

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 04-80669-CIV-ZLOCH/SNOW

FILED BY: _____ D.C.

2004 AUG 26 PM 12:40

CLERK U.S. DISTRICT CT.
S.D. OF FL.-FTL.

STEWART GREENBERG

Plaintiff, pro se

vs.

ELAINE T. GREENBERG,
THE HONORABLE JEFFREY COLBATH, and
FIFTEENTH JUDICIAL CIRCUIT COURT OF FLORIDA, THE HONORABLE
EDWARD FINE, Chief Judge.

Defendants

**PLAINTIFF'S APPLICATION FOR DEFAULT
(Clerk's Entry of Default)**

“...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)

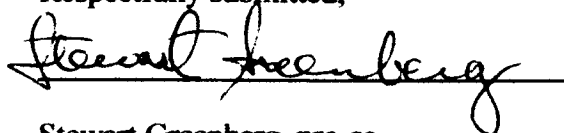
Plaintiff applies and moves the Clerk of the Southern District of the Eleventh Circuit Court to Enter Default against Defendant, Fifteenth Judicial Circuit of Florida, The Hon. Edward Fine, Chief Judge, pursuant to Federal Rule of Civil Procedure Rule 55 and Local Rule 7.1 A (d) for failure to comply with Federal Rules of Civil Procedure Rule 55 (a) and

Rule 12 (a) (1), i.e. failure to timely file an answer or reply.

1. On July 16, 2004, Plaintiff removed Florida Fifteenth Circuit Court case Number CD 98-9754 FZ to this court and motioned for injunctive relief..
2. On July 16, 2004 Plaintiff named third party defendants to the removed state action.
3. On July 16, 2004, Plaintiff Filed a Notice of Removal and paid the appropriate fees to this court.
4. On July 23, 2004, Plaintiff had served, by a certified process server, on the Honorable Edward Fine the Verified Complaint Motion for Injunctive Relief and Notice of Removal as well as the Notice of Filing Notice of Removal, summons, requiring an answer within 20 days. (Exhibit A)
5. The defendant, the Honorable Edward Fine has not responded to the summons.

WHEREFORE for the above stated reasons the Plaintiff requests the Clerk to enter Default.

Respectfully submitted,

A handwritten signature in black ink that reads "Stewart Greenberg". The signature is written in a cursive style and is positioned above a horizontal line.

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

Dated: August 26, 2004

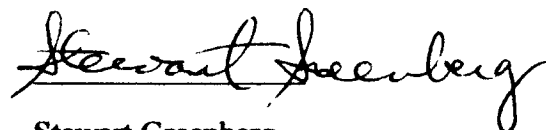
CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of August, 2004, I caused a true and accurate copy of the foregoing to be sent by U.S. Mail to,

The Honorable Edward Fine, Chief Judge
Fifteenth Judicial Circuit Court
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, Fl. 33401
[FIRST CLASS MAIL]

Elaine Greenberg
4283 N.W. 65th Rd.
Boca Raton, FL 33496
[First Class Mail]]

Valerie J.Martin, Assistant State Attorney
Office of the Attorney General
110 SE 6th Street, 10th Floor
Fort Lauderdale Florida 33301
[FIRST CLASS MAIL]



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

Dated August 26, 2004

RETURN OF SERVICE

Case No: 04-80669 CIV ZLOCH

TO BE SERVED

THE HONORABLE EDWARD FINE
205 NORTH DIXIE HIGHWAY
WEST PALM BEACH, FLORIDA

STYLE

STEWART GREENBERG
VS.
THE HONORABLE JEFFREY COLBATH

SERVED FOR

STEWART GREENBERG
958 EVE STREET
DELRAY BEACH, FLORIDA, 33483

COURT

IN THE UNITED STATES DISTRICT COURT, IN AND FOR
THE SOUTHERN DISTRICT OF FLORIDA

WRIT

SUMMONS IN A CIVIL ACTION

INFORMATION

Court Date: _____ Court Time: _____
Witness Fee: _____
Document Type: Original
Atty File # _____

I received this process 07/19/04 at 12:50 PM and it was served 07/23/04 at 11:35 AM in PALM BEACH COUNTY, FLORIDA.

THE HONORABLE EDWARD FINE
205 NORTH DIXIE HIGHWAY
WEST PALM BEACH, FLORIDA, 33401

INDIVIDUAL SERVICE: (FS 48.031)

By delivering to the within named person a copy of SUMMONS IN A CIVIL ACTION the date and hour of service endorsed by me, and at the same time delivering to the within named person a copy of the complaint, petition or initial pleading as furnished by the plaintiff or petitioner.

OTHER RETURNS:

MOTION FOR INJUNCTIVE RELIEF AND NOTICE OF REMOVAL, ORDER ON FORMER WIFE'S MOTION FOR CIVIL CONTEMPT, NOTICE OF FILING NOTICE OF REMOVAL

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true, that I am a Certified Process Server/Sheriff Appointed in the circuit in which this defendant was served and have no interest in the above action pursuant to F.S. 92.525(2).

I hereby certify that I am not a party to the above action, am over 18 years of age, that the above affidavit is true and correct, and that service was made in accordance with Rule 1.410(C) Florida R.C.P., and Rule 45 Federal R.C.P., and Rule 4(C), 50 U.S.C., and section 520 Et. Seq.

The foregoing instrument was acknowledged before me this 02 day of August, 2004 BY SUSAN UPTHEGROVE, who is personally known to me, or who was produced a D/L as identification and who DID take an oath.

PROCESS SERVER: SUSAN UPTHEGROVE (36)
CAPLAN, CAPLAN AND KAYE (305) 374-3426
CPS Number: 01157092-001

NOTARY PUBLIC OR PUBLIC OFFICER
AND TITLE OR RANK / CCN

[Signature]