#4.0): DENIED DENIED. As an unemancipated minor, Plaintiff is not a proper party unless represented by a guardian, conservator or other fiduciary. See Mass. R. Civ. P. 17(b). (dated 8/6/26) (Notice Sent: 8/7/26)	 Image
08/07/2026	Plaintiff Trevor Raymond Houston's Notice of Appeal	8  Image
08/07/2026	Notice of appeal filed.(See p#8) Notice sent 8/12/26 Applies To: Houston, Trevor Raymond (Plaintiff)	
08/17/2026	Appellant's Certification that No Transcript Exists and Notice Regarding Disposition Without Hearing Applies To: Houston, Trevor Raymond (Plaintiff)	9  Image
09/09/2026	Appeal: Statement of the Case on Appeal (Cover Sheet).	 Image
09/09/2026	Notice of assembly of record sent to Counsel	 Image
09/09/2026	Notice to Clerk of the Appeals Court of Assembly of Record	 Image
09/14/2026	Notice of Entry of appeal received from the Appeals Court n accordance with Massachusetts Rule of Appellate Procedure 10(a)(3), please note that the above-referenced case (2026-P-1330) was entered in this Court on September 11, 2026.	10  Image

Case Disposition

Disposition	Date	Case Judge
Pending		

**COMMONWEALTH OF MASSACHUSETTS
STATEMENT OF THE CASE
APPELLATE COURT ENTRY STATEMENT**

Court Department SUFFOLK SUPERIOR CIVIL COURT

Trial Court Docket No(s): 2684CV02321

Case Name: Houston, Trevor Raymond vs. Department of Elementary and Secondary Education et al

APPEARANCES

Attorney Name for each Plaintiff/Petitioner and Either BBO
Number OR Address and Telephone Number

TREVOR RAYMOND HOUSTON, PRO SE
10 SAILORS LN
NORTON, MA 02766

Attorney Name for each Defendant/Respondent and Either
BBO Number OR Address and Telephone Number

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL, 1 ASHURBTON PLACE
20TH FLOOR
BOSTON, MA 02108 (SEE DOCKET FOR FULL LIST)

Nature of the case (Select the most appropriate description): AD1: EQUITY ACTION INVOLVING THE COMMONWEALTH

Date Petition, Complaint or Indictment Entered in Trial Court: Aug 4, 2026

Is the Case or Any Information Impounded? Yes

If yes, attach a copy of the order of impoundment or provide the citation to the statute or rule pursuant to which the documents were impounded, and specify each impounded document (enter information then "tab" out to view). See S.J.C. Rule 1:15, § 2(a).

P#1 AFFIDAVIT OF INDIGENCY

Date When Notice of Appeal Filed: Aug 7, 2026

Appeal By (specify each party listed in notice of appeal): PLAINTIFF TREVOR RAYMOND HOUSTON

Identify the order or judgment being appealed (enter information then "tab" out to view):

8/6/26 ENDORSEMENTS ON COMPLAINT/MOTION

Date Transcripts Ordered: N/A

Number of Transcript Volumes: N/A

Enclosing CD(s) with PDF(s) of the Transcript: ☐ Yes ☒ No

Dates of Transcribed Proceedings: N/A

In Criminal Cases, has a Stay of Execution of Sentence Been Granted? ☐ Yes ☐ No

Date Notice of Assembly Issued: Sep 9, 2026

John E. Powers III

Clerk, Clerk Magistrate, Register, or Recorder

To be filled in by the appellate court:

Date Entered in S.J.C. or Appeals Court: _____

S.J.C. or Appeals Court Docket Number: _____

08/06/2026 Endorsement on Application



[Image](#)

This complaint, filed directly with the Court by an unemancipated minor, shall be STRIKEN for non-compliance with Mass. R. Civ. P. 17(b). This ruling shall be without prejudice to a proper re-filing by a legally competent party.

(dated 8/6/26)

Judge: Gordon, Hon. Robert B

(Notice Sent: 8/7/26)

(Notice Sent: 8/7/26)

08/06/2026 Endorsement on Motion to proceed in own name and direct the litigation, or for expedited capacity hearing (#4.0): DENIED DENIED. As an unemancipated minor, Plaintiff is not a proper party unless represented by a guardian, conservator or other fiduciary. See Mass. R. Civ. P. 17(b).


[Image](#)

(dated 8/6/26) (Notice Sent: 8/7/26)

08/07/2026 Plaintiff Trevor Raymond Houston's Notice of Appeal

8


[Image](#)

08/07/2026 Notice of appeal filed.(See p#8)

Notice sent 8/12/26

Applies To: Houston, Trevor Raymond (Plaintiff)

08/17/2026 Appellant's Certification that No Transcript Exists and Notice Regarding Disposition Without Hearing

9


[Image](#)

Applies To: Houston, Trevor Raymond (Plaintiff)

Case Disposition

◆ Disposition ◆ Date ◆ Case Judge

Pending