

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:04-80669 CIV-ZLOCH/SNOW

STEWART GREENBERG,

Plaintiff,

v.

ELAINE GREENBERG,

JEFFREY COLBATH,

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

Defendants.


PLAINTIFF'S MEMORANDUM TO COURT

Plaintiff files this Memorandum as requested by Judge Zloch. Memorandum was Ordered due on September 8, 2004, but due to the disruption of basic services from hurricane Frances, Plaintiff did not receive Judge's Order until September 10, 2004.

1. Plaintiff's Verified Complaint, Motion for Injunctive Relief and Notice of Removal is to be construed as a Complaint initiating a new action.
2. Plaintiff intended to file a Complaint initiating a new action (injunctive relief). The purpose of an injunction is to prevent future harm. While this Court would be considering the Complaint, Plaintiff had good reason to believe that the harm (in the form of unlawful incarceration) would come to him based on Order and actions taken by the Fifteenth Judicial Circuit Court of Florida. In the interim, Plaintiff sought the safe haven of the Federal Court to protect his basic rights granted by the U.S. Constitution and Bill of Rights and removed Case No. CD 1998 DR9754 FZ from the jurisdiction of the Fifteenth Judicial Circuit Court of Florida. Had Plaintiff not done this, his Complaint for injunctive relief would be moot, as the harm would have already befallen him.

DATED this 13th day of September, 2004.

Respectfully submitted,

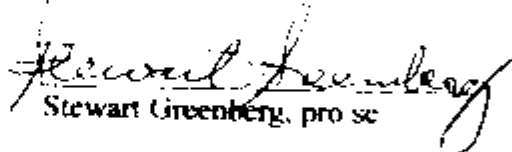

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th Day of September, 2004, I caused a true and accurate copy of the foregoing to be served in the manner specified on the following:

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Dated: September 13, 2004