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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Cause No.: ____________________

STEVE S. GEE JR.,
Petitioner,
v.
STATE OF TEXAS,
STACEY D. GEE, and
ADORA L. LOCKABY,
Respondents.

In a removal from the 422nd District Court of Kaufman County, Texas

State case number: 96435-422
("In the Interest of J.E.G., a Child")
Judge Michael B. Chitty, presiding

CONSTITUTIONAL QUESTIONS
INJUNCTIVE RELIEF SOUGHT
DEMAND FOR JURY TRIAL

3-18CV-833-D

Memorandum of Law Clarifying Established Federal Jurisdiction

Comes now Petitioner, Steve S. Gee Jr., providing for the convenience of this Court and all parties this memorandum of law, clarifying the instant matters are perfectly well established subject matter for the federal courts, and are even overwhelmingly so shown, by stating thusly:

INTRODUCTION

1. State "family law" matters *used to be* strictly state law issues prior to World War I, but into the Great Depression, the U.S. Federal Government began its initial federalization of certain family law matters throughout the 1920s and 1930s. After Governor Reagan signed the very first "no-fault divorce" law into effect in 1969 (coincidentally, his own memoir remark of the worst mistake he ever made while in any office), such "no-fault divorce" laws spread like wildfire all across the nation by still in the early 1970s. This was followed immediately during the latter half of the 1970s by the U.S. Federal Government's full federalization of any and all formerly state

law "family matters" by creating an entire plethora of nationalized "family law" agencies, units, programs, funding schemes, and more apparatus, under and through massive enactments of laws by Congress ostensibly designed to help assist welfare needs and/or even combat welfare itself.

2. The same historical account of the federalization of family law, with various additional details, is available online provided courtesy of and verified by the American Bar Association[1].

3. Because this full federalization and nationalization of family law matters occurred during the latter 1970s, it is of no small coincidence that the overwhelming majority of federal case law cited below, which by now includes literally thousands and thousands of federal court victories by natural/biological parents regarding due process required within state child custody actions, exploded into favorable federal case rulings all across the country, beginning *in the late 1970s*.

4. The mere <u>existence</u> of thousands of thousands of such federal court victories by parents, at all three levels of the federal court system, in the District courts, in every Circuit, and in the Supreme, *in and of itself*, is already unquestionable, conclusive proof of such federal jurisdiction.

5. The Supreme Court has issued numerous rulings upon all manner of parental rights over the past 150+ years, and has also further clarified that all federal courts do have subject matter jurisdiction over the constitutionality of state child custody actions. "Parents have a fundamental right to the custody of their children, and the deprivation of that right effects a cognizable injury. See <u>*Santosky v. Kramer*</u>, 455 U.S. 745, 758-59, 102 S. Ct. 1388, 1397, 71 L. Ed. 2d 599 (1982)." <u>*Troxel v. Granville*</u>, 530 U.S. 57, 68-69, 147 L. Ed. 2d 49, 120 S. Ct. 2054 (2000).

6. Violations of parents' federal constitutional and/or due process rights within any state action affecting child custody rights, according to the U.S. Supreme Court: **are** cognizable claims in the federal courts.

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[1] American Bar Association – The Federalization of Family Law – Linda D. Elrod – http://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol36_2009/summer2009/the_federalization_of_family_law.html

LIBERTY AND PROPERTY RIGHTS

7. The three (3) most important constitutional rights of the average citizen, for self-evident and legally well-established reasons, are Life, Liberty and Property. State family court actions can routinely implicate and trigger due process rights of those latter two, Liberty and Property.

8. Also within the instant state case, for just one example, fundamental Liberty rights have been violated in two (2) common ways, including (1) wrongly interfering with this Petitioner father's well established Liberty associational rights to fully enjoy his parent-child relationship, and (2) otherwise restraining and/or impinging upon my protected personal natural freedoms.

9. Also within the instant case, for just one example, fundamental Property rights have been implicated regarding due process in two (2) common ways, since money is property, including (1) ordering any monies from me, *whatsoever*, in regards to an ostensible "child support" amount to be paid, and paid *only* by me, contrary to the fact that the state has never initiated any form of parental unfitness action against me, hence the state has never removed my pre-existing custody rights over my own child, hence the state has no validity pretending to now act as the parent itself over my child in dictating any terms of any kind to me, and (2) in continuous bleeding of false attorney fees from both of the parties' pockets, for simply yet *more* manifest injustice.

10. For another common example of the state's domestic relations courts, there is manifest gender discrimination routinely exhibited within the instant state action, along with the related violations of Equal Protection of the Law, both beyond dispute as issues in federal jurisdiction.

11. Abuse of power and process by state actors and their co-conspirators to falsely enjoin and wrongfully restrict persons are undeniably federal issues of due process and liberty interests, as unquestionably raising directly cognizable claims under *at least*, but not limited to, Article I, Article VI, Amendment IV, Amendment V, and Amendment XIV of the Federal Constitution.

12. The instant petition for removal filed under § 1443 expressly disclaimed and denied any attempt in seeking this 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." This instant federal case, a removal tendered under 28 U.S.C. § 1443, was filed to prevent the lower state court from continuing to wantonly abuse both power and process, including, *inter alia*, both prior and present unconstitutional attempts and acts to falsely sanction this Petitioner, hence the gravamen of this removal are federal issues.

13. Validity of jurisdiction is an *established* federal question issue, the right to property not being taken without due process is an *established* federal question issue, and one or more liberty interests are likewise also unquestionably an area of *established* federal questions and issues.

14. The three claims are each well established in federal jurisprudence, unquestionably so.

CASE LAW ESTABLISHMENT OF FULL FEDERAL JURISDICTION

15. Notwithstanding that this removal action has absolutely nothing to do with seeking relief from a federal court over strictly state law matters, i.e., this removal clearly does *not* seek to have a federal court either *issue or modify a divorce decree*, this removal clearly does *not* seek to have a federal court either *issue or modify any child custody decree*, this removal clearly does *not* seek to have a federal court either *issue or modify any child support amount*, and this removal also clearly does *not* seek to have any federal court either *issue or modify any order for child visitation*, all such matters actually can and do, in fact, fall under proper federal subject matter jurisdiction, given appropriate contexts. If a divorce judgment was unconstitutionally obtained, it should be regarded as a legal nullity, and that due process issue is certainly cognizable within the federal courts. *See*, e.g., Catz v. Chalker, 142 F.3d 279 (6th Cir. 1998). The constitutional validity of child custody decisions are quite often, actually, litigated within the federal courts.

See, e.g., Wallis v. Spencer, 202 F.3d 1126, 1136 (9th Cir. 2000) ("Parents and children have a well-elaborated constitutional right to live together without governmental interference."); J.B. v. Washington County, 127 F.3d 919, 925 (10th Cir. 1997) ("We recognize that the forced separation of parent from child, even for a short time, represents a serious infringement upon both the parents' and child's rights."); Wooley v. City of Baton Rouge, 211 F.3d 913, 923 (5th Cir. 2000) ("a child's right to family integrity is concomitant to that of a parent"); Morris v. Dearborne, 181 F.3d 657, 672 (5th Cir. 1999) (making knowingly false statements of child neglect violates clearly established constitutional right to familial relations); Smith v. City of Fontana, 818 F.2d 1411, 1418 (9th Cir. 1987) ("We now hold that this constitutional interest in familial companionship and society logically extends to protect children from unwarranted state interference with their relationships with their parents." – citing the same in Kelson v. City of Springfield, 767 F.2d 651 (9th Cir. 1985)); Croft v. Westmoreland County Children and Youth Services, 103 F.3d 1123, 1125 (3rd Cir. 1997) ("We recognize the constitutionally protected liberty interests that parents have in the custody, care and management of their children."); and etc., etc., etc., even *ad nauseam*. The federal courts have subject matter jurisdiction over constitutional validity of child support payments, and those can be unquestionably challenged in any federal court pursuant to 45 CFR 303.100(a)(3) and 15 U.S.C. § 1673(c) of the Consumer Credit Protection Act (CCPA), because any order for garnishment of wages for purposes of support must comply with § 303(b) of the Act. *See*, e.g., Voss Products, Inc. v. Carlton, 147 F.Supp.2d 892 (E.D. Tenn. 2001); Marshall v. District Court for Forty-First Judicial District of Michigan, 444 F. Supp. 1110 (E.D. Mich. 1978); and etc., etc.

16. In short, it is *very well* established that the federal courts do have proper subject matter jurisdiction over all these "strictly" state law matters of domestic relations, the various abstention

doctrines (e.g., Younger, Burford, Thibodaux, Rooker-Feldman, Pullman, DRE, Colorado River, etc.) *rarely if ever apply* (usage of abstention is well established as "the exception, not the rule"), and further, this removal case was filed under a federal statutory right to relief (§ 1443) which is *expressly* designed and provided by Congress for *precisely* the outrageously manifest violations of clear and fundamental rights herein (validity of jurisdiction, liberty interests, property rights), i.e., statutory authority to intervene into the state court case, hence such doctrines do not apply.

17. Indeed, this Petitioner is perfectly now within my *federal* rights to bring a *federal* court tort action for civil damages over the past several years' worth of undue interference with the parent-child relationship rights I was *supposed* to have the entire time, because such *federal* tort actions have been very well established for decades, and – yet still – the various abstention and avoidance doctrines just simply do not and rarely apply, so parents **win** all such cases. *See*, e.g., *Lloyd v. Loeffler*, 539 F.Supp. 998 (E.D. Wisc. 1982), *Wasserman v. Wasserman*, 671 F.2d 832 (4th Cir. 1982), and *Erspan v. Badgett*, 647 F.2d 550 (5th Cir. 1981), as well as *McIntyre v. McIntyre*, 771 F.2d 1316 (9th Cir. 1985), and *Hooks v. Hooks*, 771 F.2d 935 (6th Cir. 1985), *DiRuggiero v. Rodgers*, 743 F.2d 1009 (3rd Cir. 1984), *Bennett v. Bennett*, 682 F.2d 1039 (D.C. Cir. 1982), *Raftery v. Scott*, 756 F.2d 335 (4th Cir. 1985); and, etc., etc., etc., even *ad nauseam*…

SUMMARY AND CONCLUSION

18. The U.S. Supreme Court has always maintained "the virtually unflagging obligation of the federal courts to exercise the jurisdiction given them" by Congress. *See*, *Colorado River Water Conservation District v. United States*, 424 U.S. 800, 813 (1976), which is a seminal case that this Court is surely well familiar with on jurisdictional duty, and, indeed, the Supreme Court has "**often** acknowledged that federal courts have a **strict duty** to exercise the jurisdiction that is conferred upon them by Congress." *Quackenbush v. Allstate Insurance Company*, 517 U.S. 706,

716 (1996) (emphasis added). This constitutional due process liberty interest case, a removal filed under *express* statutory authority, that is *precisely* on point for the congressional target of the enacted statute, with its *own* statutorily-provided jurisdiction, is a prime example of that very "unflagging obligation" in duty. Indeed, there could hardly be another case so directly on point.

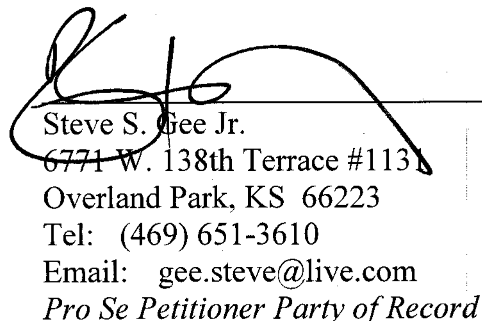
19. The federalization of all former state domestic relations cases, beginning in the 1920s and 1930s, culminating with total nationalization of all state family law matters during the 1970s, squarely places these issues fully within the entitled invoking of federal jurisdiction, as is clearly demonstrated by the mere existence of thousands of parental rights victories in the federal courts, especially beginning in matching numerosity explosion of such existence during that same time.

20. The rights issues regarding due process, liberty, property, equal protection, and gender discrimination are all very well-established federal question issues within federal jurisdiction.

21. Federal constitutional provisions, federal statutes, and plethora of federal case law affirm also that these are all very well-established federal question issues within federal jurisdiction.

WHEREFORE, your Petitioner, Steve S. Gee Jr., provides plethora of well-established authorities from the Federal Constitution, from federal statutes, and from rulings by sister federal courts, by various Circuit Courts of Appeal, and also from the U.S. Supreme Court, reaffirming federal jurisdiction, for the convenience of this Honorable Court and likewise for all parties, and then further moves for all other relief that is true, lawful, just, and proper within these premises.

Respectfully submitted,



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Pro Se Petitioner Party of Record

CERTIFICATE OF SERVICE

I hereby certify: that on this 5th day of April, 2018, a true and complete copy of the above *memorandum of law*, by depositing the same via first class postage prepaid mail, USPS or equivalent postal carrier, has been duly served upon the following:

(United States Attorney General)
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 Stacey)
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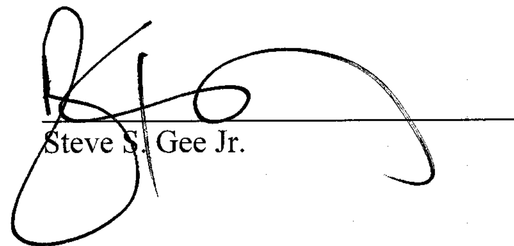
and, I further certify that the mailing sent to certain recipient listed above, Attorney General Ken Paxton on behalf of the State of Texas, was sent via certified mail with return receipt requested.



Steve S. Gee Jr.