UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION AT SHERMAN

Cause No.: _____

RUSTIN P. WRIGHT, Petitioner, and Defendant-Respondent below,	)	In a removal from the Sixth Judicial District Court of Lamar County, Texas
v.	)	State case number: 73540 ("*In the Interest of A.G.F.W., a Minor Child*")
ASHLEY B. WOMACK, Respondent, and Plaintiff-Petitioner below,	)	Judge William Baird, presiding

Notice of Petition; and, Verified Petition for Warrant of Removal

Comes now Petitioner, Rustin P. Wright, and in direct support of his action for removal of the above-encaptioned state court cause into the jurisdiction of this United States District Court, and upon the various federal questions involved, herein alleges, states and provides the following:

JURISDICTION AND VENUE

1. This Court now has proper jurisdiction over this cause of action for removal, pursuant to, but not limited to, the following statutory authorities: 28 USC § 1443, 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 and the Eleventh Amendment, the original Thirteenth Amendment, and Fourteenth Amendment to the U.S. Constitution, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights, with Reservations. *See also* the Article VI Supremacy Clause of the Constitution of the United States of America, as lawfully amended (*hereinafter* "Federal Constitution"). Venue is quite and solely proper, as a removal over state violations perpetrated within Lamar County, TX.

INTRODUCTION

2. Your Petitioner complains 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 that are also criminal violations of 18 U.S.C. §§ 241 and 242.

3. Within the proceedings of the state court in question, Petitioner has duly advised the state judges, all other named parties, and various third parties, that certain actions and judicial events either are now existing, and/or all have been done, in clear, unambiguous violations of basic due process, state law, state procedure, the Federal Constitution, federal statutory law, and/or against the relevant rulings held by the several federal Circuit Courts of Appeals and the Supreme Court.

4. Your Petitioner does not, in any way, request and/or seek this honorable federal court to alter, amend, or change, whatsoever, any aspect(s) of divorce, child custody, or any other type of familial and/or domestic matters that are properly reserved for within the state court system, yet however all the torts and civil wrongdoing are fully actionable herein, see the contemporaneous Memorandum of Law Clarifying Established Federal Jurisdiction, which your Petitioner now and hereby also incorporates fully by reference the same as if it had been set forth fully herein. (H.I).

5. This petition for warrant of removal inures to the very essence of the enactment and clearly expressed purposes of 28 USC § 1443(1) and (2) by Congress, i.e.: to provide a statutory remedy for relief via 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*" and/or when a state court litigant is either being injured or harmed, and/or about to be injured or harmed, because of "*any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law*."

TIMELINESS OF REMOVAL

6. The relevant portion of 28 USC § 1446(b) providing for this 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*."

7. Starting the 30-day clock in which to remove under Section 1443, on August 20th of this year (2015), the state court just issued a wholly unconstitutional order violating both rights and due process yet again, see **Exhibit Q**, hence triggering removal under 28 USC § 1446(b) above.

8. Your Petitioner is very well within the time for removal, pursuant to the multiple judicial and related events of the state court matters having transpired against numerous laws and rights during the immediately prior thirty (30) days, all as is further detailed and documented via the individual Counts as are initially presented below, along with included Exhibits where needed, and the present number of grounds for removal therefore is a serious number already indeed, yet the same will be yet even further augmented by pending amendment pursuant to F.R.Cv.P., Rule 15, all as also provided for, and reserved by, the undersigned's Notice of Pending Amendment.

9. Accordingly, this petition for removal is well within the timeliness of 28 USC § 1446(b).

REGARDING INCLUSION OF ORIGINAL PLEADINGS,

THE COMPLETE RECORD OF STATE PROCEEDINGS,

AND, THE REQUESTED PRELIMINARY PROCEDURES

10. This is a removal under 28 USC § 1443, quite different from all other types of removal available under Chapter 89 of Title 28, and since it is *not* about any question of "most proper *original* jurisdiction" within the context of comity and federalism, whatsoever, there is no basis, need, or cause for inclusion of original state court pleadings within the filing package for this removal to the United States District Court, nor any need for inclusion of the entire state court

record. Further, these issues are addressed by pertinent motion for relief. Please see Petitioner's Notice Distinguishing Between the Two Basic Types of Removal; and, Motion for Issuance of Preliminary Relief in the Alternatives. See *id*. at 7-9 regarding requested preliminary relief(s).

INCORPORATION OF PRIOR PLEADINGS IN STATE COURT

11. Regardless, Petitioner incorporates fully by reference all pleadings, papers, and effects heretofore filed or otherwise lodged in the state proceedings the same as if set forth herein. (H.I).

PROHIBITED REMOVALS OF STATE COURT CASES

12. Petitioner notes for the Court's and parties' convenience that 28 USC § 1443 provides for the removal of *any* type of state court case for violation(s) of equal civil 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.

13. Accordingly, since none of the matters herein has anything even remotely to do with any of the four exceptions, the instant state court matters are all perfectly proper causes for removal.

OVERVIEW OF STATE ACTOR + THIRD PARTY VIOLATIONS OF FEDERAL RIGHTS

14. Within the instant state court proceedings of Lamar County never-ending, your Petitioner has been, and is still being, affirmatively denied basic constitutional and due process rights to at least: (A) equal protection of the laws; (B) freedom from gender and class discrimination; (C) fair and competent tribunals; (D) reasonable notice and opportunity to be heard; (E) fair and lawful use in civil prosecution and defense of relevant and material evidence and of applicable statutory, rule, and case law authorities; also (F) liberty and property protections; and (G) etc.

15. In short, the Lamar County court system may either already be, or has become, a fully wanton criminal enterprise with the officers and professionals in daily power thereof absolutely and manifestly abusing process, law, litigants, and even incidental parties, in egregious patterns and practices of rights violations, also using unlawful threats and other false intimidation tactics, including willfully false deprivations of liberty rights to illegally coerce, rampant and flagrant obstructions of justice, extortionate schemes for unjust enrichment of their floozy and equally fraudulent leeches, outlandish and flagrantly obvious bias and prejudice, gross class and gender discriminations, engaging in repetitively-unlawful *ex parte* actions to obtain fraudulent orders *against* the law, and etc., i.e., generally so much crime, committed so often, it shocks conscience.

16. Again, your Petitioner does *not* seek this Honorable Court to issue any decrees regarding state law matters of divorce, child custody, or support, but instead *only* to enforce due process, equal and civil rights, true constitutional rights, and other federal rights, statutory and otherwise.

17. Your Petitioner has been continually harassed by the Lamar County courts and the related court administration systems, also repeatedly violating his most basic due process rights, by willfully, knowingly and intentionally conspiring in various commissions of criminal acts and behaviors, all shockingly done in an intentional conspiracy to aid and abet grand scale larceny.

18. Indeed, upon belief and information, this Petitioner has quite sufficient cause and grounds to also consider the demanding of various official investigations into patterns and practices of any widespread, systemic violations of basic federal rights by the Lamar County court systems.

BACKGROUND FACTS

19. All U.S. citizen natural parents, both male and female, father and mother both, if both are legal adults at the time of a physical conception (a normal pregnancy), *equally* have and *equally* share full legal and physical custodial rights to their mutual natural child, automatically vested

into each and both such natural parents, from the very moment of birth of each such living child; There is no magical difference between the pre-existing, full legal and physical child custodial rights enjoyed and retained by a given parent sued by child protection services (TX = "DFPS"), or the very same and exactly equal, pre-existing, full legal and physical child custodial rights enjoyed and retained by a given parent sued in divorce-and-similar-with-kids family court – both situations are exactly the same, with the state action alleging, whether expressly revealed or not, that the targeted (generally "respondent" or "defendant") party is somehow too seriously unfit to continue his or her pre-existing, well-established, superior child custodial rights in full force, yet of course that requires the state to first prove "unfitness" by clear and convincing evidence under full due process procedures, including that parent's right to invoke trial by jury upon the same.

20. Well over one hundred (100+) years of consistent, enormous case law from both the state and federal courts also routinely affirms: **(a)** that not only are these same parental custodial rights to their natural minor child *superior* to "mere" constitutional rights, i.e., these custodial rights are always entitled to full due process protections in at least the same full procedural measure as any so-called "mere" right enumerated by our Federal Constitution, i.e., *more* important than those "mere" guarantees within the Bill of Rights and elsewhere; **(b)** but also that the State cannot even begin to question, let alone invade or impinge upon, those pre-existing, fully vested legal and physical custodial rights that natural parents have to their own minor children, unless and until the State would *first* prove, and only then by clear and convincing evidence performed under full due process procedures, that either or both such natural parent(s) is/are found *seriously* "unfit" within a competent court of proper jurisdiction, too *seriously* unfit to continue retaining their same such pre-existing and already fully vested legal and physical custodial rights to such child.

21. The State of Texas has <u>never</u> even alleged (let alone proven) any "unfitness" by me, ever.

22. Within divorce and similar proceedings, it is an utter fallacy, an outright unconstitutional fraud, and a legal nullity, for any state court to attempt to pretend to "grant" or "award" any form of custody ("legal" and/or "physical") of any child to either and/or both natural parents of that child, since *they **both** already have* child custody rights fully vested into each and both of them, long prior to ever entering into any state court action; The given state court in any such similar proceeding (*i.e., <u>not</u> discussing post-deprivation actions in the realm of child protective services actions, which are quite different in their origination and purposes as between the state and the given parent or parents*) cannot falsely and fraudulently pretend to ostensibly "award" or "grant" something *it does not have* (child custody) to someone *who already has it* (child custody) *fully*, or more correctly described as fully flagrant discrimination and fraud by typically allowing just one parent to continue retaining her/his pre-existing child custody rights, but in fact removing the other parent's exact same and also pre-existing child custody rights, without so much as even bothering to inform that other parent that all such rights are constitutionally-protected rights that cannot be simply taken away without first going through full due process, i.e., perpetrating all manner of unlawful administrative end-runs, by repugnant statutes, against constitutional rights, to (a) defraud the unsuspecting parent of his/her superior rights without even telling them that is what is actually going on, (b) in order to falsely reclassify that same unsuspecting parent into a so-called "noncustodial" parent, (c) in order to begin generating all sort of financial windstreams.

23. Any statute, regulation, or rule pretending to ostensibly provide any state court with authority to grant or award child custody, within divorce and similar actions involving children, but without also requiring first an affirmative due process finding of serious parental unfitness, is directly unconstitutional upon its face, *must* fail the test of constitutionality, and is also hereby directly challenged as patently unconstitutional for all the aforementioned commanding reasons.

COUNTS I THROUGH X – Gender Discrimination, Violations of Equal Protection, Violations of Pre-Deprivation Due Process, and other Constitutional Violations

[AGAINST RESPONDENT WOMACK, AND OTHER PARTIES TO BE NAMED / SERVED]

24. Petitioner realleges all paragraphs above by reference the same as if fully set forth herein.

25. Petitioner also now incorporates, by reference the same as if fully set forth herein (H.I.), his directly related filing in Verified Affidavit of Rustin P. Wright on Local Bias and Prejudice.

26. A.G.F.W. was born during December of 2004; Respondent Womack both formally and publicly acknowledged paternity of A.G.F.W. by your Petitioner Wright already by, and also had immediately sued your Petitioner Wright already in, just the very next month of January, 2005.

27. From the very beginning, although my equivalent paternity and custodial rights regarding all aspects of A.G.F.W. were therefore established, and although those custodial rights are very well established as superior to the state's any interest (which must also pass strict scrutiny, least intrusive, and such other constitutional hurdles), neither the Respondent, nor the State of Texas, has ever alleged any form or manner of serious parental unfitness, hence has never actually or validly initiated, let alone proven under due process procedures, any form or manner of unfitness deprivation action against me ("termination of parental rights"), hence has never removed any part of my absolutely same and equal share of all such pre-existing custody rights to A.G.F.W. with the Respondent in like and equal kind, hence clearly your Petitioner was unconstitutionally reclassified by the State of Texas, vis-à-vis the locally biased and prejudiced Lamar County court system (*id*.), as an utterly fictitious and so-called "noncustodial" parent, in full dearth of required pre-deprivation due process of any kind, whatsoever, before arbitrarily removing my custody rights, and further issuing and executing secondary forms of likewise unconstitutional actions, in including both in terms of financial (property rights) issues, as well as the familial, associative,

injunctive and other violations of liberty rights issues, with a litany of other intertwined matters due to all the underlying wrongdoing by Respondent as acting in concert with state actors and others by and through the substantive "conspiracy" elements in pending amendment via Section 1983 and other authorities. *See* Notice of Pending Amendment of Petition into Full Complaint.

28. On March 8, 2006, the initial state court judge entered an Order Adjudicating Parentage (*see* Exhibit B), ostensibly "awarding" custodial rights to two natural parents who *already* shared and had fully equal and superior custodial rights…, namely Respondent and your Petitioner, and ostensibly "awarding" various day-to-day rights over the minor child (A.G.F.W.) to two natural parents who *already* had those rights…, namely Respondent and your Petitioner, but ostensibly then also, arbitrarily and capriciously, via blatant gender discrimination, total disdain for equal protection of the law, disregard for equal privileges and immunities, and etc., summarily ordered – with no due process explanation whatsoever – that Respondent was solely "awarded" certain ***key*** custodial rights regarding A.G.F.W. that were ***not*** *also* "awarded" to your Petitioner, hence unilaterally elevating Respondent's rights, but unilaterally demoting the rights of your Petitioner. *See* Exhibit B, at 4-5 (Respondent "gets" 10 rights, Petitioner "gets" 8 rights), yet cf. to no authority or reasoning given for such disparate treatment, let alone any constitutional basis. *Id*.

29. These two key "exclusive" rights "awarded" to Respondent but not equally to Petitioner were, of course, the actual constitutional violations in unequally giving Respondent sole right to determine A.G.F.W.'s residential address considered 'primary' for all of A.G.F.W.'s normal life uses, and in unequally "awarding" Respondent somehow magically with both, regular portions of my money to be paid to her, and *solely her* having spending discretion of *my* same monies. *Id*.

30. As even more of the these blatant violations of equal rights, the very same above Order also pretended to ignore any discussion about the total deprivation of your Petitioner's physical

contact time with A.G.F.W. between his birth in December of 2004 until January of 2006, and then only "allowed" your Petitioner to enjoy his superior, pre-existing child custodial rights on two weekends per month, just three weekends if a month had a rare fifth weekend itself. *Id*. at 8.

31. The same Order then still only "allowed" your Petitioner to enjoy and exercise just part of his otherwise same and equal rights as Respondent, for the next six (6) months delayed (*id*.), via an "increased" schedule amounting to just a few more extra days per month, if Respondent also would not prevent, simply decline herself to allow, or otherwise interfere with your Petitioner's already-inferior "allotted portion" of his equally pre-existing and equally shared child custodial rights to A.G.F.W., especially noting for this Court's convenience that your Petitioner's paternal rights and full parent-child relationship was, already and prior, firmly well established by the state court via this same exact Order, ordering at the top of page 2 thereof: "that the parent-child relationship between the father and the child is established for all purposes." *Id*. at 2. Hence, even the state court itself had no lawful authority or business *then* proceeding throughout the rest of the same Order in critically meaningful disparate treatments of your Petitioner. *Id. passim*.

32. Not until more than two (2) full years after A.G.F.W. had been born, was this same Order then going to finally start "allowing" your Petitioner to exercise at least the component of shared physical time, i.e., of his several equally pre-existing and equally shared child custodial rights to A.G.F.W., by finally "allowing" your Petitioner to exercise alternating full weeks. *Id*. at 12-13.

33. This arbitrary, lawlessly disparate treatment has continued ever since, under repetitively meritless, frivolous actions filed by Respondent and her counsel subsequently rubber-stamped by the Lamar County courts in like meritless fashion, multiple times even willfully and intentionally performing these unlawful acts via additional *ex parte* proceedings against your Petitioner, yet of course they've known full well for all the same years the contact info and mailing addresses for

both your Petitioner and for my plainly present counsel of record, but simply choosing to ignore very well established court rules of procedure plus very well established statutes of due process procedure, and choosing to willfully violate professional ethics rules, by informing *neither* of us, and by serving *neither* of us with process, prior to seeking "new" court relief in the **same** case.

34. Moreover, the parties, both your Petitioner and the Respondent, had previously agreed to specific terms precluding the initiation of any more court action until A.G.F.W. would first reach the age of ten (10) years old. *See* the attached Exhibit C, Agreed Order in Suit to Modify Parent-Child Relationship, at 24-25 (ordering mediation instead of any litigation prior to Dec. 29, 2014).

35. However, that binding agreement for mediation instead of litigation was quickly breached by Respondent as early as June of 2011, when she (also in bad faith) filed for affirmative court action upon her (meritless) injunction, which nevertheless the exact same court rubber-stamped for Respondent as an order against your Petitioner taking A.G.F.W. to his regular extracurricular activities, *despite* the Agreed Order. *See* Exhibit D, Permanent Injunction (Dec. 6, 2011), at 1-2.

36. Respondent's false and meritless action for said injunction was (a) based upon only her own allegations of some years prior, (b) of a supposed minor neck strain to A.G.F.W. which had never actually occurred during his extracurricular activities, (c) regardless of a possibility that something minor may have happened or not some years earlier, there was no legal basis for any such newly-revived action upon the same prior issue, and (d) regardless of all the above, two different official reports of doctors who examined A.G.F.W. about this very issue and purpose both fully cleared A.G.F.W. of any injury ever having happened, and fully healthy and available for these extracurricular activities, regardless of the distant possible past. Exhibit E, at 2, *et seq*.

37. Respondent shortly repeated her exact same meritless, revived litigation yet again in May of 2013, *despite* the Agreed Order, with rehashed repeats of the same old story from years earlier

of her own self-serving allegations, and again *despite* the Agreed Order, the same exact court was all too willing to accept yet more of Respondent's unlawful *ex parte* filings and also quickly rubber-stamp the same, even magically granting Respondent every kind of her falsely requested relief some two hours *before* Respondent's filings were even filed... Exhibits F and G, *passim*.

38. As always, Respondent had just re-raised again more inadmissible self-serving hearsay allegations and again failing to meet any legal minimums, while your Petitioner responded with specific commanding authorities of every kind in addition to also bearing explicit and conclusive evidentiary proof by reputable licensed professionals already known to the parties (Exhibit H and Exhibit I), so the state court already well knew that Respondent's rehashed regurgitation from years prior was estopped, that her any court action was barred by the court's own Agreed Order, and that her self-serving hearsay allegations were not even close to legally sufficient, but that didn't stop the biased and prejudiced state court from not only trampling all over duly advised law, truth and fact, but actually to perpetrate that manifest injustice with the additional speed of using amazingly unlawful *ex parte* proceedings with Respondent's counsel in the midst, with yet again somehow the state court magically granting Respondent an unlawful extension of falsified injunction some twenty (20) minutes before Respondent's insufficient motion had even been filed, i.e., again demonstrating the "convenience" of Lamar County courts. Exhibits J and K.

39. And this same utter mockery of a court of law continued wholly unabashed for the next few weeks in very similar unlawful manner, Exhibits M and L, until your Petitioner's counsel simply had no choice but to finally confront the highly unethical violations of professional rules being committed by Respondent's counsel, via dispatch of formal complaint letter. Exhibit N.

40. Meanwhile, the state appeal on the false injunctions by Respondent and her pocket court, all regarding the injury-that-never-was, concluded with receipt of an appellate opinion essentially

condoning the blatant obstruction of justice and evidentiary tampering conspiracy by the lower court, Respondent, and her counsel – however, at least still noting your Petitioner's rock-solid game-changer evidence by two (2) attesting medical doctors confirming there either never was any injury, in the first place, or else it was so long ago and so minor at that time, that it essentially never existed, plus your Petitioner's own affidavit at the state trial court level. Exhibit O, top of 4, 7-8. The state appeals court, however, had its procedural hands tied due to addressing a denial of motion to modify an injunction, as opposed to a frontal attack upon the initial propriety of issuing any injunction itself, something the appellate took extra special pains to note its own serious question about – see Exhibit O at 7, note 7; cf. to Exhibit E, at 2, *et seq*.

41. The appeals court also took extra special pains to repeatedly point out the impropriety of the lower court in grievously failing to contain pertinent copies of relevant documents within its very own case record – see Exhibit O at 2, note 2; also Exhibit O at 3, note 4.

42. Even worse than most of the other shenanigans throughout the entire lower state court process, is the fact that that particular court hasn't even had any jurisdiction whatsoever over this case since November of 2014, when it – itself – ordered transfer of the case to another different court (Exhibit P), yet nevertheless routine violations of rights and law, and abuse of power and process continues on, with Respondent and her counsel allowed to run amok within a void court.

43. More recently, Respondent both willfully planned to and did move her residence in direct defiance of the longstanding geographic restriction terms of the parties' binding Agreed Order in Suit to Modify Parent-Child Relationship (Exhibit C, dated 03/24/10), without notice of any kind provided to either your Petitioner or to the state court, but that same highly biased and prejudiced state court, as usual, never actually enforces anything – even its own orders – upon the criminally minded Respondent, but instead just pats her on the back in reward. Exhibit Q (dated 08/20/15).

44. Your Petitioner also expects no actual remedy for Respondent yet again recently willfully interfering with your Petitioner's court-ordered parenting time, reported to police (Exhibit S).

45. The cause of action and civil damages for deprivation of parent-child relationship is well established in both the federal and state court systems. Within the federal system, the damages awarded are typically between $110k to $130k per child, per year. Within the state system, these damages awarded are typically only between $40k to $60k per child, per year. Your Petitioner now elects to prosecute this cause of action as fully established within the federal court system, which is why it is included and delineated amongst these federal set of Counts in the list below.

46. Specific, individually listed Counts I through X follow next below, each to be amended within time allowed; *See* also Notice of Pending Amendment of Petition into Full Complaint.

47. Your Petitioner is entitled to and claims civil damages for false and tortious deprivation of parent-child relationship in varying degrees and times over the course of the past ten years.

48. Your Petitioner is entitled to and claims civil damages under 42 USC § 1981.

49. Your Petitioner is entitled to and claims civil damages under 42 USC § 1983.

50. Your Petitioner is entitled to and claims civil damages under 42 USC § 1985.

51. Your Petitioner is entitled to and claims civil damages under 42 USC § 1986.

52. Your Petitioner is entitled to and claims civil damages under 42 USC § 2000b–2.

53. Your Petitioner is entitled to and claims civil damages under U.S. Const., Amend. I for violations of the rights to free assembly, to familial association, and to petition for redress.

54. Your Petitioner is entitled to and claims civil damages under U.S. Const., Amend. IV for unreasonable seizures (both of liberty and property).

55. Your Petitioner is entitled to and claims civil damages under U.S. Const., Amend V for deprivations of both liberty and property without due process of law.

56. Your Petitioner is entitled to and claims civil damages under U.S. Const., Amend. XIV for violations of equal protection, equal privileges and immunities, and gender discrimination.

57. Your Petitioner is also entitled to and claims special and/or punitive damages.

58. Your Petitioner is also entitled to and claims trial by jury of peers upon all issues.

WHEREFORE, your Petitioner prays this Court issue a declaratory judgment finding that the lower state court proceedings now removed are void for lack of pre-deprivation due process, that this Petitioner was never lawfully reclassified as a "noncustodial" parent, and that the State failed to first properly allege and adjudicate serious parental unfitness as a legal prerequisite to any such reclassification, also for one or more appropriate civil damages awards by peer jury in favor of Petitioner, against Respondent Womack jointly and severally with additional liable parties yet to be formally served, and for all other relief that is true, just, lawful and proper in the premises.

COUNTS XI THROUGH XVII – STATE LAW CLAIMS UNDER 28 USC § 1367

[AGAINST RESPONDENT WOMACK, AND OTHER PARTIES TO BE NAMED / SERVED]

59. Petitioner realleges all paragraphs above by reference the same as if fully set forth herein.

60. All of the state law, common law, and tort type claims are so interdependent and also so inextricably intertwined with all the above federal claims as to be exactly the same in reality, and inseparable from each other's context, hence supplemental jurisdiction is well entitled and had.

61. The cause of action and civil damages for deprivation of parent-child relationship is well established in both the federal and state court systems. Within the federal system, the damages awarded are typically between $110k to $130k per child, per year. Within the state system, these damages awarded are typically only between $40k to $60k per child, per year. Your Petitioner now elects to prosecute this cause of action as fully established within the federal court system, which is why it is included and delineated amongst the federal set of Counts in the above section.

62. By falsely reclassifying your Petitioner as a so-called "noncustodial" parent, in order to create a legally-fictitious civil debt of child support and falsely order extractions of large sums of money in the guise of said child support, your Petitioner is entitled to have Respondent promptly refund, with interest and penalties attached, the entirety of all said payment transfers, and your Petitioner further therein additionally alleges fraud and/or constructive fraud for treble damages.

63. By knowingly, intentionally, willfully, and expressly violating the terms of the binding Agreed Order in Suit to Modify Parent-Child Relationship (Exhibit C, dated 03/24/10), vis-à-vis Respondent Womack (falsely and maliciously) initiating *any* new litigation, let alone meritless litigation, let alone repeated meritless new litigations, within the judicial court process before A.G.F.W. first reached the triggering age of ten years old, Respondent Womack is clearly guilty and liable for civil damages and civil remedies in favor of Petitioner, due to her such breaches, and responsible for those damages and remedies in addition to reimbursement of all attorney fees incurred by your Petitioner to have to defend and litigate against such frivolous actions, and your Petitioner further therein additionally alleges fraud and/or constructive fraud for treble damages.

64. Said attorney fees wrongly incurred by your Petitioner, since and for all of Respondent's various meritless court actions originating from and/or related to her early 2011 resurrection of (precluded) litigation, total between $45,124.65 to $55,124.65 as wrongly incurred by Petitioner, not counting all the related and incidental expenses and costs, travel and mileage, and so forth.

65. Specific, individually listed Counts XI through XVII follow next, each to be amended within time allowed; *See* also Notice of Pending Amendment of Petition into Full Complaint.

66. Your Petitioner is entitled to and claims civil damages under replevin of all monies taken falsely and/or fraudulently, via ostensible orders for child support, and due to frivolous litigation.

67. Your Petitioner is entitled to and claims both civil damages and remedies for breach of contract (precluding further court litigation until A.G.F.W. first reaches the age of ten years old).

68. Your Petitioner is entitled to and claims civil damages for fraud and wanton conduct.

69. Your Petitioner is entitled to and claims civil damages for infliction of emotional distress.

70. Your Petitioner is entitled to and claims civil damages for malicious prosecution.

71. Your Petitioner is entitled to and claims civil damages for gross negligence.

72. Your Petitioner is entitled to and claims civil damages for abuse of process.

73. Your Petitioner is also entitled to and claims special and/or punitive damages.

74. Your Petitioner is also entitled to and claims trial by jury of peers upon all issues.

WHEREFORE, your Petitioner prays this Court to exercise its supplemental jurisdiction in issuing certain supporting declaratory judgments towards such trial by peer jury on these issues, also for one or more appropriate civil damages awards by said jury in favor of Petitioner, against Respondent Womack jointly and severally with additional liable parties yet to be formally named and served, and prays for all other relief that is true, just, lawful and proper within the premises.

SUMMARY AND PRAYER

75. Petitioner reiterates that his request for removal to this Court is not just about a supported and reasonable expectation of the future manifest deprivations of his various civil rights within said state court, but also that recklessly unlawful patterns of the same are now well established.

76. 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 Petitioner will be otherwise subjected to manifestly *egregious* denials and inabilities to enforce in said state courts ‘one or more rights under the laws providing for the equal rights of

citizens of the United States', and will also be likewise unlawfully forced to suffer manifestly *irreparable* harm and due process injuries therein, without any further *reasonable* remedy at law.

77. This Petition and the above basic emergency set of Counts will be soon amended into full version and served swiftly. *See* Notice of Pending Amendment of Petition into Full Complaint.

WHEREFORE, your undersigned Petitioner, Rustin P. Wright, now prays for retaining the removal of the instant state court proceedings into, and under, the jurisdiction of this United States District Court, at a minimum for appropriate declaratory and injunctive relief, and/or to further decide any supplementary matters, for trial by jury right, for appropriate awards of civil damages in Petitioner's favor, to ORDER the respondents to pay all costs, fees, and reasonable attorney expenses herein, and for all other relief that is true, just and proper within the premises.

Respectfully submitted,

_____

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Pro Se Petitioner Party of Record

VERIFICATION

I 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 all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed at Frisco, Texas, this _____ day of _____, 2015.

_____

Rustin P. Wright