

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

<b>IN RE THE MARRIAGE OF:</b>	)	
<b>HAROLD STANLEY,</b>	)	
<b>Petitioner,</b>	)	
<b>and</b>	)	<b>Case No.: 16DR96-08993 File: -06</b>
	)	<b>Division 17</b>
<b>MARCIA STANLEY,</b>	)	
<b>Respondent.</b>	)	

**MOTION TO VACATE ORDER TO SHOW CAUSE**

Comes now the former husband, Harold Stanley, *pro se*, to move this court to vacate the Show Cause order dated August 8, 2008. In support he offers,

1. This court lacks all jurisdiction in this action.
2. To proceed in this action, in complete lack of jurisdiction would willfully violate the federally protected civil rights of Mr. Stanley pursuant to 42 U.S.C. 1983.
3. On 24 March 2005 the former husband properly removed this Case 16DR96-08993 to federal court and noticed all parties and the clerk of this court. (see attached date stamped 24 March 2005 Notice of Filing of Notice of Removal filed with the clerk of this court.)
4. Removal was effected under 28 U.S.C. §§ 1441, 1446 and 1447.
5. Upon removal, this state Case 16DR96-08993 became U.S. District Court Case 05-0281-CV-W-GAF.
6. Pursuant to 28 U.S.C 1446 (d),

“28 U.S.C. 1446 (d) Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.”

7. On July 19, 2005 the former wife, through counsel, moved the district court to dismiss U.S. District Court Case 05-0281-CV-W-GAF. (attached)

8. On October 25, 2005 the district court dismissed all claims. It did not remand. (attached)

9. By action of the former wife, through counsel, and the federal court order of dismissal this action was reposed.

10. The former wife is estopped from any further proceedings as she requested and was granted dismissal.

11. The former wife had a choice to move for remand or move for dismissal and chose the latter. Her error, or the error of her counsel, to request dismissal and to be granted dismissal does not recreate jurisdiction in this court for this action.

12. The former wife did not avail herself of a procedure to permit this court to reassume jurisdiction, i.e., a motion for remand, therefore she must be estopped from attempting such resumption now.

13. The former wife nor her counsel appealed the federal court order of dismissal entered almost three (3) years ago.

13. This state court took no timely action to lawfully reassume jurisdiction, leading to Mr. Stanley's assertion of default by the state court on January 13, 2006. (attached)

14. This state court's former attempts to reassume jurisdiction are the subject of U.S. District Court Case 06-0752-CV-W-GAF,

15. On January 5, 2007, lacking all jurisdiction as Case 05-0281-CV-W-GAF had been dismissed 15 months earlier, U.S. District Court Judge Gary A. Fenner sua sponte and ultra vires entered an order of remand.

16. The actions of the U.S. District Court under Case 06-0752-CV-W-GAF are now the subject of the U.S. Eighth Circuit Court of Appeals Case 07-3728, which remains open on appeal as of September 6, 2008, when Mr. Stanley filed this motion by U.S.P.S.

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WHEREFORE this state court lacks all jurisdiction, and the subject order should therefore be vacated. These continued attempts further violate Mr. Stanley's U.S. protected civil rights.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of September 2008, I caused a true and accurate copy of the foregoing to be served via U.S. Mail postage prepaid to

The Honorable Jack Grate  
Jackson County Courthouse Annex  
308 W. Kansas  
Independence, Missouri 64050

by U.S.P.S. Registered Mail RB 504 232 468 US

Les D. Wight, Esq.  
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