

**FILED**

**AUG 09 2018**

Clerk, U.S. District Court  
Texas Eastern

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

Cause No.: 4:18-cv-567

RUSTIN P. WRIGHT,	)	In a removal from the Sixth Judicial
Petitioner,	)	District Court of Lamar County, Texas
	)	TX state case number: 73540 (“ <i>In the</i>
v.	)	<i>Interest of A.G.F.W., a Minor Child</i> ”)
	)	TX Judge William Baird, presiding
STATE OF TEXAS, and	)	*CONSTITUTIONAL QUESTIONS
ASHLEY B. WOMACK,	)	*INJUNCTIVE RELIEF SOUGHT
Respondents.	)	*DEMAND FOR JURY TRIAL

**Request for Judicial Notice, or in the Alternative,  
Motion for Required Hearing on the Same Issues**

May it please the Court, I hereby must formally request the Court to take judicial notice pursuant to FRE 201 of the following adjudicative facts which come *directly* from the United States Supreme Court itself, and come directly from the Supreme Court upon *multiple* occasions, or in the alternative reserved by right of law, demand formal hearing be set upon the same issues.

CASE STATUS

The instant docket should correctly designate this action as type “950 – Constitutionality of Statutes” because that is what it is – this *special civil rights form of removal* under Section 1443 is upon NEW FEDERAL CAUSES OF ACTION, which are the direct facial challenges formally raised herein expressly pursuant to law and procedure, against one or more statutes alleged to be repugnantly unconstitutional. This is expressly authorized federal court jurisdiction, every day of the week, and is the **required** core aspect of special civil rights removal under Section 1443, that is to say any removal under Section 1443 would be strictly invalid *\*without\** such formal facial challenge (“constitutional questions”) raised to an alleged unconstitutionality of statutes.

My own *personal, individual state court case* is **not** the primary thing on trial herein, *per se*, but the various unconstitutional wrongdoings by the Respondents within my personal case are simply the required demonstration of *legal standing* with which to validly raise the instant facial challenges to the same rogue statutes that also routinely violate the constitutional rights of all.

**DEMAND FOR COURT TO ISSUE THE REQUIRED CERTIFICATION LETTERS**

The individual person of the Judge of this Court will be formally charged with intention to affirmatively defraud and criminally obstruct the justice of clear and well established legal procedure to formally and promptly notify each such attorney general of the same respective formal constitutional challenge duly raised herein, if this Court fails to issue the required letters.

The Texas statewide “family court” system is on trial here – **not** my personal case, *per se* – and the three (3) different direct constitutional challenges have been formally raised by proper Notice to said Texas state statutes as provided by law. See my instant Notice of Constitutional Questions to Texas State Statutory Schemes. See also my instant and related Notice of Constitutional Questions to Federal Statute 28 USC 1443. There are *two* (2) basic sets of formal constitutional challenges raised herein, one set raised to a variety of state statutes of Texas, and the other set raised against a single federal statute. This Court is **REQUIRED** by express law and rules to promptly issue the corresponding certification letters regarding said challenges.

**Each** such formal Notice (of constitutional challenge to statutes) requires this Court to issue out an appropriate *certification letter* to the corresponding Attorney General of the respective constitutional challenge formally raised. **F.R.Cv.P. Rule 5.1(b)** and **28 USC § 2403**.

The duty to issue the same required certification letters is mandatory.

**WHEREFORE**, Petitioner demands the Court now immediately issue out the certified letters, one appropriately issued to TX-AG Ken Paxton and the other issued to US-AG Jeff Sessions.

DEMAND FOR JUDICIAL NOTICE

Again, this federal removal under special civil rights Section 1443 is not like any other type of removal... ALL other (seven) types of removal *always* seek to \*continue\* the case *as was removed*, i.e., all other types of [general/normal] removal *always* seek to *continue* the merits and defenses and arguments to the whatever “normal and reasonable” resolution and case disposition according to those pleadings and defenses and so forth. *BUT* removals under Section 1443 never (NEVER) seek to *continue* the instant state case matters, but always seek to simply have the instant state case *struck down in its entirety*, because it simply *CANNOT EXIST AT ALL*, due to being illegally began, *in the first place*, by invoking such same statutes that were and are facially unconstitutional themselves. The state case *itself* could never (constitutionally) begin. It is **void**.

And when it comes to “determining jurisdiction” within this federal Court regarding the raised constitutional challenges, the United States Supreme Court has already well – and multiple times – established long ago, that in a special Section 1443 removal case, precisely because it is based upon one or more direct challenges to the alleged unconstitutionality of one or more statutes, in that the any invocation of such same statutes are alleged to be automatically causing violations of federal rights, then there always must be, within a Section 1443 case, an actual fact-finding process to determine *whether or not such alleged rights violations are, in fact, occurring*, and if they are, then the federal district court DOES have removal jurisdiction and must effect relief sufficient to correct the constitutional error, and if the alleged rights violations are, in fact, not occurring, then the federal district court DOES NOT have removal jurisdiction under Section 1443, and must remand the action back to the state court. Even further, the Supreme Court went on to establish in direct relation, that because if rights violations are, in fact, occurring, then until the federal district court finally exercises its inherent jurisdiction to correct same, that the given

petitioner may, in fact, remove the state case again and again, as often as necessary, until the federal district court finally resolves the action raising the facial challenges to statutes under the same required FACT-FINDING process (emphasized to help educate/inform opposing counsel).

The instant federal judicial officer(s) shall take proper judicial notice when requested. FRE Rule 201. And that judicial notice of particular adjudicative facts is to be taken of discussion and unchallenged agreement within the Oral Arguments held regarding **all three (3)** of the SCOTUS “seminal triplet” cases upon Section 1443 removals, *Georgia v. Rachel*, 384 U.S. 780 (1966), *City of Greenwood v. Peacock*, 384 U.S. 808 (1966), and *Johnson v. Mississippi*, 421 U.S. 213 (1975), of which each and all three (3) such same said Oral Argument audio recordings, as well as synchronized transcripts, are freely available to anyone, including all legal professionals as well as the general public citizenry, upon Oyez.org (<http://oyez.org>), and that directly within these *comprehensive* Oral Arguments, the matters of required fact-finding to determine Section 1443 removal jurisdiction within this Court, as well as the related matters of repeated filings of removals until the federal court finally exercises that required fact-finding jurisdiction, are, in fact, so well established within said same Oral Arguments, that the same matters-of-obvious-fact were duly accepted and agreed to, by *not only all* of the various Justices who spoke upon the same, but *also* by *both* sides of counsel, i.e., ALL THREE (3) “SIDES” agreed upon the same as plain and clearly required due process of law, as an obvious matter, effectively *res ipsa loquitur*.

And so, the Court herein shall take judicial notice pursuant to Evidence Rule 201 that: **(1)** in special Section 1443 removal cases, a *bona fide* fact-finding process phase, with discovery, and so forth, is required upon the question of whether federal rights violations are occurring by fault of constitutionally repugnant statutes, in order to even determine “final” removal jurisdiction, i.e., **there is no** “motion to remand/dismiss” phase, *at all*, within a removal case filed under the

very special Section 1443, i.e., there is no “jurisdictional screening” allowed in any Section 1443 removal that properly includes formal raising of any one or more facial challenges to statutes complained of; and also (2) the requirement of actually reaching that same fact-finding merits phase of litigation within each such special civil rights removal action under Section 1443 is directly related, because such exercise of federal jurisdiction is established as required to actually reach that fact-finding determination, to the parallel availability of repeatedly filing removal via Section 1443 again and again, over and over, as needed, until that required fact-finding process is actually and finally concluded pursuant to normal due process.

And in this particular Section 1443 removal, *that fact-finding process* purposefully was, and already is, fully and solely reserved **exclusively** unto the Jury by clearly established right-of-law.

The undersigned Petitioner reminds the Court and all adverse parties that the Court is required to take judicial notice herein pursuant to FRE 201(c)(2).

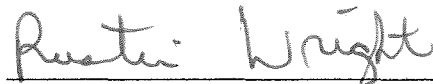
ALTERNATIVE MOTION FOR MANDATORY HEARING UPON THE SAME ISSUES

Furthermore, the Court shall “take judicial notice *at any stage* of the proceeding” (emphasis added). FRE 201(d). Even if the Court has any question or pause it may not simply decline or “deny” or otherwise avoid the judicially noticed issues, but must instead **SET EVIDENTIARY HEARING** upon the same issues, when – as herein and now – any party so requests, which I so do now affirmatively request and demand such full hearing under my absolute entitlement of law thereto. **FRE 201(e)**.

**WHEREFORE**, due primarily to willful and/or reckless intent by opposing counsel to defraud and mislead this Court, the Petitioner is compelled to educate and inform opposing counsel, by submitting this formal request for judicial notice of the above two (2) key points, including that Section 1443 removals are not even valid without involving a direct facial

challenge to one or more state statutes and of which facial challenge must be processed via corresponding, *bona fide* fact-finding phase of litigation to even determine “final” federal removal jurisdiction or not upon the question of whether federal rights violations are facially occurring because of said challenged statute or statutes, and also that the same removal party may freely remove again and again until the federal court finally does reach that same required fact-finding determination of jurisdiction, and also reminding opposing counsel further that in this case, all fact-finding will be exclusive to the Jury properly and duly claimed and reserved on strategic purpose regarding all the above, and by having now rightfully tendered this same formal request at any stage of the proceedings, that the Court shall take said judicial notice of same controlling facts or the Court shall set full evidentiary hearing upon the same matters, and Petitioner further prays for all other true and lawful and other appropriate relief in the premises, including preparing for full Jury Trial upon the direct facial constitutional challenges already raised herein against repugnant state statutes.

Respectfully submitted,



Rustin P. Wright  
10603 Memphis Drive  
Frisco, TX 75035  
Tel: (469) 569-2435  
Email: rustinwright@gmail.com  
*Pro Se Petitioner Party of Record*

CERTIFICATE OF SERVICE

I hereby certify: that on this \_\_9th\_\_ day of August, 2018, a true and complete copy of the above *request for judicial notice or alternative hearing*, by depositing the same via first class postage prepaid mail, USPS or equivalent postal carrier, and via email, has been duly served on:

*(Statutory party United States)*  
Attorney General Jeff Sessions  
c/o U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

*(Respondent State of Texas)*  
State of Texas  
c/o Attorney General Kenneth Paxton  
P.O. Box 12548  
Austin, TX 78711-2548

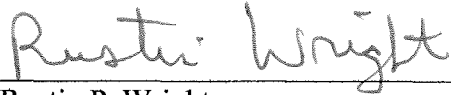
*(Respondent Ashley)*  
Ashley B. Womack  
150 Carter Road  
Springtown, TX 76082-6577

*(state court counsel of Respondent Ashley)*  
Jennifer M. Gibo, #24032343  
Law Office of Jennifer Gibo  
109 1st Street SE  
Paris, TX 75460

*(Statutory party United States)*  
U.S. Attorney Joseph D. Brown  
Office of the U.S. Attorney  
350 Magnolia Avenue, Suite 150  
Beaumont, TX 77701

Linda A. Acevedo  
Chief Disciplinary Counsel  
State Bar of Texas  
14651 N. Dallas Parkway, Suite 925  
Dallas, TX 75254

State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, TX 78711-2265

  
Rustin P. Wright