

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

FILED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

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**NANCY B. CORMIER**  
Plaintiff

- vs -

**DENNY C. CORMIER**  
Defendant

Civil Case No.

6:04-CV-30

Assigned To: ~~HE~~

WLS

NOTICE OF REMOVAL

**GEORGIA STATUTES §§19-6-(1-35) ALIMONY PROVISIONS IMPERMISSIBLY  
INFRINGE THE FEDERAL RIGHT TO PRIVACY,  
INTER ALIA**

“...it is clear that among the decisions that an individual may make without unjustified government interference are personal decisions relating to marriage...” *Carey v. Population Serv. Int’l.*, 431 U.S. 678, 684-685 (1977)

Denny C. Cormier, pro se, hereby gives notice of removal of the civil action styled Nancy B. Cormier v. Denny C. Cormier, Case No. 03-CVD-2211, from the Superior Court of Colquitt County, Georgia, to this Court pursuant to 42 U.S.C. 1983, 28 U.S.C. §§ 1331, 1441, 1446. As grounds for removal, Denny Cormier hereby states:

1. Nancy B. Cormier, wife, filed a Dissolution of Marriage Proceeding (Georgia Statutes OCGA §§19-6-(1-35)) in the Superior Court of Colquitt County in 2003.

2. A Contempt motion for arrearages of alimony was entered by the Honorable Frank Horkan against Denny C. Cormier on May 26, 2004 contrary to the facts presented to the court. (Attached)
3. This Court has subject-matter jurisdiction over Denny C. Cormier's Claims pursuant to 42 U.S.C. 1983, 28 U.S.C. §§1331, 1441 (a) (b) in that the claim involves a Federal question and a subsequent violation of his Liberty Interest and the fundamental Federal Constitution Rights of Denny Cormier, Right to Privacy inter alia, which entitles him to jurisdiction of this Court under 42 U.S.C. 1983.
4. Denny C. Cormier is now a resident of Glynn County, Georgia.
5. Nancy B. Cormier is now a resident of Lake County, Florida. She was a resident of Colquitt County, Georgia, when she filed this lawsuit in the Superior Court of Colquitt County, Georgia, after deserting her husband, Denny C. Cormier.
6. All incidents associated with this lawsuit have taken place in Colquitt County Georgia.
7. A Contempt Order and possible incarceration order (arrest warrant) against Denny C. Cormier are imminent in this lawsuit over the application of OCGA §§19-6-(1-35) alimony provisions against him.
8. The Superior Court of Colquitt County Georgia's entering contempt against Denny C. Cormier over OCGA §§19-6-(1-35) alimony provisions is timely now under 42 U.S.C. 1983 because of his deprivation of civil rights, and the irreparable harm to him if removal is denied at this stage without a declaratory judgment on the impermissible infringement of OCGA §§19-6-(1-35) alimony provisions on U.S. Constitution 14<sup>th</sup> Amendment, Due Process Clause, Equal Protection, Right to Privacy, inter alia, pursuant to 42 U.S.C. 1983.

9. The exercise of enforcement authority statutorily granted by OCGA §§19-6-(1-35) alimony provisions and exercised by The Honorable Frank Horkan, in his official capacity, and the Superior Court of Colquitt County, the Honorable H. Arthur McLane, Chief Judge, in his official capacity, creates this addition claim under 42 U.S.C. 1983 originally not present at the time of filing of the Dissolution of Marriage lawsuit in the Superior Court of Colquitt County.

10. Injunctive relief is not requested.

11. Removal is for declaratory judgment purposes under 42 U.S.C. 1983 on the federal question of whether OCGA §§19-6-(1-35) alimony provisions impermissibly infringe U.S. Constitution 14<sup>th</sup> Amendment Due Process Right to Privacy, Right to Property and Equal protection.

12. Pursuant to 28 U.S.C. § 125 (2) and 1441 (a), The United States District Court of Georgia, Middle District is the Federal Court for the district and division embracing the place where the State court action is pending.

13. Pursuant to 28 U.S.C. § 1446 (d), all adverse parties are being provided with written notice of the filing of this notice of removal.

14. Pursuant to 28 U.S.C. 1446 (d), a copy of this notice of removal is being filed with the Superior Court of Colquitt County, Georgia.

WHEREFORE, Denny C. Cormier hereby removes this action, now pending in the Superior Court of Colquitt County, Georgia, to this Court, pursuant to 42 U.S.C. 1983, 28 U.S.C. §§ 1131, 1441, and 1446.

DATED this 22<sup>nd</sup> day of June, 2004.

Respectfully submitted,

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DENNY C. CORMIER, pro se

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St. Simons Island, GA 31522  
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Fax: 912-634-8675  
Email: None

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing motion has been served via U.S. mail to the Clerk of the Superior Court of Colquitt County, 9 South Main Street, Moultrie, GA 31768, and to Dwight May, Esq., PO Box 1660 Moultrie, GA 31776, Attorney for Nancy B. Cormier, this 22<sup>nd</sup> day of June 2004.

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DENNY C. CORMIER, pro se

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