

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

STEWART GREENBERG

04-80669

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

CIV-ZLOCH

DEFENDANTS

**Elaine T. Greenberg
Jeffrey Colbath**

**15th Judicial Circuit Court of Florida, The Honorable
Richard Fire, Chief Judge**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Pro se

**958 E. St
Delray Beach, FL
561-366-3612**

ATTORNEYS (IF KNOWN)

33483

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|-------------------------------------|--------------------------|---|--------------------------|--------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. ORIGIN

(PLACE AN 'X' IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN 'X' IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 118 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 180 Stockholders Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Ubel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 660 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 628 Copyrights <input type="checkbox"/> 638 Patent <input type="checkbox"/> 648 Trademark
A REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 280 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 448 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 600 State Reapportionment <input type="checkbox"/> 610 Antitrust <input type="checkbox"/> 630 Banks and Banking <input type="checkbox"/> 650 Commercial/ICC Rates/etc <input type="checkbox"/> 660 Deportation <input type="checkbox"/> 670 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 650 Securities/Commodities/Exchange <input type="checkbox"/> 675 Customer Challenge 12 USC 3410 <input type="checkbox"/> 681 Agricultural Acts <input type="checkbox"/> 682 Economic Stabilization Act <input type="checkbox"/> 683 Environmental Matters <input type="checkbox"/> 684 Energy Allocation Act <input type="checkbox"/> 685 Freedom of Information Act <input type="checkbox"/> 690 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 650 Constitutionality of State Statutes <input checked="" type="checkbox"/> 600 Other Statutory Actions A OR B
			B SOCIAL SECURITY <input type="checkbox"/> 661 HIA (1395ff) <input type="checkbox"/> 662 Black Lung (923) <input type="checkbox"/> 663 DRWC/DRWW (405(g)) <input type="checkbox"/> 664 SSD Title XVI <input type="checkbox"/> 665 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 671 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

**42 U.S.C. 1983
28 U.S.C. 1441j**

LENGTH OF TRIAL

vs. 3 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE **Ruskamp**

DOCKET NUMBER **04-80443-CV**

DATE

SIGNATURE OF ATTORNEY OF RECORD

July 15, 2004

Stewart Greenberg, Pro se

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING FOR _____ JUDGE _____ MAG. JUDGE _____

Time Date Stamp
did not copy

2004 July 16 PM

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

04-80669 CIV-ZLOCH

STEWART GREENBERG,

Plaintiff,

MAGISTRATE JUDGE
SNOW

v.

ELAINE GREENBERG,

JEFFREY COLBATH,

FIFTEENTH JUDICIAL CIRCUIT COURT OF FLORIDA,
The Honorable Edward Fine Chief Judge

Defendants.

VERIFIED COMPLAINT

MOTION FOR INJUNCTIVE RELIEF AND NOTICE OF REMOVAL

Stewart Greenberg, pro se, hereby gives notice of removal of the civil action styled Stewart Greenberg v. Elaine T. Greenberg, Case No: CD 98-9754 FZ from the Fifteenth Circuit Court of Florida, Palm Beach County, Florida, to this Court pursuant to 42 U.S.C. 1983, 28 U.S.C. §§ 1331, 1441, 1446. As grounds for removal, Stewart Greenberg states,

1. Stewart Greenberg filed a Dissolution of Marriage Proceeding (Florida Statutes Chapter 61) in the Fifteenth Circuit Court of Florida in December, 1998.
2. A Final Judgement on Remand was entered in the above action by the Fifteenth Judicial Circuit Court of Florida in October 15, 2002.
3. A Contempt Order for arrearages of alimony was entered by the Honorable Jeffrey Colbath against Stewart Greenberg on June 10, 2004. (Attached)

4. This court has subject-matter jurisdiction over Stewart Greenberg'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 the fundamental Federal Constitution Rights of Stewart Greenberg, Right to Privacy inter alia, which entitles him to jurisdiction of this Court under 42 U.S.C. 1983.
5. Stewart Greenberg is now, and at the time of filing of his lawsuit in the Fifteenth Circuit Court, a resident of Palm Beach County, Florida.
6. Elaine T. Greenberg is now, and at the time of filing of this lawsuit in the Fifteenth Circuit Court, a resident of Palm Beach County, Florida.
7. Third Party Defendants, the Honorable Jeffrey Colbath exercised statutorily granted enforcement authority of F.S. Chapter 61 in Palm Beach County Florida against Stewart Greenberg.
8. All incidents associated with this lawsuit have taken place in Palm Beach County Florida.
9. A commitment order (arrest warrant) against Stewart Greenberg is imminent in this lawsuit over the application of F.S. Chapter 61 §§ 61.08 provision against him.
10. The Fifteenth Judicial Circuit Court of Florida's entering contempt against Stewart Greenberg over § 61.08 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 an injunction against Elaine Greenberg, Jeffrey Colbath, and The Fifteenth Judicial Circuit Court of Florida on the impermissible infringement on U.S. Constitution, 14th and 4th Amendments, Due Process Clause, Right to Privacy, Right to be left alone, inter alia, pursuant to 42 U.S.C. 1983.
11. The exercise of enforcement authority statutorily granted by Chapter 61 and exercised by Third Party Defendants The Honorable Jeffrey Colbath, in his official capacity, and the Fifteenth Judicial Circuit Court, the Honorable James Fine, Chief Judge, in his official capacity, creates this additional claim under 42 U.S.C. 1983 originally not present at the time of filing of the Dissolution of Marriage lawsuit in the Fifteenth Judicial Court.
12. Injunctive relief is now requested as Stewart Greenberg's due process to challenge contempt or other orders pursuant to Florida's own state statutes, has been taken away and his rights trampled on and, incarceration without due process is feared now as well.
13. Contempt hearings have been held against Stewart Greenberg without his presence and with the Defendants' knowledge that proper and appropriate notice of said hearing was not given.
14. On or about July 12, 2004, Orrin Hatch, chairman of the Senate Judiciary Committee, said "The criminal justice system has begun to run amok." The Fifteenth Judicial Circuit

Court of Florida has run amok. The judges of the Fifteenth Judicial Circuit Court of Florida are and have been acting without regard and respect of basic rights of citizens. Just because they have the power and can. Witness the appointment of Barbara Pariente to be the Chief Justice of the Florida Supreme Court who wants to improve the state's family courts and who wrote in *Perlow v. Perlow* "what happened in this case is inexcusable and preventable." These are everyday occurrences in the Fifteenth Judicial Circuit Court of Florida.

15. The Defendant, Elaine Greenberg, has and is attempting to violate the rights of the Plaintiff, Stewart Greenberg, via and with the cooperation of the Fifteenth Circuit Court of Florida, Judge Jeffrey Colbath, and a system that neither takes the time or cares if **Basic Rights** are abolished or abridged.
16. The concept and actuality of a debtor's prison in Florida do not exist and are illegal. However, The Fifteenth Circuit Court of Florida, Jeffrey Colbath and Elaine Greenberg have tried to sidestep that basic tenet by calling non payment of alimony arrearages, that have already been satisfied by previous judgement, lien and seizure order, to be contempt of court, and therefore enforceable by imprisonment.
16. Plaintiff, Stewart Greenberg, is prepared to demonstrate how Elaine Greenberg, Jeffrey Colbath and the Fifteenth Circuit Court of Florida have violated his basic Constitutional and Bill of Rights rights.
17. Pursuant to 28 U.S.C. § 125 (2) and 1441 (a), The United States District Court of Florida, Southern District is the federal court for the district and division embracing the place where the state court action is pending.
18. Pursuant to 28 U.S.C. § 1446 (d), a copy of this notice of removal is being filed with the Clerk of the Fifteenth Circuit Court of Florida and all adverse parties are being provide with written notice of the filing of this notice of removal.

PRAYER FOR RELIEF


"It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past."

O.W. Holmes. *The Path of the Law*. 10 Harvard Law Review 457 (1897)

WHEREFORE THE PLAINTIFF, STEWART GREENBERG, prays that the court take jurisdiction over this matter, enter such orders as are appropriate to expedite consideration of this motion, safeguard the basic U.S. Constitutional and Bill of Rights rights of a U.S. Citizen and issue an injunction barring Elaine Greenberg, Jeffrey Colbath and The Fifteenth Circuit Court of Florida from causing false and improper imprisonment of an individual, and provide any other

relief deemed appropriate.

Respectfully submitted,

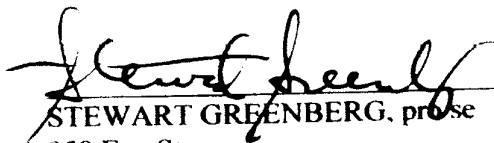

STEWART GREENBERG, pro se
958 Eve St.
Delray Beach, FL 33483
Telephone 561-306-3612

Dated: July 16, 2004

VERIFICATION

STEWART GREENBERG, being duly sworn, deposes and says:

That deponent is the Plaintiff in the above -entitled action; that deponent has read the foregoing **VERIFIED COMPLAINT** knows the contents thereof; that the same is true to deponent's own knowledge; except as to matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.


STEWART GREENBERG, pro se
958 Eve St.
Delray Beach, FL 33483
Telephone 561-306-3612

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to before me (*personally known*)

July 16, 2004



JUDITH AMBURY
MY COMMISSION # DD 256043
EXPIRES: November 28, 2007
Bonded Thru Budget Notary Services

Judith Ambury
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on this 16th Day of July, 2004, I caused a true and accurate copy of the foregoing to be served in the manner specified on the following:

Elaine T. Greenberg
4283 N.W. 65th Rd.
Boca Raton, FL 33496
[Process Server]

The Honorable Edward Fine, Chief Judge
Fifteenth Judicial Circuit Court
Room 5.2502
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401
[Process Server]

The Honorable Jeffrey Colbath, Judge
South County Courthouse
200 West Atlantic Ave.
Delray Beach, FL 33444
[Process Server]

Stewart Greenberg
Stewart Greenberg, pro se

Stewart Greenberg

958 Eve St.
Delray Beach, FL 33483
Telephone 561-306-3612

Dated: July 16, 2004

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA
FAMILY DIVISION

CASE NO. CD 1998 DR9754 FZ

IN RE: The marriage of

**STEWART GREENBERG,
Petitioner/Former Husband**

vs

**ELAINE T. GREENBERG,
Respondent/Former Wife**

ORDER ON FORMER WIFE'S MOTION FOR CIVIL CONTEMPT

THIS MATTER having come before the Court at a hearing on June 7, 2004, at 1:30 PM, the Court notes that the Former Wife was present and no appearance was made by the Former Husband. (Earlier on June 7, 2004, at 8:45 AM, the Court heard the Former Husband's Motion to Continue this 1:30 hearing, however the Former Husband did not appear, rather his ex-wife, the Respondent, appeared as did his current wife, Mrs. Greenberg, who attempted to argue the Motion on behalf of the Petitioner, Stewart Greenberg. The Court refused to take argument from the current Mrs. Greenberg, as that would be practicing law without a license. The Court denied the Motion to Continue the 1:30 hearing).

After having taken testimony from the Respondent, Elaine Greenberg, with regard to the Motion for Civil Contempt, the Court finds as follows:

1. Petitioner, Stewart Greenberg, is not in arrears on the child support obligation.

2. Petitioner, Stewart Greenberg, is in arrears on alimony in the amount of \$99,486.64 as of April 30, 2004. Based upon the foregoing, it is

ORDERED AND ADJUDGED that:

1. The Court finds that the Petitioner, Stewart Greenberg, is in contempt of Court for failing to pay these funds.
2. Stewart Greenberg shall be incarcerated in the Palm Beach County Jail until such time as the arrearage is paid.
3. Stewart Greenberg shall remain at liberty until **Tuesday, July 6, 2004, at 8:30 A.M.** at which time Stewart Greenberg shall appear before this Court to establish: (a) payment of the outstanding arrearage, (b) surrender himself to the custody of the Palm Beach County Sheriff's Office. If the arrearage is not paid in full by that time, the Court will take testimony to determine the amount of the purge provision.

DONE AND ORDERED in Chambers, at Delray Beach, Palm Beach County, Florida, this ____ day of June, 2004.

JEFFREY J. COLBATH
Circuit Court Judge

Copies furnished:

Stewart Greenberg
958 Eve Street
Delray Beach, FL 33483

Elaine T. Greenberg
4283 NW 65th Road
Boca Raton, FL 33496

*Received June 15, 2004
S. Greenberg
should have been sent to
the court.*

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

04-80669

CIV-ZLOCH

STEWART GREENBERG

Plaintiff,

MAGISTRATE JUDGE
SNOW

ELAINE T. GREENBERG

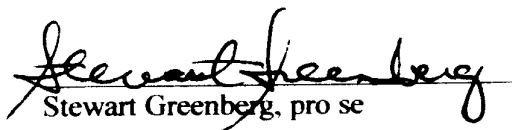
JEFFREY COLBATH

FIFTEENTH JUDICIAL CIRCUIT COURT OF FLORIDA
The Honorable Edward Fine, Chief Judge

Defendants

NOTICE OF FILING NOTICE OF REMOVAL

On July 16, 2004, Stewart Greenberg, pro se, filed the attached Notice of Removal and Motion for Injunctive Relief in the Office of the Clerk of the United States District Court for the Southern District of Florida of his Dissolution of Marriage action Case Number CD 98-9754 FZ and his 42 U.S.C. 1983 claim therein.


Stewart Greenberg, pro se

Stewart Greenberg
958 Eve St.
Delray Beach, FL 33483
Telephone 561-306-3612

DATED this 16th Day of July, 2004.

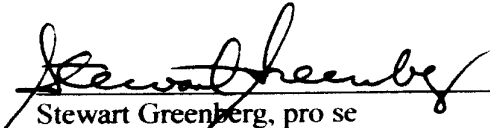
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Stewart Greenberg, pro se

Stewart Greenberg
958 Eve St.
Delray Beach, FL 33483
Telephone 561-306-3612

Dated: July 16th, 2004