

**IN THE UNITED STATES DISTRICT COURT
FOR THE XXXXXXXX DISTRICT OF XXXXXXXX
XXXXXXXXX DIVISION**

Firstname X. LASTNAME,)	In a petition for removal from the Circuit
Petitioner (XXXXXXXX below),)	Court of XXXXXXXX County, XXXXXX
)	
v.)	
)	
Firstname X. LASTNAME,)	
Respondent (XXXXXX below),)	State court cause no.: #####
)	
and,)	
)	
Firstname X. LASTNAME,)	
Respondent (XXXX below))	Honorable Just-Us Justice, Judge

Notice of Petition; and, Verified Petition For Warrant Of Removal

Come now the Petitioners, Man X. and Woman Y. XXXXXXX, and in direct support of their request for removal of the above-encaptioned state court cause into the jurisdiction of this United States District Court, and on the federal questions involved, herein allege, state, and provide:

JURISDICTION

1. This Court now has proper jurisdiction over this cause of action for removal, pursuant to, but not limited to, the following statutory authorities: **15 USC § 1692k(d)**, and also **28 USC § 1443(1)**, **28 USC § 1446(b)**, **28 USC § 1331**, and **28 USC § 1367**. Moreover, this Court is an Article III court with the express authority to hear and adjudicate any questions arising under the Constitution, Laws, and Treaties of the United States, including but not limited to the Bill of Rights, the Ninth Amendment, the Eleventh Amendment, the original Thirteenth Amendment, the Fourteenth Amendment, the International Covenant on Civil and Political Rights, and the

Universal Declaration of Human Rights, with Reservations. *See* the Article VI Supremacy Clause of the Constitution of the United States of America, as lawfully amended (*hereinafter* "Federal Constitution").

INTRODUCTION

2. Petitioners complain of various *willful*, systemic deprivations of fundamental Rights guaranteed by the Federal Constitution, and/or by federal law, and which deprivations are civil violations of **42 USC § 1983**, and also criminal violations of **18 U.S.C. §§ 241 and 242**.

3. Within the proceedings of the instant state court, Petitioners have duly advised the state court judge, and all other parties – multiple times in official writing each – that certain actions and judicial events are now existing, have been done, and are now further threatened against the Petitioners, in clear, unambiguous violations of basic due process, the Federal Constitution, state statutory law, federal statutory law, the relevant rulings by the high state courts, and/or against the relevant rulings held unanimously by *all* of the several federal Circuit Courts of Appeals.

4. This petition for warrant of removal inures to the *very essence* of the enactment and clearly expressed purpose of **28 USC § 1443(1)** by Congress, *i.e.*: to provide a remedy for removal to a United States District Court when a state court litigant “*is denied or cannot enforce in the courts of such State a right under any law providing for the equal rights of citizens of the United States, or of all persons within the jurisdiction thereof.*”

TIMELINESS OF, AND GROUNDS FOR, REMOVAL

5. The relevant portion of **28 USC § 1446(b)** that provides for this timely petition for removal is restated here:

“If the case stated by the initial pleading is not removable, a notice of removal may be filed **within thirty days after receipt** by the defendant, through service or otherwise, of a copy

of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” (emphasis supplied).

6. Timeliness of removal is shown by the attached Exhibit List, and its attached Exhibits.

7. Self-explanatory grounds for removal include: (1) willful pursuing of large sums of money in *knowing* direct violation of expressly mandated state law, even further clarified by *knowing* prohibition by the Indiana high courts; all of which are (2) willful, fraudulent extortion in *knowing* violations of the Consumer Credit Protection Act and the Fair Debt Collection Act [see 15 USC § 1671, et seq., and 15 USC § 1692, et seq.]; and, even further, (3) a *knowing* lack of jurisdiction over the Petitioners herein, because *they are not even parties* to that state action.

COMPLETE RECORD OF STATE PROCEEDINGS

8. The sheer volume of pleadings in the instant state court matter may well approximate in the range of two hundred (200) pages of various documents; This is primarily due to the constant civil rights violations that have been continually committed within that same ongoing matter.

9. Pursuant to the vested authority under 28 USC § 1447(b), this Court “*may require the removing party to file with its clerk copies of all records and proceedings in such State court or may cause the same to be brought before it by writ of certiorari issued to such State court.*”

10. Reproduction of the entire state court record within this Court should *not* be necessary, but if it is deemed so necessary, Petitioners request this Court cause the same by writ of certiorari, or, alternatively, direct the Petitioners to provide what portions it deems most necessary therein.

INCORPORATION OF PRIOR PLEADINGS IN STATE COURT

11. Petitioners hereby incorporate by reference all pleadings, papers, and effects heretofore filed or otherwise lodged within the state proceedings the same as if fully set forth herein. (H.I).

SUGGESTED PRELIMINARY PROCEDURES IN THIS CAUSE

12. Petitioners suggest that, before this Court might consider any matter herein further, that this Court utilize its inherent authority, as well as the statutory authority vested under **28 USC § 1447(a)**, to issue one or more appropriate Order(s), directing that any one or more of the parties to the instant state court matter each **show cause** as to *why* this Court *should* or *should not* either: (1) issue any and all appropriate declaratory and/or injunctive relief; and/or, (2) retain the removal permanently, and further decide any or all other matters to the ends of justice therefore.

PROHIBITED REMOVALS OF STATE COURT CASES

13. Petitioners note for the Court's convenience that **28 USC § 1443(1)** provides for the removal of *any and all* types of state court cases for violations of equal rights, with the sole exceptions being only the following four (4) types of circumstances, pursuant to **28 USC § 1445**:

- a) a civil action against a railroad or its receivers or trustees that arises under certain laws;
- b) a civil action against a carrier or its receivers or trustees that arises under certain laws;
- c) a civil action arising under the workmen's compensation laws; and,
- d) a civil action arising under section 40302 of the Violence Against Women Act of 1994.

14. Therefore, civil rights violations against the Petitioners committed within the instant state court matter are perfectly proper grounds for removal to the United States District Courts.

OVERVIEW OF ONGOING CIVIL RIGHTS VIOLATIONS

15. Whether acting individually, or in either overt or covert concert, the Respondent-Plaintiff, counsel for the Respondent-Plaintiff, the judge of the state court proceedings, and the previous guardian ad litem of the Respondent-Ward, and along with other incidental individuals, have continually and consistently victimized the Petitioners by committing numerous violations

against their equal civil rights, by intentional, knowing, and willful obstructions and deprivations of the same rights, throughout the entire course of the state proceedings since its original inception in April of 2005; Such transgressions against peace, dignity, and the law have included: knowing refusals to recuse and withdraw in the face of obvious conflicts-of-interest; abusing the power of a court of law to inflict false orders against persons and property; conspiring with the Respondent-Plaintiff to assist and commit various direct frauds upon the court; conspiring with the Respondent-Plaintiff to assist and commit forgery within certain pleadings filed in the state proceedings; numerous willful violations of fundamental equal rights, threatening and intimidating the Petitioners during open court *to no longer mention the Federal Constitution or to be subject to immediate “contempt” incarceration therefore*, and an entire plethora of violations so long in listing that it is utterly abominable to even consider the thought.

SUMMARY AND PRAYER

16. Petitioners reiterate that their request for removal to this Court is *not* just about a supported and reasonable *expectation* of some future manifest deprivations of their various civil, constitutional, and equal rights within the same said state court, but also that such a deliberately unlawful pattern of the same is **well established, threatened yet again, and must be stopped**.

17. Without the immediate intervention, and the exercise of full jurisdiction and authority by this Honorable Court in retaining said lower state proceedings, *at the very least with which to issue such appropriate declaratory and injunctive relief as to due process and equal civil rights*, that the Petitioners will be otherwise subjected to manifestly egregious denial and inability to enforce in said state court one or more rights under the laws providing for the equal rights of citizens of the United States, and will be likewise unlawfully forced to suffer manifestly irreparable harm and injuries therein, without any further reasonable remedy at law.

WHEREFORE, the undersigned Petitioners, Man X. and Woman Y. XXXXXXXX, now pray for retaining this removal of the instant state court matter under the jurisdiction of this United States District Court, also *at a minimum for appropriate declaratory and injunctive relief*, and/or to further decide supplementary matters, and for all other relief just and proper in the premises.

Respectfully submitted,

Man X. XXXXXXXX

Woman Y. XXXXXXXX

VERIFICATION

We hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that the above and foregoing representations are true and correct to the best of our knowledge, information, and belief.

Executed at City, State, this _____ day of July, 2006.

Man X. XXXXXXXX

Woman Y. XXXXXXXX

CERTIFICATE OF SERVICE

We hereby certify that, on this _____ day of July, 2006, a true copy of the foregoing notice and petition for removal, by depositing the same in the United States mail, first class postage prepaid, has been duly served upon all parties of record in the lower state proceedings.

Man X. XXXXXXXX

Woman Y. XXXXXXXX

Man X. and Woman Y. XXXXXXXX
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