UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Cause No.: 4:18-cv-00414

JONATHAN L. DAVIS, Petitioner,	)	In a removal from the 308th District Court of Harris County, Texas
v.	)	State case number: 2006-73958 *("In the Interest of J.J.D., a Child")*
STATE OF TEXAS, and AMY L. WOODARD-DAVIS, Respondents.	)	Judge Lombardino, presiding

Request for Judicial Notice

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.

CASE STATUS

The instant docket correctly shows this action designated as type "950 – Constitutionality of Statutes" because that is what it is – this *special civil rights form of removal* under Section 1443 is upon BRAND NEW 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, but the various unconstitutional wrongdoings by the Respondents within my personal case is simply the

required demonstration of *legal standing* with which to validly raise the instant facial challenges to the same statutes that also wrongly (unconstitutionally) and routinely violate the rights of all.

CERTIFICATION 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 of Constitutional Questions to Texas State Statutory Schemes upon initial case opening, along with a similar facial challenge to particulars of 28 USC §1443. *See* Dkt. #2-2 and #2-3.

Each such formal Notice (of constitutional challenge to statutes) requires the 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.

Of the three different "core" issues of this case (*see* my contemporaneous Rule 26f Report), the core aspect of Section 1443 removal action, as its crux, is direct facial challenges to state statutes, which is "everyday fodder" (very well established subject matter) for the federal courts.

TRIAL BY JURY HEREIN IS MANDATORY PER THE SUPREME COURT

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.

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.

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 lastly 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.

Respectfully submitted,

Jonathan L. Davis

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Pro Se Petitioner Party of Record

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of April, 2018, a true and complete copy of the above *request for judicial notice*, by depositing the same in first class postage-prepaid United States mail, is today being served upon each of the following:

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