

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION

U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2018 MAR 27 AM 11:11  
CLEARANCE UNIT  
AT GLENVIEW  
BY SHP

Cause No.: RDB 18CV0885

RONALD E. DIXON JR., )  
18751 Harmony Woods Lane )  
Germantown, MD 20874 [Montgomery Co.] )

Petitioner, )

v. )

STATE OF MARYLAND, )

FREDERICK COUNTY DEPARTMENT )  
OF SOCIAL SERVICES, )  
1888 North Market Street, P.O. Box 3066 )  
Frederick, MD 21705-3066, and )

BETH M. DIXON, )  
503 Mount Vernon Place #3 )  
Rockville, MD 20850 [Montgomery Co.], )

Respondents. )

In the related removals from the Circuit  
Court of Frederick County, Maryland:

State case number: C-10-CR-18-000024  
(*"State of Maryland v. Ronald Eugene  
Dixon"*)

AND

State case number: 10-C-13-003130  
(*"Frederick County Department of  
Social Services v. Ronald Dixon"*)

Judge Julie R. Stevenson Solt, presiding

CONSTITUTIONAL QUESTIONS

DEMAND FOR JURY TRIAL

**Notice of Pending Amendment of Petition into Complaint**

Comes now the Petitioner, Ronald E. Dixon Jr., providing notice to the Court and all parties in regards to pending amendment regarding his Verified Petition for Warrant of Removal, thusly:

These matters have now been filed in emergency of removal under 28 USC § 1443 due to the Respondent's threatening to have the instant state court repeat much of its previous lawlessness, the newest very serious threats occurring out of the blue just this past couple weeks, hence the undersigned Petitioner has only had brief opportunity with which to formulate and file merely highlighted sampling of some of the most egregious Counts against the various respondents.

The instant Counts already included under extreme time emergency, and also the additional Counts coming by way of amendment, are both applicable to *not only* the removal portion of this cause, *but also* directly likewise to the civil damages lawsuit portion of this very same cause.

Pursuant to the time allotted as of right under F.R.Cv.P. Rule 15(a)(1), this Petitioner shall, indeed, be promptly supplementing the limited Counts filed under time emergency within the instant Petition, to include other applicable serious Counts, along with formal named Defendants.

If this Notice was instead a motion for leave to amend it would certainly be granted. In the absence of any apparent or declared reason - such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. - the leave should, as the rules require, be 'freely given.'" Foman v. Davis, 371 U.S. 178, 182 (1962). Case law regarding the right to amend under 28 USC § 1653 is enormous.

However, this Notice is simply fair and reasonable courtesy notice to the Court and all parties with respect to the directly related motions for alternative preliminary relief requested by the contemporaneous filing of undersigned'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.

"Rule 15(a) of the Federal Rules of Civil Procedure permits a party to amend a pleading 'once as a matter of course at any time before a responsive pleading is served.'" Shane v. Fauver, 213 F.3d 113, 115 (3d Cir. 2000). A motion to dismiss is not a responsive pleading under Rule 15(a). Centifanti v. Nix, 865 F.2d 1422, 1431 n.9 (3d Cir. 1989), citing Reuber v. United States, 750 F.2d 1039, 1062 n. 35 (D.C. Cir. 1984); McDonald v. Hall, 579 F.2d 120, 121 (1st Cir. 1978). See also 2 James Wm. Moore, et al., Moore's Federal Practice § 12.34 (3d ed. 2000) ("Because a motion to dismiss for failure to state a claim is not a 'responsive pleading,' a plaintiff may amend

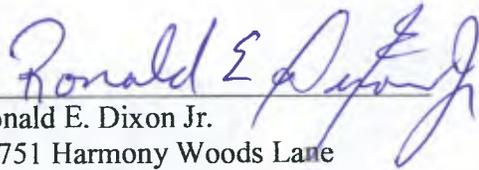
the complaint once without leave, even during the pendency of a motion to dismiss, if the defendant has not yet served an answer.”)

Accordingly, the undersigned Petitioner’s filing of his First Amended Complaint, which shall be the proper and full amendment of this now filed Petition, together with any and all additions of applicable formally named Defendants and variously applicable Counts, shall promptly and timely occur pursuant to provided timeline of either Rule 15(a)(1)(A) or (a)(1)(B).

It is anticipated that both the currently-named parties and all other interested parties herein, shall take all of the above information into consideration of and for their any answers and replies.

**WHEREFORE**, Petitioner, Ronald E. Dixon Jr., provides notice to the Court and all parties in regards to upcoming amendment of his Verified Petition for Warrant of Removal in this cause, further retaining claim and right for all other relief true and proper within the premises.

Respectfully submitted,

  
Ronald E. Dixon Jr.  
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*Pro Se Petitioner Party of Record*