IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DORENE DISANTO, et al

Plaintiff-Respondent(s),

Case No: CV 515 36

-VS-

Honorable: LISA M. WOODS

THOMAS L. THOMAS,

Defendant-Petitioner,

_____/

DEFENDANT'S MOTION FOR OBJECTION AND/OR TO STRIKE
PLAINTIFFS KAREN LAWSON AND MARGARET CARTWRIGHT MOTION FOR REMAND

NOW COMES, THOMAS L. THOMAS, Defendant-Petitioner presently filing in Pro Per, Who hereby moves this Honorable U.S. District Court For the Southern District of Georgia, pursuant to Federal Civil Court Rules 8, 10, 11, 12 et seq, and 64, including any/all applicable Federal Statutes, by filing Defendant's Motion For Objection and Strike Plaintiffs Karen Lawson and Margeret Cartwright's Motion For Remand, based upon any/all of the following:

(1) That Defendant claims/states that all of the Plaintiffs, including but in no way limited to Plaintiff Dorene Disanto(ie, The "Common Denominator" who is also a Registered Native American), and Mike Dewine are ALL still in Default for failure to timely make a appearance, respond, file a enlargement of time to respond, and/or find a attorney to represent them.

(2) That Defendant claims/states that the Plaintiffs Karen Lawson and Margaret Cartwright Attorney intentionally and in bad faith filed a **"Motion For Remand and Memorandum In Support of Motion For Remand"** citing inapplicable unpublished case law, and mis-statement of facts to mislead this US District Court by failing to attach a copy of all Exhibits/Appendices(eg, Defendants Objection to

Magistrate 4/27/15 Decision is missing) and Unpublished case law referenced in the Plaintiffs Motion For Remand and Memorandum Contra of Law.

(3) That Defendant claims/states that Plaintiffs Karen Lawson and Margaret Cartwright's Attorney failed to state a valid defense to the claims asserted against them by intentionally and in bad faith filing a "Motion For Remand and Memorandum In Support of Motion For Remand" citing inapplicable unpublished case law, and alleging numerous false/misleading allegations in their subjective Motion For Remand.

(4) Further, That Defendant claims/states that Plaintiffs Lawson and Cartwright's Attorney failed to state a valid defense to the claims asserted against them by intentionally and in bad faith filing a "Motion For Remand and Memorandum In Support of Motion For Remand" alleging that this case in controversy exceeds the sum or value of $75,000 for removal under 28 USC 1332. This Native American Defendant hereby Objects, and states that the Co-Defendant Native American Child's Life; The Plaintiffs Fraudulent/False Child Support/Custody Complaint and this Defendants $100,000 Counter-Claim in Plaintiffs State Court "exceeds the sum or value of $75,000" for removal under 28 USC 1332. That is why Plaintiffs State Licensed Attorney intentionally, in bad faith, and conveniently failed to attach a copy of pleadings.

(5) That on 2/15/2015, Defendant claims/states that Plaintiff Lawson and Cartwright allege that this Sovereign Native American Defendant was "ordered" to appear by Plaintiff Margaret Cartwright to appear for genetic testing on 3/17/2015 at Laboratory in Brunswick, Georgia.

(6) That Defendant claims/states that Plaintiff Margaret Cartwright is NOT a Judge, Magistrate, and the State of Ohio has NO authority to "order" this Native American Defendant to do anything, and this Native American Defendant or Tribal Court has NO authority to "order" either State Courts or Plaintiffs to do anything. ONLY Federal Courts have Exclusive Subject Matter Jurisdiction over both

State Courts and Tribal Courts to resolve both Federal Questions of Law and to Transfer Jurisdiction from State Courts to Tribal Courts.

(7) That on **MARCH 25,2015** Lake Co Common Pleas Court Magistrate Janette Bell issued a "Order". That since paternity was inconclusive that both Parties(Plaintiffs et al and Defendant) were ordered to file a Civil Action in their Jurisdiction for Child Custody/Support in their Jurisdiction. **See Defendants Exhibit A.**

(8) That on **MARCH 18,2015**, This Pro Se Registered Native American Defendant timely filed a "Summons, Complaint For Child Custody, Child Support, and Show Cause against the Plaintiffs- DORENE E. DISANATO et al" in the Honorable Brantley County Superior Court, 234 Brantley Street, Nahunta, Georgia 31553 on case entitled THOMAS L. THOMAS V DORENE E. DISANTO et al, Case No: 15V-078 . See 25 USC 1901 et seq through 25 USC 1922 et seq; 28 USC 1331 and 1332 et seq; 28 U.S.C. § 1443 et seq; and 28 USC 1446 et seq; and Article 1, Section 2, Clause 3 and Article 1, Section 8 of the US Constitution as determined by the US Supreme Court. That this Registered Native American Defendant filed **BEFORE** the Registered Native American Plaintiff Dorene Disanto filed the inapplicable and fraudulent Ohio Child Custody/Support Civil Action against this Defendant in the State of Ohio on **APRIL 23,2015**.

(9) That Defendant claims/states that throughout "Plaintiffs' Attorney's "Motion For Remand and Memorandum In Support of Motion For Remand" Motion For Remand. Both the Plaintiffs Karen Lawson and Margaret Cartwright assert that this Native American Pro Se Defendant lacks standing to file the herein Motion For Remand. Because this Native American Defendant is NOT the Father of the Registered Native American Co-Defendant Child by Registered Native American Plaintiff/Mother- Dorene Disanto. Yet, According to Plaintiffs' Attorney this Native American Defendant is the Father, and the Registered Native American Defendant should be ordered by the Plaintiffs- State of Ohio to

pay Child Support and be deprived of his Federal Constitutional Right to Property/Assets without Equal Protection procedural Due Process of Law in the State of Ohio in violation of Federal Law.

(10) That this Registered Native American Defendant claims/states that the Plaintiffs Attorney has intentionally and in bad faith failed to advise this Honorable US District Court. That the Plaintiff Dorene Disanto, Co-Defendant Child Arther Thomas(aka- Arther Disanto), and this Pro Se Defendant are ALL Registered Native Americans with the Penbina Nation Little Shell Band of Northern America. Instead the Plaintiffs Attorney Beverly G. O'Hearn allege/project the racist defense. That since the Sovereign Penbina Nation Little Shell Band of Northern America has failed to waive their natural-born sovereignty to the US Government to be acknowledged that they are not 'Native American Indians', but conveniently fails to inform this US District Court of numerous decisions issued by Federal Courts that the Sovereign Penbina Nation Little Shell Band of Northern America are recognized. See Gajewski v. Bratcher, 221 N.W.2d 614, 637 (N.D. 1974); Ronald Delorme, Chief of the Little Shell Band of Indians and Its Grand Council, v. United States of America, 354 F.3d 810 (8th Cir. 2004). It should also be noted, that the descendants of the Penbina Bands, including the Little Shell Bands, also sought compensation from the Commission for the extinguishment of aboriginal title for a tract in excess of eight million acres located in North Dakota in United States v. Turtle Mountain Band of Chippewa Indians, 222 Ct. Cl. 1, 612 F.2d 517, 519 (1979); Turtle Mountain Band of Chippewa Indians, Red Lake Band, & Peter Graves v. United States, 43 Ind. Cl. Comm. 251 (Ind.Cl.Comm.1978); Also see Pembina Nation Little Shell Band of North America v. Wells Fargo Bank N.A. et al, Case No. 12-cv-02058-BNB and Civil Action No. 12-cv-02058-LTB in US District Court For the District of Colorado. **See Defendants Exhibit B.**

(11) That this Pro Se Native American Defendant claims/states pursuant to clearly established **FEDERAL LAWS- 25 USC 1901 et seq** Congressional Intent declared "that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the

United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe"; and "that the States, exercising their recognized jurisdiction over Indian child custody proceedings through administrative and judicial bodies, have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families". Which continues to this day and herein case. **See Defendant's Exhibit C.**

(12) That this Pro Se Native American Defendant claims/states pursuant to clearly established **FEDERAL LAW- 25 USC 1902 et seq** Congressional Intent declared "that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs".

(13) That this Pro Se Native American Defendant claims/states pursuant to clearly established **FEDERAL LAW- 25 USC 1903** at Section (4): "Indian child" means any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(14) That this Pro Se Native American Defendant claims/states pursuant to clearly established **FEDERAL LAW- 25 USC 1903** at Section (12): "tribal court" means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.

(15) That this Pro Se Native American Defendant claims/states pursuant to clearly established **FEDERAL LAW- 25 USC 1911** unambiguously declares at Sections (a) through (b), that:

(a) **Exclusive jurisdiction**
An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.
(b) **Transfer of proceedings; declination by tribal court**
In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, absent objection by either parent, upon the petition of either parent or the Indian custodian or the Indian child's tribe: Provided, That such transfer shall be subject to declination by the tribal court of such tribe".

(16) That this Pro Se Native American Defendant claims/states pursuant to clearly established **FEDERAL LAW- 25 USC 1919 at Sec(a)** unambiguously declares, that: "States and Indian tribes are authorized to enter into agreements with each other respecting care and custody of Indian children and jurisdiction over child custody proceedings, including agreements which may provide for orderly transfer of jurisdiction on a case-by-case basis and agreements which provide for concurrent jurisdiction between States and Indian tribes". However, The State of Ohio and Defendant's Tribe has not entered into any Agreement, and neither the State of Ohio Courts nor Tribal Court has Jurisdiction over eachother. The Federal Court must Transfer Jurisdiction from State/Ohio Courts to Tribal Court, and both this Native American Defendant and Child are entitled to higher Federal Standard of Review. See 25 USC 1911 through 25 USC 1922. Also see Sections (13) and (14) of 28 USC 1603 "Definitions". **See Defendant's Exhibit C.**

(17) That this Pro Se Defendant claims/states pursuant to clearly established FEDERAL LAW, 28 U.S. Code § 1738A - "Full faith and credit given to child custody determinations" at Section (g) unambiguously states that: "A court of a State **shall not** exercise jurisdiction in any proceeding for a

custody or visitation determination commenced **during the pendency of a proceeding in a court of another State** where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody or visitation determination(emphasis added).

(18) That this Defendant claims/states that Plaintiffs Karen Lawson, Janet Bell, and Margaret Cartwright acknowledged **Plaintiff DORENE DISANTO sworn 3/2[illegible]/2015 "Affidavit Regarding Custody" fully advising the Plaintiffs that another Child Custody/Support proceeding was pending and that a a Original "Complaint For Child Custody, Child Support, and Show Cause"** entitled THOMAS L. THOMAS V DORENE E. DISANTO et al, Case No: 15V-078 pending in the Great State of Georgia in the Honorable Brantley Co Superior Court, 234 Brantley Street, Nahunta, GA 31553, pursuant to existing Georgia Common Law; Federal Common Law; Uniform Rule State Courts Rules 6 and 36; Uniform Superior Court Rules 6 and 36 et seq; 28 U.S. Code § 1738B; Article 1, Section 2, Clause 3 and Article 1, Section 8 of the US Constitution; and any/all applicable Georgia Court Rules. Also See 25 USC 1901 et seq; 28 USC 1331 and 1332 et seq. This Pro Se Defendant claims/states that the Plaintiffs not only acted without Subject Mater Jurisdiction while Original Child Support/Custody is pending in the Great State of Georgia, but has continued to act without Subject Matter Jurisdiction maliciously and corruptly while this meritorious case was/is pending before this Honorable U.S. District Court For the Southern District of Georgia. Exhibit D

(19) That this Pro Se Defendant claims/states pursuant to clearly established FEDERAL LAW, 28 U.S. Code § 1738B - "Full faith and credit for child support orders" at Section (a)(A)(i-iii) and (B) unambiguously states that:

"(A) **a person (including a parent)** who—
(i) claims a right to receive child support;
(ii) **is a party to a proceeding that may result in the issuance of a child support order**; or
*(iii) is under a child support order; and*
(B) a State or political subdivision of a State to which the right to obtain child support has been

assigned.
**"court" means a court** or administrative agency **of a State** that is authorized by State law to establish the amount of child support payable by a contestant or make a modification of a child support order. "modification" means a change in a child support order that affects the amount, scope, or duration of the order and modifies, replaces, supersedes, or otherwise is made subsequent to the child support order.
**"State" means** a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, **and Indian country**(as defined in section 1151 of title 18)(emphasis added).

(20) That this Pro Se Defendant claims/states demands that this Honorable U.S. District Court For Southern District of Georgia issue a immediate Order For Writ of Habeas Corpus upon the Plaintiff, Ohio Job & Family Services and State of Ohio to release Native American Child ARTHERAY D. THOMAS (also known as Arther Disanto) from unlawful restraint on his Federal Constitutional Right to Liberty to be returned to his "Home State"- The Great State of Georgia to allow said Native American Child to be loved, nurtured, and supported by this Pro Se Native American Defendant according to Tribal Law as protected under the Federal Laws- 25 USC 1901 et seq through 25 USC 1922 et seq; and the Article 1, Section 2, Clause 3 and Article 1, Section 8 of the US Constitution. See WORCHESTER V GEORGIA, 31 US(6 Peters) 515(1832); CHEROKEE NATION V GEORGIA, 30 US(5 Peters) 11(1831). **See Defendant's Exhibit C.**

(21) That this Native American Defendant claims/states that he reserves the Right to Amend, Supplement, Stay, and Appeal this meritorious Motion and Notice For Removal against the Plaintiffs.

(22) In conclusion, This Defendant-Appellant's Pro Se pleadings cannot be held same standards as those drafted by attorney as held/ruled by the United States Supreme Court in Cooper v. Pate, 378 U. S. 546 (1964); Hughes v. Rowe, 449 U.S. 5, 9-10, 101 S.Ct. 173, 175-76, 66 L.Ed.2d 163 (1980); Boag v. MacDougall, 454 U.S. 364, 365(1982); Haines V Kerner, 404 US 519, 521(1972); and accept Defendant-Appellant's allegations as true, unless they are clearly irrational or wholly incredible. Denton v. Hernandez, 504 U.S. 25, 33 (1992) unless it appears 'beyond doubt that the Defendant(pro

se litigant can prove no set of facts in support of his claim which would entitle him/her to relief.' Conley v. Gibson, 355 U. S. 41, 355 U. S. 45-46 (1957).

WHEREFORE, This Pro Se Native American Defendant-Petitioner requests/prays that this Honorable U.S. District Court For Southern District of Georgia honors/grants this Defendant's Motion For Objection and Strike Plaintiffs Karen Lawson and Margeret Cartwright's Motion For Remand. By issuing a Order denying Plaintiffs Motion For Remand and GRANT Defendant's Notice For Removal by issuing an ORDER FOR REMOVAL of this Defendant's pending State Civil Action be ORDERED removed to the U.S. District Court For Southern District of Georgia to be heard for "denying and not enforcing" clearly established Federal Laws, Tribal Law, or failing/refusing to protect this Pro Se Native American Defendant's and Native American Co-Defendant Child's clearly established Federal Civil and Constitutional Rights protected under Federal Law and the 1st, 6th, and 14th Amendments of the U.S. Constitution. Since this Native American Defendant has stated a claim upon which relief can be granted in this Defendant's Notice For Removal of blatant violations of Federal Laws- 25 USC 1901 et seq through 25 USC 1922 et seq; and the Article 1, Section 2, Clause 3 and Article 1, Section 8 of the US Constitution as determined by the US Supreme Court and/or since the case in controversy is in amount of $100,000, as all circumstances should dictate and Justice would so demand.

Date: 8/13-15

Respectfully Submitted,

CC: File

DEFENDANT IN PRO PER AT PRESENT
THOMAS L. THOMAS
3568 HWY 301 S
NAHUNTA, GA 31553
(912) 286-8136

STATE OF GEORGIA

Office of the Clerk
US District Court Georgia Southern District Court
Frank M. Scarlett Federal Bldg
801 Gloucester Street
Brunswick, GA 31520

Date: 8-13-15

RE: DORENE DISANTO V THOMAS L. THOMAS

Case No: CV 515_36

Honorable: LISA M. WOODS

Dear Clerk,

Please find One Copy of the following:

DEFENDANT-PETITIONER'S PRO SE AND PROFFERRED
MOTION FOR LEAVE TO AMEND/SUPPLEMENT CLAIM AGAINST PLAINTIFFS UNDER 42 USC 1983

PROOF OF SERVICE

that this Pro Se Defendant respectfully requests to be filed on his behalf, and scheduled for hearing/decision at a date/time setforth by this Honorable US District Court.

Date: 8-13-15

Respectfully Submitted,

DEFENDANT-IN PRO PER AT PRESENT
THOMAS L. THOMAS
3568 HWY 301 S
NAHUNTA, GA 31553
(912)286-8136

CC: File