

IN THE CLARK COUNTY SUPERIOR COURT NO. 2
STATE OF INDIANA

CONSTANCE MILLS (now HAESELEY)
Petitioner

V. Cause Number 10D02-0508-OR-132

DALE WAYNE MILLS,
Respondent

RESPONDENT'S MOTION TO DISMISS

Comes now the Respondent, *pro se*, and moves this court to dismiss this filed action. In support he offers,

1. This Court lacks subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1446.
2. South Carolina Ninth Judicial Circuit Court Case Number 95-DR-10-4755 was removed to the United States District Court for South Carolina, Charleston Division on December 16, 2004 and is in the federal Court now as Case Number 2:04-23286-DCN-GCK. (See attached Notice of Notice of Removal and stamped first page of Notice of Removal)
3. Pursuant to 28 U.S.C. § 1446 a state court has absolutely no jurisdiction over this case until the federal court remands it.
4. The South Carolina court would lack jurisdiction to entertain any activity in this case until remand. The Indiana court also lacks the similar jurisdiction.
5. The South Carolina alimony statutes,(S.C. § 20-3-120, 130 et al), which this Indiana court is now asked to enforce impermissibly infringe the South Carolina state constitution right of privacy in the privacy in the protected zone of a

personal decision relating to marriage, i.e. to divorce. LittleJohn v. Rose, 768 F. 2d 765, 768 (6th Cir. 1985) citing (*Zablocki*, 434 U.S. at 385 (divorce entitled to protections of federal constitution Right of Privacy.)

6. The South Carolina alimony statutes, (S.C. § 20-3-120,130 et al), which this Indiana court is now asked to enforce impermissibly infringe the Indiana Constitutional Right of Privacy in the privacy protected zone of a personal decision relating to marriage, i.e. to divorce.
7. The South Carolina alimony statutes, S.C. § 20-3-120 and S.C. § 20-3-130, which this Indiana court is now asked to enforce violate Indiana public police and are not due full faith and credit.

Respectfully submitted,

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DATED this 31st day of August, 2005

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion has been served via U.S. mail this 31st day of August, 2005 to

The Honorable Henry McMaster,
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