

CAUSE NO.: 73540

IN THE INTEREST OF

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IN THE 6<sup>th</sup> JUDICIAL

A.G.F.W.,

DISTRICT COURT OF

A MINOR CHILD.

LAMAR COUNTY, TEXAS

ASHLEY B. WOMACK,  
Petitioner, and Defendant-Respondent above,

) 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*”)

RUSTIN P. WRIGHT,  
Respondent, and Plaintiff-Petitioner above,

)  
) Judge William Baird, presiding

**Notice of Removal to the United States District Court**

Comes now the Respondent herein, Rustin P. Wright, and in direct support of his Notice to this Court, to the Clerk, to all counsel and all parties, hereby states and provides the following:

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, these state proceedings are now removed, by automatic operation of federal law, and this Respondent now formally notifies the Court and all parties herein of the same judicial event.

2. Pursuant to the express and specific language of 28 U.S.C. § 1446(d), 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” – because the removal of these proceedings is an automatic judicial event, and immediate by strict operation of federal law; 28 U.S.C. § 1446(d) is provided here in its entirety:

Promptly after the filing of such notice of removal of a civil action the [litigant(s)] shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which *shall* effect the removal and the State court *shall proceed no further* unless and until the case is remanded. (emphasis added)

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).

4. Because this cause is removed, this Court has no jurisdiction for any further effects in these proceedings (28 U.S.C. § 1446(c)(3)), and any such acts attempted shall be wholly void.

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

**WHEREFORE**, the undersigned Respondent Father now notifies this Court and all parties that this cause is removed, that this Court has now lost all jurisdiction for any further effects within this cause, bar none, including attempts to hold any hearings or issue any orders, and that therefore, any attempt to circumvent this removal shall be strictly unlawful, shall be a willful criminal violation of due process rights, and shall be amended into the civil suit already begun.

Respectfully submitted,

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Rustin P. Wright  
10603 Memphis Drive  
Frisco, TX 75035  
Tel: (469) 569-2435  
Email: rustinwright@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify: that on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, a true and complete copy of the foregoing *Notice of Removal to the United States District Court*, by depositing the same via first class postage prepaid mail, USPS or equivalent carrier, has been duly served upon:

Jennifer M. Gibo, #24032343  
Law Office of Jennifer Gibo  
109 1st Street SE  
Paris, TX 75460

Joshua H. Northam, #24029749  
Shackelford, Melton, McKinley & Norton  
3333 Lee Parkway, Tenth Floor  
Dallas, TX 75219

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