UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Cause No.: _____

STEVE S. GEE JR.,	)	In a removal from the 422nd District Court of Kaufman County, Texas
Petitioner,	)	
v.	)	State case number: 96435-422 *("In the Interest of J.E.G., a Child")* Judge Michael B. Chitty, presiding
STATE OF TEXAS, STACEY D. GEE, and ADORA L. LOCKABY,	)	CONSTITUTIONAL QUESTIONS INJUNCTIVE RELIEF SOUGHT DEMAND FOR JURY TRIAL
Respondents.	)	

3-18CV-833-D

Notice of Pending Amendment of Petition into Complaint

Comes now the Petitioner, Steve S. Gee 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.

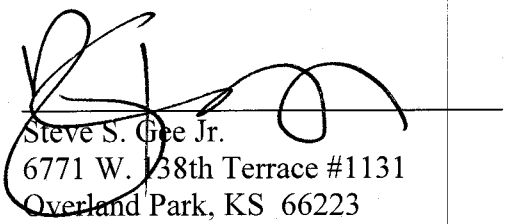
"Rule 15(a) of the Federal Rules of Civil Procedure permits a party to amend a pleading 'once as a matter of course at any time before a responsive pleading is served.'" *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000). A motion to dismiss is not a responsive pleading under Rule 15(a). *Centifanti 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, Steve S. Gee 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,



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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 *notice of pending amendment*, 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)
Stacey D. Gee
1003 Nueces Court
Forney, TX 75126

(state counsel of Respondent Stacey)
Brandi H. Fernandez, SBN #00797576
Cheney, Fernandez & Associates, P.C.
1023 W. U.S. Highway 175 Ste B
Crandall, TX 75114

(Respondent Adora)
Adora L. Lockaby
c/o Baylor, Scott & White Family Medical Center
1975 Alpha Drive, Suite 204
Rockwall, TX 75087

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.