

IN THE CIRCUIT COURT
OF THE STATE OF MARYLAND
FOR THE COUNTY OF FREDERICK

State of MARYLAND,)	
Plaintiff,)	
)	
vs.)	CAUSE NO. K-07-41361
)	
Paul E. SIELSKI, Sr.,)	
Defendant.)	
_____)	

Notice of Removal to the United States District Court

Comes now the Defendant, Paul E. Sielski, Sr., and in direct support of his Notice to this Court and all parties, hereby alleges, states, and provides the following:

Notice of Removal to the United States District Court

1. By the filing of this Notice with the Clerk of this state Court, together with the attached and corresponding petition and warrant for removal that was filed in the United States District Court prior, these state proceedings are now REMOVED, by *automatic* operation of federal law, and this Defendant now formally notifies the Court and all parties of that same fact.

2. Pursuant to the express and specific language of 28 U.S.C. 1441, et seq., *immediately* upon the filing of this Notice, with the Clerk of this Court, this case has been already removed; The removal of jurisdiction from this Court is automatic by operation of federal law, and does not require any additional written order from the District Judge to cause this removal to become “effective” – the removal is an automatic judicial event, and immediate by operation of law.

3. Put another way, the United States Supreme Court clarified and established, clear back in 1966: “*The petition is now filed in the first instance in the federal court. After notice is given to*

*all adverse parties and a copy of the petition is filed with the state court, **removal is effected and state court proceedings cease unless the case is remanded.** 28 U. S. C. § 1446 (1964 ed.). See generally, American Law Institute, *Study of the Division of Jurisdiction Between State and Federal Courts*, Tentative Draft No. 4, p. 153 et seq. (April 25, 1966).” Georgia v. Rachel, 384 U.S. 780, 809 n27, 86 S. Ct. 1783, 16 L. Ed. 2d 925 (1966). (emphasis added).*

4. Because this cause is now removed, the instant Court is without jurisdiction to effect *any* judgment in these proceedings (**28 U.S.C. § 1446(c)(3)**).

5. The petition for warrant of removal to the United States District Court is attached hereto as required by the express language of federal law, as Exhibit # 1.

WHEREFORE, the undersigned Defendant, Paul E. Sielski, Sr., notifies the Court and all other parties that this cause is now removed, that this court now has absolutely no jurisdiction for any judgment in this cause, bar none, unless and until the United States District Court may or may not remand, and further moves for all other relief that is just and proper in the premises.

Respectfully submitted,

Paul E. Sielski, Sr., by P.O.A.,
Deborah Ann Peterson
[address redacted]
Tustin, CA 92782
Telephone: [redacted]
Facsimile: [redacted]

CERTIFICATE OF SERVICE

I hereby certify: that on this _____ day of November, 2007, a true and complete copy of the foregoing notice of removal to federal court, with required attachment, by depositing in certified United States postal mail, first class postage preaffixed, return receipt requested, has been duly served upon the following:

Richard O. Gibbs
Assistant State's Attorney
Frederick County Court House
100 W. Patrick Street
Frederick, MD 21701

Paul E. Sielski, Sr., by P.O.A.,
Deborah Ann Peterson
[address redacted]
Tustin, CA 92782
Telephone: [redacted]
Facsimile: [redacted]

Paul E. Sielski, Sr., by P.O.A.,
Deborah Ann Peterson
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