

STATE OF INDIANA )  
 ) SS:  
COUNTY OF NOBLE )

IN THE NOBLE COUNTY CIRCUIT COURT

CAUSE NO. 57C01-0209-DR-0153

Marcia Kay COE, )  
*f.k.a. Marcia K. RITCHIE,* )  
Petitioner, )  
 )  
vs. )  
 )  
David B. RITCHIE, )  
Respondent. )

### **Respondent's Notice of Federal Younger Alert**

Comes now the Respondent, David B. Ritchie, noticing the Court and all parties of the fact that he is giving his formal federal Younger doctrine alert, as to any and all federal questions raised within these proceedings that may still lack proper resolution in compliance with written law and established due process, and providing fair and reasonable opportunity for the Indiana state court system to comply with all aspects of federal law therein, by stating:

As thoroughly detailed by the undersigned Respondent's argument, authority, and exhibits in this case, the matters in question have been so utterly defective and inadequate as to deprive the Respondent of even the most basic precepts in well established course and due process of law.

In such a case, the federal court system will not abstain from hearing and enjoining those same unlawful practices under either the Younger doctrine (e.g., see *Younger v. Harris*, 401 U.S. 37 (1971), and its progeny), nor the doctrine normally requiring exhaustion of administrative remedies before applying for a federal injunction to address flagrant civil rights violations.

Title 28 U.S.C. § 2283, the anti-injunction statute, prohibits federal courts from enjoining state court proceedings, but the statute excepts from its prohibition injunctions which are "expressly authorized" by another Act of Congress. The United States Supreme Court has

previously determined that actions brought under the Civil Rights Act of 1871, 42 U.S.C. § 1983, are within the "expressly authorized" exception to the ban on federal injunctions. Mitchum v. Foster, 407 U.S. 225 (1972).

By giving this formal written notice of the flagrant civil rights violations at play in this case, and by giving the required formal opportunity for the state court system to now correct those same violations of basic, well established due process, the federal courts are free and clear to address the same matters if this state court system continues to display itself unable to do so.

**WHEREFORE**, the undersigned Respondent provides the above required notice and alert.

Respectfully submitted,

---

David B. Ritchie

CERTIFICATE OF SERVICE

I hereby certify: that on this \_\_\_\_\_ day of April, 2010, a true and complete copy of the foregoing notice of *Younger* alert, by depositing same within the United States postal mail, first-class postage preaffixed, has been duly served upon each of the following:

*(Petitioner):*

Marcia Kay Coe  
[address redacted]  
Kendallville, IN 46755

*(Prosecutor, Title IV-D, etc.):*

Steven Thomas Clouse, Prosecutor  
Noble County Prosecutor's Office  
109 North York Street  
Albion, IN 46701

*and*, by depositing a true copy of same this day with third party express postal carrier, first-class or better postage preaffixed, and pursuant to Trial Rule 5(F), has been duly served upon:

Candy Myers, Clerk  
Clerk of the Noble County Courts  
101 North Orange Street  
Albion, IN 46701

---

David B. Ritchie

David B. Ritchie  
[address redacted]  
Brinkley, KY 41822  
[telephone redacted]