IN THE

SUPREME COURT OF OHIO

Pauletta Higgins	:	Case No: 2015-0074
Petitioner	:	
v	:	AFFIDAVIT OF RICHARD J. SCHNEIDER
Hamilton County Dept. CPS,	:	
Respondent		

STATE OF OHIO :

SS:

COUNTY OF HAMILTON:

RICHARD J. SCHNEIDER, being first duly cautioned and sworn, deposes and says that:

1. I am an assistant prosecutor for Hamilton County, Ohio. As an assistant prosecutor I have represented the Hamilton County Department of Job and Family Services (HCJFS) since 1993.

2. I am familiar with the plaintiff Pauletta Higgins. I represented HCJFS in a civil lawsuit filed by Ms. Higgins on February 27, 2014 in the Court of Common Pleas, Hamilton County, Ohio. That case, Pauletta Higgins v Job and Family Services Children's Division, case number A1401171, was dismissed by the Honorable Judge Carl Stich on April 4, 2014. In that lawsuit Ms. Higgins alleged that Children's Services made

EXHIBIT A

false allegations about herself and her son. The Complaint and Entry Granting Defendant's Motion to Dismiss are attached to this affidavit as Attachments 1 and 2.

3. I am also familiar with the dependency case filed by HCJFS concerning Ms. Higgins' son. That case is pending in the Hamilton County, Ohio Juvenile Court under case number F06-2497. I have read all the pleadings, filings, and court orders as well as the Juvenile Court's journal.

4. I am also familiar with other civil lawsuits Ms. Higgins filed against HCJFS and others. I have read public court records on those cases.

5. I am also familiar with records kept by the HCJFS concerning Ms. Higgins and her son. In addition, I have read records of criminal proceedings concerning Ms. Higgins that relate to HCJFS, her son, and her family.

The Dependency Case

6. HCJFS filed a Complaint on June 28, 2013 in the Hamilton County, Ohio Juvenile Court alleging Pauletta Higgins' seven year old son was a dependent child. The Juvenile Court granted interim custody to HCJFS. Later the court adjudicated the child dependent and placed him in the Temporary Custody of HCJFS. The court approved HCJFS' case plan to reunify Ms. Higgins with her son. Ms. Higgins' son was initially placed in a foster home. In February 2014 he was placed in the home of Ms. Higgins' sister, where he remains to this date.

7. The Juvenile Court appointed a Guardian Ad Litem to represent the interest of Ms. Higgins' son. The court also appointed two attorneys to represent Ms.

Higgins. Both attorneys were allowed to withdraw citing conflicts with Ms. Higgins. In addition the court has appointed a Guardian ad litem to represent Ms. Higgins. That Guardian ad litem, Erica Dority, continues to represent Ms. Higgins.

8. Ms. Higgins has been acting as her own attorney. To date she has filed more than 60 motions. Most of these motions are titled "Emergency Motions." She has also filed at least ten Objections to decisions by magistrates assigned to the case. And she has filed nine appeals of Juvenile Court orders with the Hamilton County Court of Appeals. Each time an appeal is filed, the Juvenile Court stays its proceedings on the case until the court of appeals acts. To date the Hamilton County Court of Appeals has dismissed all of Ms. Higgins' appeals.

9. Ms. Higgins alleges in her Motions, Objections and Appeals that her son has been abused and mistreated in foster care and by her sister;

that her son should be removed from her sister's care;

that her son's Guardian ad litem should be removed;

that her Guardian ad litem should be removed;

that the case should be transferred to Florida;

that the court lacks jurisdiction;

that the HCJFS' case workers and supervisor perjure themselves when testifying;

that the magistrates are corrupt;

that she should have in person visits with her son;

that her son should be returned to her; and

that the court should grant her request for ex parte hearings.

10. In June 2014 Ms. Higgins alleged she relocated to Florida. Since that time she has provided at least three different addresses in Florida. In addition she represented she was moving to New York. In September, 2014 Ms. Higgins began filing lawsuits in Washington D.C. To date Ms. Higgins refuses to tell the Hamilton County Juvenile Court and HCJFS her address. Attempts to serve her at addresses she uses in her pleadings have been unsuccessful.

11. The Hamilton County Juvenile Court has held numerous hearings in response to Ms. Higgins' Motions and Objections. Ms. Higgins is allowed to participate by telephone. Since she left Ohio, her Motions, Objections and Appeals are faxed to the court. At least two of her Motions were faxed from a Royal Caribbean Cruise ship.

12. The Hamilton County Juvenile Court has found that the court's jurisdiction is proper. The court has declined to transfer the case to another jurisdiction. The Juvenile Court has taken testimony about Ms. Higgins' allegations of abuse to her son. In addition the Juvenile Court has ordered HCJFS, the child's guardian ad litem, and local authorities to investigate Ms. Higgins' allegations and provide written reports. This has been done. To date the court has found no validity to Ms. Higgins' claims. The court has found the child to be safe, secure and doing well in Ms. Higgins' sister's home.

13. Attached to this affidavit are certified copies of documents filed in the Hamilton County Juvenile Court dependency case concerning Ms. Higgins' son.

Specifically the attachments are:

A) Order of Magistrate, June 28, 2013, granting Interim Custody of Ms. Higgins' son to HCJFS.

B) Decision of Magistrate, October 1, 2013 adjudicating Ms. Higgins' son dependent. Ms. Higgins stipulated to the facts in the amended complaint attached to the decision. The facts include statements that Ms. Higgins was found by police to be out of control while caring for her child, and because of that was taken to and admitted to a Psychiatric Unit of a hospital.

C) Order of Magistrate, January 2, 2014, denying Ms. Higgins' pro se emergency motion for an emergency remand of custody from foster care to a parent. Ms. Higgins is instructed to bring her concerns to HCJFS.

D) Order of Magistrate, January 14, 2014 denying Ms. Higgins emergency request for custody. The court finds HCJFS already investigated and reports there is nothing that rises to the level of abuse or concern for Ms. Higgins' son's safety. The court orders a Guardian ad Litem to be appointed for Ms. Higgins. The court also orders that Ms. Higgins shall no longer contact the HCJFS caseworker and supervisor at the Agency. The court further orders HCJFS to investigate Ms. Higgins' concerns about her son as relayed today and to have a written report concerning those investigations.

E) Order of Magistrate, January 24, 2014, appointing Ms. Higgins Guardian ad Litem, Erica Dority.

F) Order of Magistrate, March 7, 2014, declining to hold hearings pending appellate ruling on an appeal filed by Ms. Higgins on February 28, 2014. The court grants Ms. Higgins' attorney's Motion to Withdraw due to fundamental disagreements over strategy.

G) Motion For Emergency Hearing, April 9, 2014 filed pro se by Ms. Higgins citing possible risk of danger to her child in the home of Ms. Higgins' sister. Ms. Higgins alleges that both she and her sister have Temporary Protective Orders against each other.

H) Entry Ruling on Various Motions Pending Before the Court, April 16, 2014. The court accepts Ms. Higgins representing herself after two separate attorneys withdrew at different times due to conflicts with Ms. Higgins. The court denies Ms. Higgins' request to discharge her Guardian ad Litem. The court cites 10 pending actions, petitions or motions before the court in addition to an oral motion made by Ms. Higgins at today's hearing. The court says, "Many of these and other motions have been filed so frequently and furiously that the Court has been hampered in resolving the motions with the reflection necessary to rule in the best interest of the child."

I) Decision of Magistrate, May 8, 2014, granting the Disposition of Temporary Custody of Ms. Higgins' son to HCJFS. The Court finds that Ms. Higgins is in a Butler County, Ohio jail with no bond and a stated release date of October 2014. The Court incorporates four reports of the child's Guardian ad Litem and approves seven case plans filed by HCJFS.

J) Entry Adopting The Magistrate's Orders, June 4, 2014. The Judge adopts various orders of the Magistrate and denied Objections filed by Ms. Higgins. The Judge finds Ms. Higgins has made another request for an emergency hearing and that she filed similar requests several times accusing the child's aunt of harming the child. The Judge notes that HCJFS and Dayton, Ohio authorities have investigated those claims and have determined to keep the child in placement. The Judge further notes that Ms. Higgins has

filed many pro se motions claiming emergencies which are dismissed by the Court, reducing Ms. Higgins' credibility.

K) Order of Magistrate, June 12, 2014. The court finds Ms. Higgins is not present. She reported to her Guardian ad Litem that she resides in Florida. Ms. Higgins has filed a federal lawsuit in Florida and is appealing a decision of this court. Ms. Higgins' son is doing well.

L) Motion to appear by phone, June 16, 2014, filed by Ms. Higgins. She says she resides in Orlando, Florida and gives a P.O Box as her address.

M) Motion to transfer and relocation, June 16, 2014 filed by Ms. Higgins seeking to transfer the Hamilton County Juvenile Court case to Orlando, Florida.

N) Order of Magistrate, June 23, 2014, denying Ms. Higgins' motion to remove her Guardian Ad Litem. The Court finds that the Court can not address other motions due to the pending Objections and Appeal filed by Ms. Higgins.

O) Entry Continuing Motions and Objections Pending Ruling on Issues Presently Before the Court of Appeals, July 10, 2014. The Judge notes that Ms. Higgins filed another Appeal on June 10, 2014 with the Hamilton County First District Court of Appeals and that Ms. Higgins filed numerous motions and objections with this Court since filing the appeal. The Judge holds all motions and objections in abeyance pending resolution of the appeal.

P) Order of Magistrate, July 10, 2014, denying Ms. Higgins' motion to relocate her son and to dismiss the case for improper jurisdiction and venue. The Court finds that it has jurisdiction and that Ms. Higgins' son cannot be moved to Florida. The Court says "It is clearly in mother's best interest to return to Hamilton County to engage

in services to be able to reunify with her son or to seek those services on her own in Orlando."

Q) Order of Magistrate, July 16, 2014, upon conducting a hearing with sworn testimony, and finding Ms. Higgins' son is not in imminent risk. The Court orders Ms. Higgins to sign a release for HCJFS to obtain medical records that Ms. Higgins says prove her allegations. HCJS is ordered to thoroughly investigate Ms. Higgins claims. The Court reasserts that it has continuing, original and exclusive jurisdiction over Ms. Higgins' son.

R) Order of Magistrate, July 22, 2014, finding an Emergency hearing is not proper. The Court orders HCJFS to fax Ms. Higgins' motion to the Miamisburg, Montgomery County, Ohio police and ask the police to conduct an immediate investigation. HCJFS is ordered to report back to the Court.

S) Emergency Motion, Notice of Discrimination, July 23, 2014 filed by Ms. Higgins alleging that a HCJFS supervisor is discriminating against her based on Ms. Higgins race and religious beliefs. Ms. Higgins alleges that "Alex stated to me she was not going to get my case plan to me (as a previous court order) unless I died my hair Red with black sprits with the picture sent to her email as proof."

T) Order of Magistrate, July 24, 2014 holding Ms. Higgins' Emergency Motion of July 24, 2014 in abeyance. The Court finds the child is safe and secure in the Temporary Custody of HCJFS.

U) Order of Magistrate, July 25, 2014 denying Ms. Higgins' emergency motions for modification and visitation with a request for an ex parte hearing.

V) Order of Magistrate, July 30, 2014 denying emergency relief requested by Ms. Higgins. The Emergency Motion is forwarded to HCJFS and the Guardian ad Litem to assess if further investigation is warranted.

W) Second Entry Continuing Motions and Objections Pending Ruling on Issues Presently Before the Court of Appeals, August 4, 2014, in response to Ms. Higgins' Objections and Motion to Set Aside dated July 16, 2014 and July 24, 2014. The Judge cites Ms. Higgins' filing of 14 emergency motions requesting a hearing since July 7, 2014. The Magistrates entered 12 Decisions or Orders in response. In addition Ms. Higgins filed a second appeal to the Hamilton County, First District Court of Appeals on July 25, 2014. The Judge cites a new allegation made orally today by Ms. Higgins regarding possible harm to her son that allegedly occurred in Orlando, Florida which will be referred for a Florida police investigation.

X) Order of Magistrate, August 11, 2014, holding Ms. Higgins' Emergency Motion of August 11, 2014 in abeyance. The Court finds the child is safe and secure. As Ms. Higgins reports she is in the process of moving to New York the Court advises Ms. Higgins to contact HCJFS regarding case plan services available to her in New York.

Y) Emergency Motion Authorization to relocate minor child pursuant to ORC 3109.51, August 20, 2014, filed by Ms. Higgins to relocate her son to Florida. Ms. Higgins provides a new address of 5245 Cinderlane Pkwy, Orlando Florida 32808.

Z) Order of Magistrate, August 26, 2014 holding Ms. Higgins' Emergency Motion of August 20, 2014 and August 22, 2014 in abeyance. The case is continued for hearing on October 15, 2014.

AA] Emergency Motion Ex-Parte hearing requested, September 3, 2014, faxed to the Court by Ms. Higgins from the Royal Caribbean, alleging HCJFS didn't give her phone visitation last week.

BB] Order of Magistrate, September 4, 2014 holding Ms. Higgins' Emergency Objection of August 22, 2014 in abeyance. The Court directs Ms. Higgins to HCJFS' reporting line.

CC] Order of Magistrate, September 12, 2014, upon conducting a hearing this day the Court denies Ms. Higgins Emergency Motion to alter her child's custody status. Ms. Higgins testified and presented an exhibit. The Court ordered HCJFS and the Guardian Ad Litem to assess Ms. Higgins concerns and evaluate whether an investigation is warranted. HCJFS and the Guardian Ad Litem shall be prepared to present an update to the Court at the next hearing.

DD] Order of Magistrate, September 18, 2014 making Findings of Fact in regard to the hearing held on September 12, 2014. The Court finds Ms. Higgins has a history of making allegations that her sister has abused and neglected Ms. Higgins' son. To date the allegations have been unsubstantiated. Ms. Higgins testified and faxed a letter alleging that on September 3, 2014 Ms. Higgins' friend peeked through blinds at Ms. Higgins' home and saw Ms. Higgins' son naked and being sexually abused by Ms. Higgins' sister. The son ran out the door. Ms. Higgins' sister dragged him on the concrete surface back to the apartment. Then Ms. Higgins' sister shoved oatmeal down the boy's throat causing him to vomit. The friend and Ms. Higgins investigator left the scene. No one called the police. The friend allegedly went back to her home in Columbus, Ohio and faxed her statement to the court from there. But the friend's statement was sent by the

friend from a Fed Ex office in Orlando. The Court finds the evidence lacks credibility and denied the motion. HCJFS and the GAL are ordered to assess the child's safety and submit written reports.

EE] HCJFS Children's Services Progress Report, September 30, 2014 describing face to face visit with Ms. Higgins' son and Ms. Higgins' sister. The only view from a window at the sister's home was into a bathroom that the sister says is always covered by blinds. The sister denied Ms. Higgins' allegations. Ms. Higgins' son denied any abuse. He is doing well in school. He was happy and is very bonded to his aunt.

FF] Investigative Report of Guardian ad Litem, September 28, 2014. The Guardian ad Litem met with Ms. Higgins' son and Ms. Higgins' sister to investigate Ms. Higgins' allegations of sexual abuse. The Guardian ad Litem also received information from school officials. No concerns were reported by the school officials. The Guardian ad Litem concludes there is no indication of abuse to Ms. Higgins' son. She finds Ms. Higgins' son is doing well.

GG] Order of Magistrate, October 7, 2014, holding Ms. Higgins' emergency motion of October 3, 2014 in abeyance. The child is safe and secure.

HH] Order of Magistrate, October 15, 2014, after conducting a hearing. The Court finds that three of Ms. Higgins' four appeals were dismissed. Attempts to include Ms. Higgins in the hearing were unsuccessful as one phone was disconnected and no one answered the other number. The Court granted Ms. Higgins holiday visitation by phone with her son but notes the restraining order against Ms. Higgins issued by Montgomery County, Ohio concerning Ms. Higgins' sister is still in effect. The Court also finds that

Ms. Higgins' whereabouts are unknown and she refuses to provide the Court or HCJFS with an address. In addition the Court finds that Ms. Higgins' son is thriving in his aunt's home. He is happy in his placement and has a strong bond with his aunt.

II] Entry Setting Permanent Custody Motion For Pre-trial Hearing; Appointing psychological/psychiatric consultant for the mother, October 28, 2014. The Judge notes that Ms. Higgins has not advised the parties or the Court where she lives. Her present whereabouts are unknown. Ms. Higgins promised to provide a post office address for service of process purposes, but she failed to do so.

JJ] Entry Adopting the Magistrate's Order of September 12, 2014/September 28, 2014, October 28, 2014. The Judge overruled Ms. Higgins' Motion to Set Aside the Magistrate's Orders and adopts the Magistrate's Orders. Ms. Higgins failed to appear for today's hearing despite being personally notified.

KK] Order of Magistrate, October 30, 2014 holding Ms. Higgins' two emergency motions filed today, alleging discrimination based on disability, in abeyance. The Court finds the issue of holiday visits have already been addressed, that Ms. Higgins refuses to provide the Court or HCJFS with her address or current contact information. The child is safe and secure.

LL] Order of Magistrate, November 6, 2014, denying Ms. Higgins Emergency Motion filed this day, after taking testimony. Ms. Higgins alleged she witnessed her son being raped and tortured for hours over two days while in the home of Ms. Higgins' sister. The Court found Ms. Higgins allegations to lack credibility as the child was not even in the home of Ms. Higgins' sister on the days in question. In addition testimony revealed the child continues to be safe and secure in his aunt's home.

MM] Entry Reflecting Pre-trial hearing held on 1/12/2015 and issuing pre-trial Orders. The court finds Ms. Higgins was not present despite being legally and actually notified. The court also finds that the First District Court of Appeals issued an entry on 1/7/2015 dismissing all pending appeals and instructing the Juvenile Court to proceed on the underlying matter.

The Ohio Cases

14. Ms. Higgins filed two civil lawsuits in Ohio State Courts against the HCJFS. On April 29, 2013 Ms. Higgins filed a pro se Complaint in the Court of Common Pleas, Hamilton County, Ohio. The Complaint is entitled Pauletta Higgins v Hamilton County Department of Services. The case number is A1303213. Ms. Higgins alleges she was told by a JFS employee she was getting put out because she was black. The Complaint is three sentences. Ms. Higgins lists her address as 1836 Fairmount Avenue, Cincinnati, Ohio 45214. That Complaint was dismissed on July 17, 2013 upon HCJFS' Motion to Dismiss and for Summary Judgment. See Attachments 3 and 4.

15. Ms. Higgins filed a pro se Complaint on February 27, 2014 in the Court of Common Pleas, Hamilton County, Ohio. That Complaint is entitled Pauletta Higgins v Job and Family Service Children Service. The case number is A1401171. Ms. Higgins alleges that Children Service falsely accused her of things that were not true, specifically that she called Children Service reporting that she was going to kill herself. She asked her attorney to subpoena the phone call but her attorney refused to do so. There is no prayer for relief. Ms. Higgins lists her addresses as 1440 W. Kemper Rd. #1701, Cincinnati, Ohio 45240. This Complaint was dismissed on April 4, 2014 upon HCJFS' Motion to Dismiss. See Attachments 1 and 2.

Federal Lawsuits

Southern District of Ohio

16. Ms. Higgins has filed three lawsuits in the United States District Court, Southern District of Ohio. All three lawsuits relate to the dependency case in Hamilton County Juvenile Court. All three cases have been dismissed.

17. On March 24, 2014 Ms. Higgins filed a pro se Complaint in the United States District Court, Southern District of Ohio. The Complaint is entitled Paulette Higgins v Department of Job and Family CPS et al. The case number is 1:14-cv-00247. Also named as defendants are Julie Harrison, Marjorie Davis, Alex Patsfalls, and Brittanie Dudley. The Complaint claims hate crimes, discrimination, misleading the Courts to cause harm, violation of rights, false accusations and retaliation. There are two paragraphs. Much of the allegations are a repetition of concerns Ms. Higgins raised in Motions she filed in the Hamilton County Juvenile Court dependency case. Among the relief she asks for is an order to pay all traveling expenses so Ms. Higgins can move to another state. She lists her address as 1440 W. Kemper Rd. #1701, Cincinnati, Ohio 45240. On March 26, 2014, Magistrate Judge Karen Litkovitz recommended the Complaint be dismissed. The Court adopted the Magistrate's recommendation. Ms. Higgins appealed. Her appeal was dismissed on July 30, 2014. See Attachments 5, 6, 7, and 8.

18. On March 24, 2014 Ms. Higgins filed a pro se Complaint in the United States District Court, Southern District of Ohio. The Complaint is entitled Pauletta Higgins v Brenda Anthony. Brenda Anthony is a Magistrate in The Hamilton County Juvenile Court. The case number is 1:14-cv-00246. The Complaint is styled Complaint of

Discrimination under Disability Act Code. Ms. Higgins alleges Magistrate Anthony made statements Ms. Higgins disagrees with and discriminated against her. She asks the federal court to give her back her child and move us away. On March 28, 2014 Magistrate Judge Karen Litkovitz recommended the case be dismissed. Ms. Higgins filed Objections and a subsequent appeal. On June 27, 2014 Ms. Higgins' appeal was dismissed. See Attachments 9, 10, 11 and 12.

19. On March 9, 2014 Ms. Higgins filed a pro se Complaint in the United States District Court, Southern District of Ohio. The Complaint was entitled Pauletta Higgins v Paul Damont. The case number is 1:14-cv-00295. Ms. Higgins styles her Complaint Violation of Rights. She alleges that Paul Damont, a magistrate in Hamilton County Juvenile Court, neglected her child by refusing to hear evidence. She attached a copy of an Emergency Motion she filed in Hamilton County Juvenile Court. On March 17, 2014 Magistrate Judge Karen Litkovitz recommended the case be dismissed. On May 14, 2014 Judge Beckwith dismissed the case. Ms. Higgins appealed. On June 27, 2014 the appeal was dismissed. See Attachments 13, 14, 15 and 16.

Middle District of Florida, Orlando Division

20. Ms. Higgins filed four civil lawsuits in the United States District Court of Florida, Orlando Division. Three of these lawsuits pertain to the dependency case in the Hamilton County Juvenile Court. The fourth suit names a homeless shelter, hospital, the FBI and the Orange County Sheriff as defendants.

21. On May 30, 2014 Ms. Higgins filed a Pro se Complaint in the United States District Court, Middle District of Florida, Orlando Division. She also filed for a

Restraining Order. The case number is 6:14-cv-00832. Ms. Higgins names as defendants the Hamilton County Child Protection Services, an administrative assistant to the Director of HCJFS, Alexandra Patsfall, a HCJFS supervisor, a former HCJFS supervisor, an assistant prosecutor for Hamilton County, Ohio, the current and former Guardian ad litems for her son, her Guardian ad litem, a Juvenile Court Magistrate, the attorney for the child's Guardian ad litem, a former HCJFS case worker, the current HCJFS caseworker, Ms. Higgins' sister, and two other individuals. The allegations are three pages of handwriting in one paragraph. None of the defendants are mentioned by name in the body of the Complaint. The Complaint relates to concerns Ms. Higgins raised about the care her son received in foster care and with Ms. Higgins' sister. Ms. Higgins requests the case involving her child be transferred to DCF in Orlando, Florida. On June 3, 2014 Magistrate Judge Thomas Smith recommended the Complaint be dismissed. Ms. Higgins filed an Amended Complaint and another motion for a Temporary Restraining Order. Magistrate Judge Smith recommended the Amended Complaint and Motion, be dismissed. Ms. Higgins objected. Judge Charlene Honeywell adopted the recommendation, and dismissed the case. Ms. Higgins appealed. On August 21, 2014 the United States Court of Appeals for the Eleventh Circuit, dismissed the appeal. See Attachments 17, 18, 19, 20, 21, 22 and 23.

22. On June 24, 2014 Ms. Higgins filed a Pro se Complaint in the United States District Court, Middle District of Florida, Orlando Division. The Complaint is entitled, Pauletta Higgins v Hamilton County Department of Job and Family Services et al. Also named as defendants are the Hamilton County Juvenile Court, the Guardian ad litem for Ms. Higgins' child, and the Guardian ad litem for Ms. Higgins. The case

number is 6:14-cv-00984. Ms. Higgins claims that at all times relevant she was a resident of and domiciled in Florida. She further claims the defendants conspired against her, that the Hamilton County Juvenile Court refused to transfer her case to Florida, that her rights are being violated. She asks the court to intervene and relocate her child and the case to Orlando, Florida. In addition, Ms. Higgins asks the court for a restraining order. On October 7, 2014 Judge Carlos Mendoza dismissed the case. See Attachments 24, 25, 26 and 27.

23. On July 15, 2014 Ms. Higgins filed a Pro se Complaint in the United States District Court, Middle District of Florida, Orlando Division. The Complaint is entitled Pauletta Higgins v Hamilton County Juvenile Court. The case number is 6:14-cv-1136. The Complaint alleges improper venue by Hamilton County Juvenile Court. Ms. Higgins alleges that on June 28, 2013, when the dependency case was filed in Hamilton County Juvenile Court, she and her child were residing at 5245 Cinderlane Parkway, Apt. 383, Orlando, Florida. She also alleges Hamilton County Juvenile Court refuses to dismiss the dependency case out of hate. On July 18, 2014 Magistrate Judge Karla Spaulding recommended the case be dismissed. On August 8, 2014 Judge Paul Byran dismissed the case. See Attachments 28, 29 and 30.

24. On June 24, 2014, Ms. Higgins filed a Pro se Complaint in the United States District Court, Middle District of Florida, Orlando Division. The case is entitled, Pauletta Higgins v Harbor House, et al. The case number is 6:14-cv-00985. Ms. Higgins names Harbor House of Central Florida, the FBI, Florida Hospital Apoka, and the Orange County Sheriff as defendants. The allegations center around an alleged assault on her by a resident of Harbor House, the Sheriff's investigation of it, the hospitals treatment of her

and the FBI's hanging up on her. On August 11, 2014 Magistrate Judge Gregory Kelly recommended the case be dismissed. On August 28, 2014, Judge Anne Conway dismissed the case. See Attachments 31, 32 and 33.

Washington D.C. Cases

Superior Court

25. On September 18, 2014, Ms. Higgins filed a Pro se Complaint in the Superior Court of the District of Columbia, Civil Division. The case is entitled Pauletta Higgins v Alex Patsfall et al. She names Alex Patsfall, Denise Orchard, Brittanie Dudley, and Moira Weir as defendants. The case number is 2014 CA 5890. Ms. Higgins alleges the defendants are holding her child against her will, that she requested the defendants transfer her case to D.C. and that the defendants refuse to give her access to her child. Ms. Higgins does not list her address in the Complaint. This case was assigned to Judge Maurice Ross. On December 19, 2014, Judge Ross dismissed the case.

26. In addition to the case against Ms. Patsfall, Orchard, Dudley and Weir, Ms. Higgins has filed twelve other cases in the Superior Court of Washington D.C.

The cases are:

a) Pauletta Higgins v DC Public Library, 2014-CA-005877, filed on September 17, 2014, assigned to Judge Neal Kravitz;

b) Pauletta Higgins v Clerk Official (Family Law), 2014-CA-005883, filed on September 18, 2014 assigned to Judge Craig Iscoe;

c) Pauletta Higgins v Urban Trust Bank of Florida, 2014-CA-006700B, filed on September 30, 2014, assigned to Judge Maurice Ross;

d) Pauletta Higgins v Family Law Clerk, 2014-006586B, assigned to Judge Neal Kravitz;

e) Pauletta Higgins v Melvin Unknown, Maurice Unknown, Nina Unknown, 2014-CA 006607B, filed October 14, 2014, assigned to Judge Thomas Motley;

f) Pauletta Higgins v Metropolitan Police Department, 2014-CA 006618B, filed on October 20, 2014, assigned to Judge Stuart Nash;

g) Pauletta Higgins v DC Administrative Hearing Clerk, 2014-CA 006640 B, filed on October 21, 2014, assigned to Judge Neal Kravitz;

h) Pauletta Higgins v Metro Police Department 7D, 2014-CA 006737, filed on October 24, 2014, assigned to Judge Thomas Motley;

i) Pauletta Higgins v Clerk Employee in Rm 4220, 2014-CA 006739 (B) filed on October 24, 2014, assigned to Judge Herbert Dixon, Jr.;

j) Pauletta Higgins v Brittanie Dudley et al, 2014-CA-006948, filed on October 29, 2014, assigned to Judge Neal Kravitz;

k) Pauletta Higgins v DC Superior Ct Asia Clerk Employee, filed on 2014-CA 006986, filed on October 29, 2014;

l) Pauletta Higgins v PNC Bank et al, 2014-CA 006982, filed on November 3, 2014, assigned to Judge Maurice Ross.

DC Federal Court

27. On October 23, 2014, Ms. Higgins filed a Pro se Complaint in the United States District Court for the District of Columbia. The case is entitled Pauletta Higgins v U.S. Marshall. Ms. Higgins alleges that she was denied access to the District Court by the U.S. Marshall and that she was tortured for hours by the U.S. Marshall. The case number is 14-1776 UNA. On October 23, 2014, the Court dismissed the Complaint. See Attachments 34, 35 and 36.

Criminal Cases

28. On February 6, 2014, Pauletta Higgins was arrested in Butler County, Ohio for making false alarms. She was charged with calling police communications to request the police check on a women who was mentally ill and alone with two children. The police did go to the home of the women at 11:30pm. The women was Ms. Higgins' HCFJS caseworker. The report was false in all respects. Ms. Higgins was found guilty of the charge and sentenced to six months incarceration. She was released from jail after 30 days of incarceration.

29. On April 4, 2014, Ms. Higgins was indicted in Hamilton County, Ohio for telecommunications harassment. It is alleged that Pauletta Higgins called HCJFS' Children's Services hot line over 62 times from March 17, 2014 to March 19, 2014 after being asked several times not to tie up the line. The charge is currently pending in Hamilton County Municipal Court, under case number B1401542. On December 9, 2014 a capias was ordered for Ms. Higgins' arrest.

A False Amber Alert

30. On October 23, 2014 the HCJFS received a call from the Washington D.C. Children's Services agency concerning Ms. Higgins' son. HCJFS was informed that Ms. Higgins filed a missing child report with the Washington D.C. police. Ms. Higgins alleged that while she was staying in a Washington D.C. shelter, she gave her son to her sister who took him to Ohio and refuses to give him back. Washington D.C. authorities issued an Amber Alert for Ms. Higgins' son. HCJFS provided documentation to the Washington D.C. police confirming the custody status of Ms. Higgins' son. In addition

police in Cincinnati checked on Ms. Higgins' son to ensure he was alright. The Cincinnati police determined the child was in good condition in his aunt's care. The child had not been in Ms. Higgins' care in Washington D.C.

Further, affiant sayeth naught

Richard J. Schneider
Assistant Prosecutor,
Hamilton County, Ohio

Sworn to and subscribed in my presence this 2 day of February 2015.

Norma J. Bradley

NOTARY PUBLIC STATE OF OHIO

NORMA J. BRADLEY
Notary Public, State of Ohio
My Commission Expires
April 18, 2016

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ORIGINAL

COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

A1401171

Pauletta Higgins
1440 W. Kemper Rd # 1701
Cinti OH 45240

CASE NO.

-VS-

false accusations
TYPE OF FILING OR ENTRY

Job and family Service
Children Service
222 E. Central Pkwy Cinti OH 45202

On June 27th 2013 I Pauletta Higgins Phone Children Services to get Involed with my current Situations involeing my 6 y.o son Cage at the Complaint) due to me and my Child returned home to Cincinnati OH from Orlando Florida. I was homeless and residing and a hotel due to the abusive relationship I had with my family and refuse to have my Only loving Child in that setting. Shortly after my Phone Call I was informed Children Service was falsing acusing me of things that was not true meaning

Pauletta Higgins
ATTORNEY'S NAME

513-376-6231
PHONE NUMBER

1440 W. Kemper Rd #1701
ADDRESS Cinti OH 45240

ATTORNEY NUMBER

S/Civil Filing Form

TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OH
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Attachment 1

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CLERK OF COURTS
HAMILTON COUNTY
FEB 27 2014
TRACY WINKLER
COMMON PLEAS COURTS

COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

A1401171

_____ CASE NO. _____

_____

-VS-

_____
TYPE OF FILING OR ENTRY

_____

_____

I had called children service reporting phscial abuse, I was gonna hang ~~an~~ and kill myself which was totally untrue as of this day. I have ask my Public defendef on many occassion to Supeona the phone call stating my fact but he refuses to do so. I have ask worker on the case to listen to the phone call but they refuse to do so. I have made Juvenille Court aware but they refuses to do anything about

_____ _____
ATTORNEY'S NAME PHONE NUMBER

_____ _____
ADDRESS ATTORNEY NUMBER

COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

A1401171

CASE NO. _____

-VS-

TYPE OF FILING OR ENTRY

it so now I remain with the Hamilton Country Courthouse to obtain Justice

ATTORNEY'S NAME

PHONE NUMBER

ADDRESS

ATTORNEY NUMBER

S/Civil Filing Form

D105905139

COURT OF COMMON PLEAS
HAMILTON COUNTY

COURT OF COMMON PLEAS
ENTER

HON. CARL STICH
THE CLERK SHALL SERVE NOTICE TO PARTIES PURSUANT TO CIVIL RULE 58 WHICH SHALL BE TAXED AS COSTS HEREIN.

PAULETTA HIGGINS,

Plaintiff,

:

Case No: A1401171

Judge Carl Stich

ENTERED
APR 10 2014

JOB AND FAMILY SERVICES.

Defendant.

:

ENTRY GRANTING DEFENDANT'S MOTION TO DISMISS

This matter is presently before the Court on Defendant's prayer for dismissal filed with Defendant's answer, which the Court will construe as a motion to dismiss. Plaintiff filed the complaint with the title "False Accusations," which is not a civil cause of action; therefore it fails to state a claim upon which relief can be granted. Defendant's motion is well taken and the Court grants the motion, dismissing the complaint.

IT IS SO ORDERED.

FOR COURT USE ONLY

S.C. Line # : 8

Judge Carl Stich

4-10-14
Date

Attachment 2

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

Order of Magistrate

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 3-26-2014
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

On June 28, 2013, a DAY ONE hearing was conducted.

THE MAGISTRATE FINDS:
The following parties did not appear before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was not notified
EDWARD MARTIN (FATHER - ALLEGED of ZYVAUNTAE HIGGINS) was not notified

The following attorneys and parties also appeared:
Dontrishe Jarmon (Intake Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
James Grendell (Attorney for HCJFS)
Lori Patton (241-Kids Afterhours HCJFS Caseworker)
Marianne Ford (GAL/Attorney representing Hamilton County Public Defender GAL Division for ZYVAUNTAE HIGGINS appearing for Marjorie Davis)
Also present: James Muhammad (Maternal Grandmother); Michael Higgins (Maternal Uncle)

FINDINGS OF FACT ON THE MOTION:
Evidence was presented to establish the following:
Lori Patton, HCJFS 241-Kids After-hours caseworker, testified the hotline received a call from a female at the Quality Inn to come and get her child; she was going to kill herself. The Agency contacted Forest Park Police who investigated and found Pauletta Higgins and Zyvaunte Higgins present at the Quality Inn Motel and mother was out-of-control and threatening to kill herself. Mother was transported to University Hospital and the Agency initiated an investigation. While mother was at University Hospital she exhibited out of control behaviors including screaming, flailing around, while hospital staff were trying to restrain her. Mother was cleared medically and then transferred to the Deaconess Hospital Psychiatric Unit where she remains at this time. After the Agency requested and obtained an emergency order of custody, Zyvaunte was placed in foster care. The Agency is unsure how long mother will be hospitalized. Zyvauntae was not observed to have any physical harm to his person.
Edward Martin is the alleged father. The Agency does not know where he is residing currently.
The Court finds imminent risk based on the above facts.
Maternal Grandfather requests interim custody and placement for Zyvauntae. The Agency will investigate family members. Michael Higgins is requesting placement.

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion Interim Order Of Custody, filed 06/28/2013 is granted for ZYVAUNTAE HIGGINS.

Pending hearing on the complaint and further order of the Court, and pursuant to Juvenile Rules 6 and 13 and O.R.C. section 2151.33, Interim Custody of ZYVAUNTAE HIGGINS is granted to Hamilton County Job and Family Services. The child's continued residence in or return to the home would be contrary to the child's best interest and welfare. An ex parte emergency order having been made, the stipulation or evidence supports a finding that probable cause exists for issuance of the order. There are no known relatives of the child/ren who are willing to be temporary custodians of the child/ren.

THE MAGISTRATE FURTHER ORDERS:
Pursuant to O.R.C. 2151.419, Hamilton County Job and Family Services made reasonable efforts to prevent removal from the home, eliminate the continued removal from the home and make it possible for the child to return home although no services could be provided due to an emergency

These services did not prevent removal from the home because provision of services prior to the removal was not possible due to an emergency. The Agency was not open with the family prior to the 241-Kids call the Agency received yesterday.

Marjorie Davis is appointed as Guardian ad Litem and Attorney for the child, ZYVAUNTAE HIGGINS, through the Office of the Public Defender.

Pursuant to Juvenile Rule 13 and O.R.C. section 2151.33, the following orders are made regarding placement, visitation, support, maintenance of insurance, vacating the child's residence, attendance at counseling, or any restraint or control of a party's conduct:
1. The Public Defender's Office shall arrange for a GAL for mother to be present at the next hearing.

In accordance with 42 U.S.C. Section 11431, the above-referenced child is entitled to immediate enrollment in school as defined by O.R.C. section 3313.64. The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Ohio Revised Code or any other records required for enrollment. Cincinnati Public School District shall bear the costs of education, pursuant to O.R.C. sections 2151.35(B)(3) and 2152.362. Such determination is subject to re-determination by the department of education pursuant to ORC 2151.362.

Continue for Day Seven to 07/10/2013 at 12:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS until 12:30 PM.

CD # 613

Magistrate Brenda Anthony
June 28, 2013

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J7800870

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497

IN RE:
THE HIGGINS CHILD.

Decision of Magistrate Awarding Custody

Based upon the Decision of the Magistrate dated 06/28/2013, Pending hearing on the complaint and further order of the Court, and pursuant to Juvenile Rules 6 and 13 and O.R.C. section 2151.33, Interim Custody of ZYVAUNTAE HIGGINS is granted to Hamilton County Job and Family Services. The child's continued residence in or return to the home would be contrary to the child's best interest and welfare.

In accordance with 42 U.S.C. Section 11431, the above-referenced child is entitled to immediate enrollment in school as defined by O.R.C. section 3313.64. The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Ohio Revised Code or any other records required for enrollment. Cincinnati Public School District shall bear the costs of education, pursuant to O.R.C. sections 2151.35(B)(3) and 2152.362. Such determination is subject to re-determination by the department of education pursuant to ORC 2151.362.

613

Magistrate Brenda Anthony
06/28/2013

I have received a copy of the Decision of Magistrate and therefore waive service by the Clerk.

The Magistrate's Decision is hereby approved and entered as the judgment of the Court.

Judge

Objection of Magistrate's Decision

Any party may file written objections to a Magistrate's Decision within 14 days of the filing of the decision. A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40 (D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b).

HAMILTON COUNTY JUVENILE COURT

CERTIFIED COPY

Case No. F/06/002497 Z

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 3-26-2014
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

Decision of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

On October 1, 2013, an ADJUDICATION hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served by CMGR and requested counsel
MICHAEL D HIGGINS (UNCLE of ZYVAUNTAE HIGGINS) was duly notified by CMGR
JAMES MOORE MUHAMMED (CUSTODIAN of ZYVAUNTAE HIGGINS) was properly served by CMGR
The following parties did not appear before the Court:
EDWARD MARTIN (FATHER - LEGAL of ZYVAUNTAE HIGGINS) was properly served by CERT
The following attorneys and parties also appeared:
Jonathan Sinclair (Attorney for PAULETTA HIGGINS)
Dontrishe Jarmon (Intake Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Marjorie Davis (GAL/Attorney representing Hamilton County Public Defender GAL Division for ZYVAUNTAE HIGGINS)
Talia Bryan (Attorney representing Hamilton County Prosecutor's Office for Dontrishe Jarmon)
Also present: Tamika Moore (Maternal Aunt)

FINDINGS OF FACT ON ADJUDICATION:
The parties stipulated to the following:
Mother is present, served, represented by counsel, and stipulates and agrees to the facts in the Amended Complaint filed 9-6-13 with the changes per the attached and of record.
Edward Martin is the legal father pursuant to Juvenile Court Case P11-716. He was served by publication and is not present. No one has any information about Edward Martin. The address previously provided was returned by the post office as not an existing address.
The parties requested bifurcation.

THEREFORE, THE DECISION OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the clear and convincing evidence presented and the stipulations entered, ZYVAUNTAE HIGGINS is adjudicated dependent.
The allegation of neglect of ZYVAUNTAE HIGGINS is withdrawn at the request of Hamilton County Job and Family Services.
The allegation of abuse of ZYVAUNTAE HIGGINS is withdrawn at the request of Hamilton County Job and Family Services.

THE MAGISTRATE FURTHER DECIDES:
Continue for Disposition to 10/10/2013 at 01:30 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS until 2:30 PM.

CD # 613

Magistrate Brenda Anthony
October 1, 2013

I have received a copy of the Decision of Magistrate and therefore waive service by the Clerk.

James O. Muhammed

Pauletta Higgins

The Magistrate's Decision is hereby approved and entered as the judgment of the Court.

Judge

Objection of Magistrate's Decision

Any party may file written objections to a Magistrate's Decision within 14 days of the filing of the decision. A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40 (D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b).

J7869128

F06-2497

DEPENDENT: Ohio Revised Code 2151.04

___X___(b) child lacks adequate parental care by reason of the mental or physical condition of his parents, guardian or custodian;

___X___(c) child's condition or environment is such as to warrant the state, in the interests of the child in assuming her guardianship;

The facts that constitute the alleged neglected, abused and dependent as follows:

1. Pauletta Higgins is the mother of **Zyvantae Higgins** (dob 11-14-06). Edward Martin is the [redacted] father of the child. PURSUANT TO P11-716

2. Ms. Higgins is the legal custodian of the child by reason of a previous decision Juvenile Court on November 12, 2009. A copy of that decision is attached hereto as "Exhibit A" and incorporated by reference as if fully rewritten herein.

3. On June 27, 2013 Hamilton County Jobs and Family Services (HCJFS) [redacted] contacted the Forest Park Police Department concerning **Zyvanuntae**. Personnel from the police department indicated that Ms. Higgins was found to be out of control while caring for the child. ~~Ms. Higgins threatened to kill herself at that times. An original call from a female was received by HCJFS wherein the person said she would harm herself. HCJFS contacted Forest Park Police Department.~~ MOTHER CONTACTED HCJFS. AND THE

4. Because of her MENTAL condition, Ms. Higgins was transported to University Hospital and eventually admitted to Deaconess Hospital, Psychiatric Unit, where she remains at ~~this time~~. Ms. Higgins has A previous ~~been diagnosed as suffering from Intermittent Explosive Disorder, Bi-Polar Disorder, Depression and Schizoaffective Disorder. Medical personnel have not been able to update the diagnoses because Ms. Higgins refuses to talk to personnel.~~ MENTAL HEALTH DIAGNOSIS. WAS

THE TIME OF THE WRITING OF THE COMPLAINT

5. Ms. Higgins had been found to ~~be functionally retarded~~ HAVE A MILD MENTAL IMPAIRMENT and had a case manager in the past.

6. Ms. Higgins has stated to social workers at University Hospital and Psychiatric Emergency Services(PES) at Deaconess Hospital that she wants **Zyvantae** to be placed in foster care.

7. On June27, 2013, HCJFS requested and was awarded emergency interim custody as a result of an ex-parte emergency order of the Court. **Zyvantae** has been place in foster care.

8. Mr. Martin is not involved with **Zyvantae** and does not support him.

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

Order of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 3-26-2014

Judge Juvenile Court
By Norma L. Bradley
Deputy Clerk

On January 2, 2014, a hearing was conducted.

THE MAGISTRATE FINDS:

The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified and requested counsel.

The following attorneys and parties also appeared:
Gloria Campbell (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Marjorie Davis (GAL/Attorney representing Hamilton County Public Defender GAL Division for ZYVAUNTAE HIGGINS)

Also present:
Talia Bryan (APA)

FINDINGS OF FACT ON DISPOSITION:

Evidence was presented to establish the following:
This matter was set before the Magistrate Resler on today's date on an emergency pro se filing by Ms. Higgins. There is no provision in the Ohio Revised Code nor in the Ohio Juvenile Rules for an emergency remand of custody from foster care to a parent. The paperwork filed, with the consent of the GAL and HCJFS, will be construed as a Motion for Remand of Custody and will be heard by Ms. Anthony on January 8, 2014 or as that Magistrate then directs.

Ms. Higgins was instructed to bring her concerns to the attention of HCJFS. That agency is empowered by law to make emergency placement changes if there is a perceived danger to the child.

THE MAGISTRATE FURTHER ORDERS:

Continue for Motion to 01/08/2014 at 01:30 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 607

Mark L. Resler
Magistrate Mark L. Resler
January 2, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

Paulette Meggs

January 2, 2014

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J7928486

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 3-26-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

On January 14, 2014, a PRE TRIAL/PRELIMINARY hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified

The following parties did not appear before the Court:
Jonathan Sinclair (Attorney for PAULETTA HIGGINS)

The following attorneys and parties also appeared:
Betsy Sundermann (Attorney representing Hamilton County Prosecutors Office for Gloria Campbell)
Gloria Campbell (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Marjorie Davis (GAL/Attorney representing Hamilton County Public Defender GAL Division for ZYVAUNTAE HIGGINS)
Julie Harrison (Supervisor representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Klarysa Benge (Attorney for MARJORIE DAVIS)

FINDINGS OF FACT ON THE MOTION:
Evidence was presented to establish the following:
Mother is requesting emergency custody due to concerns about Zyvauntae in his respite foster home. The Agency has already investigated and reports there is nothing that rises to the level of abuse or would cause concern for Zyvauntae's safety. The Court denies mother's request for emergency custody, but sets an expedited hearing at the first time available on all parties' calendars.

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Request For Emergency Hearing, filed 01/02/2014 is denied for ZYVAUNTAE HIGGINS. The emergency hearing was held; the Court denied mother's request for emergency custody.

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Request For Emergency Hearing - FILED BY PAULETTE HIGGINS, filed 01/14/2014 is denied for ZYVAUNTAE HIGGINS. The emergency hearing was held; the Court denied mother's request for emergency custody, but set an Expedited Hearing for a full hearing regarding mother's concerns.

THE MAGISTRATE FURTHER ORDERS:
Pursuant to Juvenile Rule 13 and O.R.C. section 2151.33, the following orders are made regarding placement, visitation, support, maintenance of insurance, vacating the child's residence, attendance at counseling, or any restraint or control of a party's conduct:
1. The Public Defender's Office shall appoint a GAL for mother, Pauletta Higgins, to be available at an expedited hearing on 1-30-14 at 12:00 - 2:00 PM.
2. Mother shall no longer contact Ms. Gloria Campbell or Ms. Julie Harrison at the Agency. Mother shall contact the Section Chief, Denise Orchard, 946-1405, if she needs to contact the Agency about her concerns. Mother is instructed that she should contact 241-Kids if she has not heard back from Ms. Orchard within two business days.
3. Mother shall no longer contact Ms. Davis, the GAL; if she has concerns that she wishes to relate to the GAL's office, she should contact Allison McWhorter, 946-9589.
4. The Agency shall fully investigate mother's concerns about Zyvauntae's safety as relayed today as soon as possible, and shall have a written report concerning those investigations.
5. Mother shall not attempt to contact Zyvauntae at his school or in the foster home. The Agency shall inform mother of IEP meetings and therapeutic appointments that she is entitled to attend.

6. Mother shall not contact Ernest Lee at his home.

Continue for Expedited Hearing to 01/30/2014 at 12:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS until 2:00 PM.

Continue for Pre-trial to 01/23/2014 at 08:30 AM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS to reset the disposition hearing.

CD # 613

Magistrate Brenda Anthony
January 14, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

Pandella Higgins _____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J7934883

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On January 23, 2014, a PRE TRIAL/PRELIMINARY hearing was conducted.

THE MAGISTRATE FINDS:
The following attorneys and parties also appeared:
Brittany Dudley (Ongoing Case Worker representing Hamilton County Job and Family Services for PAULETTA HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Marjorie Davis (GAL/Attorney representing Hamilton County Public Defender GAL Division for ZYVAUNTAE HIGGINS)
Ernest Lee (Attorney for HCJFS)

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:
Jonathan Sinclair, mother's attorney, is available by phone. HCJFS is in the process of transferring the matter to caseworker Brittany Dudley. Ms. Dudley has not yet met with mother. A disposition date is chosen today and Erica Dority is appointed as Attorney/GAL for mother Pauletta Higgins. The expedited case plan objection hearing is scheduled and will occur. Mother has pending objections to the Court's decision not to remove Marjorie Davis as the Attorney/GAL for the child. The disposition hearing is set beyond that date as there may be a new GAL for the child.

THE MAGISTRATE FURTHER ORDERS:
Continue for Expedited Hearing to 01/30/2014 at 12:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS until 2:00 PM.
Continue for Disposition to 02/21/2014 at 01:30 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS until 4:00 PM.

Magistrate Brenda Anthony
January 23, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order
Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J7941351

jcmr874o.dot

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-4-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

Attachment E

HAMILTON COUNTY JUVENILE COURT

CERTIFIED COPY

Case No. F/06/002497 Z

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 3-26-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

Order of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

On March 7, 2014, an EXPEDITED HEARING hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served and requested counsel
The following parties did not appear before the Court:
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)
The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutors Office for Brittanie Dudley)
Jonathan Sinclair (Attorney for PAULETTA HIGGINS)
Brittanie Dudley (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)

FINDINGS OF FACT ON THE MOTION:
Evidence was presented to establish the following:
The Court will not hold a hearing on Motions pending pursuant to the Judge's entry of 2-10-14, stating that all action in the Juvenile Court will cease pending an appellate ruling. Mother filed an Appeal on 2-28-14. The Appeal has not been ruled upon to date. The Court will grant Mr. Sinclair's Motion to Withdraw, as mother is in agreement with the motion. Mother is referred to the Public Defender's Office for counsel or mother may retain private counsel. Mother's GAL does not believe it is in mother's best interest to have new counsel, as she believes that Mr. Sinclair has more than adequately represented his client. However, the Court accepts Mr. Sinclair's statement that he and mother have a fundamental disagreement over case strategy and are unable to reach an accord.

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion To Withdraw As Counsel - FILED BY JON SINCLAIR ATTY, filed 03/07/2014 is granted for ZYVAUNTAE HIGGINS.

THE MAGISTRATE FURTHER ORDERS:
Pursuant to Juvenile Rule 13 and O.R.C. section 2151.33, the following orders are made regarding placement, visitation, support, maintenance of insurance, vacating the child's residence, attendance at counseling, or any restraint or control of a party's conduct:
1. The Public Defender's Office shall appoint new counsel for mother, Pauletta Higgins, if she requests new counsel.

Continue for Disposition to 04/29/2014 at 12:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

Continue for Disposition to 05/08/2014 at 09:00 AM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 613

Magistrate Brenda Anthony
March 7, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

Pauletta Higgins

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J7973539

Juvenille Court ① Motion F06-249-Z
emergency hearing

I mother of Zyvaunte Higgins bring forth matter concerning my child placement and in possible risk of danger There has been many occassion of Dosemetic violents with my sister I inform this court on many occassion that I did not want my child place with relivtes to to this concern Tamika has a tpo agaist me and I have one agaisnt Tamika I has bought these matter to 241-kids concerns and the refuse to do anything bout it on March 12 Zyvaunte ran out of care giver home to escape from her and police where call Zyvaunte has attated Tamika on many time where tamika has Injury to the harresing stress she has cause on Zyvaunte behalf.

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 APR -9 AM 8:32

F/06/002497 04/09/2014
J7997091 M103

Attachment G

F06-24412 (2)

I asked my attorney to get this relsoved and he refuse to due so so where I stand is filing another Emering hearing with the court it is in the best intrest of my child

Feb 10 the court made a order for my child to be w/ a friend of mine and ~~to~~ 241-kids provoke me in any means neccessary

241 kids has place my child w a relitive who I highly reject!!! This pass Sudug Tamika came to my hz and a Pshical fight occur between Tamika and I Tamika hit me w/ a gun and Police where called

Pauletta Huggens
4-9-14

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 APR -9 AM 8:33

Served of Notice F06-2497 Z

notice Regular Mail

Kacy Eves 800 Broadway Cinti OH 45202

notice Regular Mail

Brittanie Dudley 222 E. Central Parkway Cinti OH 45202

magistrat

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 APR -9 AM 8:33

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

F/06/002497 04/09/2014
J7997094 E483

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS **§ F06-2497**

§ ENTRY
RULING ON VARIOUS MOTIONS
PENDING BEFORE THE COURT

This cause came to be heard upon the various motions pending before the Court. A hearing was held on 2-14-2014 and today's entry reflects the findings made at that hearing.

The following parties were present for the hearing held on 4-15-2014:

The mother, Pauletta Higgins pro se.
Attorney Erica Dority, Guardian Ad Litem for the mother.
Attorney Ernest Lee representing the State and the Hamilton County Department Jobs and Family Services (HCDJFS).
Attorney Kacy Eaves, Guardian Ad Litem for the child (GAL).

The child under consideration is:
Zyvauntae Higgins DOB 11-14-2006 now age 7 years old.

The mother has been represented by two attorneys from the County Public Defender's Office in the recent past but both have been withdrawn due to various conflicts between the mother and the attorneys. The mother asserted that she wished to represent herself and that she does not wish to be represented by an attorney at this time.

The mother was questioned extensively about whether she wanted to proceed without an attorney and the Court advised the mother of the potential disadvantages of going forward on her own. The Court advised the mother that she was not formally schooled in the law that she might not be able to present her evidence, her concerns or her desires to the Court in the best light or within the legal proscriptions of evidence rules and law. The mother listened and responded appropriately. She is obviously intelligent and well informed. The mother was adamant that she wanted to go forward without an attorney.

The mother indicated that she was in the process of hiring private counsel and might be represented in the future. The Court advised the mother that she may retain private counsel at any time and if she requests, another public defender would be assigned. Any attorney representing the mother must be prepared and ready to participate in the proceedings already scheduled and in progress. The mother's GAL recommended to the mother that she should not proceed pro se in her best interests. The mother still requested to go forward without an attorney.

The Court hereby accepts the mother's voluntary, intelligent, and knowing insistence to represent herself in this matter but will expect adherence to the rules and etiquette of the Court.

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Thomas Lipps
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

F/06/002497 04/16/2014
J8003412 E03

Attachment H

Further the Court advised the mother that by going forward without the public defender's assistance that she would not be able to access services of the public defender such as expenses associated with the litigation including transcript costs. It appeared that the mother continued to believe she would be able to defray any of her costs and be covered by the county because she is indigent.

The mother also asserted that she does not need the services of a Guardian ad Litem and requested that GAL representing her be discharged. The Court declines the mother's request at this time and the GAL appointed for the mother shall remain active in this case.

It appears that there are 10 pending actions, petitions or motions before the Court. The mother also made an oral motion to resume visits with the child during the hearing on 4-16-2014. Many of these and other motions have been filed so frequently and furiously that the Court has been hampered in resolving the motions with the reflection necessary to rule in the best interests of the child. Some of these motions shall be resolved by the Magistrate in future hearings and some were resolved by this Court at the hearing on 4-15-2014 and reported in this Entry today.

Disposition in dependency filed by the HCDJFS in a complaint dated 6-28-2013:
There has been an adjudication of dependency entered by the Court on 10-1-2013. The dispositional hearing associated with the adjudication is in progress. It is scheduled for further evidentiary hearings on 4-29-2014 and 5-8-2014. The HCDJFS is requesting that the child be placed in their Temporary Custody. The Magistrate shall continue to hold those hearings and others that may be needed and is to determine the appropriate disposition for this child.

Motion filed by the mother to set aside the Magistrate's Order of 12-31-2013 filed on 12-31-2014:
The mother now states that this issue is moot and indicated on the record that she is withdrawing that motion. Therefore this motion shall be considered withdrawn by this Court.

Motion for Custody filed by Michael Higgins on 2-18-2014:
This motion is appropriately pending before the Magistrate and is being considered within the dispositional hearing. The Magistrate has previously ordered a home study investigation regarding Mr. Higgins to assist in the dispositional determination.

Motion for Custody filed by Tamika Moore on 2-20-2014:
This motion is appropriately pending before the Magistrate and is being considered within the dispositional hearing. The Magistrate has previously ordered a home study investigation regarding Ms. Moore to assist in the dispositional determination.

Motion filed by the State/HCDJFS to Set Aside the Magistrate's Order of 2-10, filed on 2-21-14:
The State/HCDJFS now states that this issue is moot and the prosecutor indicated on the record that the State/HCDJFS is withdrawing that motion. Therefore this motion shall be considered withdrawn by this Court.

Motion filed by the child's GAL to place the child, fax filed on 2-21-2014:
This motion was inadvertently filed as a motion. The GAL indicated that it was meant to be filed as a report and that she will correct this error by filing a new report. Therefore this motion is dismissed.

Motion filed by the mother to waive transcript fees on 2-28-2014:
This motion concerns the mother's previously filed motion to Set Aside the Magistrate's Order of 12-31-2013 that has now been withdrawn at the mother's request. The mother now states that this issue is therefore moot and indicated on the record that she is withdrawing that motion. Therefore this motion shall be considered withdrawn by this Court.

Motion filed by the State/HCDJFS to Preclude Pro Se Filings filed on 2-28-2014:
Now that the mother is not represented by an attorney, this motion is no longer applicable since it sought to limit filings to the mother's attorney. The State/HCDJFS now states that this motion is inapplicable and the prosecutor indicated on the record that the State/HCDJFS is withdrawing that motion. Therefore this motion shall be considered withdrawn by this Court.

Objection filed by the mother to the Magistrate's Decision of 4-10-2014 filed on 4-10-2014:
The Magistrate's Decision was issued without the parties present and without the presentation of evidence. However, the Magistrate judged that the motion was duplicative of a motion ruled on the day before. The mother wants to present evidence to the court surrounding domestic violence in the placement with the child's aunt. This evidence and testimony is pertinent to the final disposition for this child. Therefore this evidence may be presented by the mother at the proper time during the already scheduled dispositional hearing set for 4-29-2014 and 5-8-2014. The HCDJFS through their own resources and resources in Dayton Ohio are to check on the child and assure to the extent possible that he is safe and free from domestic violence harm in his present placement. Since the evidence can be presented at the dispositional hearing and the child caring authorities are to protect the child, the Objection to the Magistrate's Decision is therefore denied.

Motion filed by the child's GAL to reset expedited case plan objections hearing filed on 4-13-14:
The case plan hearing was scheduled in an expedited manner without notice to the parties or consultation with their calendars. When the Magistrate scheduled this hearing she acknowledged that some participants might not be available. The GAL is unable to be present. The case plan issues can be heard at the previously scheduled dispositional hearings set for 4-29-14 and 5-8-2014.

Oral motion for parenting time at the Family Nurturing Center (FNC) made by the mother in Court on 4-15-2014:
The mother state's that she has not been allowed to see her child for about a month. The child is placed with the maternal aunt in Dayton, Ohio. The mother was visiting in Cincinnati at the FNC before the child was placed in Dayton and for some time thereafter. The mother stated that the visits went well at FNC and that she had reports indicating such. The mother also had a wonderful array of pictures depicting the child as happy and playful in her presence both at the FNC and at her home when he was with her in the past. Apparently the visits were switched to provide visits in the aunt's home in Dayton, but incidents were alleged to have happened there precluding further visits in that home. There might be a restraining order by Dayton authorities prohibiting contact between mother and child but the mother said that restraining order only prohibits contact with the aunt and not the child. The mother would like to resume visits at FNC and thinks that is best for the child. The Court directs the HCDJFS to look into this. If they determined visits with the mother are best for the child they should be resumed at the FNC. If the HCDJFS determines that the visits are not in the child best interests due to danger, upset, travel distance or other reasons, then visits should not resume and the HCDJFS are to report their reasons for not allowing supervised visits with the mother to the Magistrate at the scheduled hearing.

Continue to 4-29-2014 @ 12:00 Magistrate Anthony.

4-16-2014
Date Judge

Thomas R. Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Decision of Magistrate

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
John Williams
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

On May 8, 2014, a DISPOSITION hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
MICHAEL D HIGGINS (PETITIONER of ZYVAUNTAE HIGGINS) was properly served
JAMES MOORE MOHAMMED (CUSTODIAN of ZYVAUNTAE HIGGINS) was properly served
TAMIKA MOORE (PETITIONER of ZYVAUNTAE HIGGINS) was properly served by PS

The following parties did not appear before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served
EDWARD MARTIN (FATHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served

The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley)
Alex Patsfall (Supervisor representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Brittanie Dudley (Ongoing Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)
Gloria Campbell (Previous Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)

FINDINGS OF FACT ON ADJUDICATION:
Clear and convincing evidence established the following:
Zyvauntae was previously adjudicated dependent on 10-1-13.

FINDINGS OF FACT ON DISPOSITION:
Evidence was presented to establish the following:
The Court concluded the Dispositional trial. The Agency and all parties rested. The Agency and GAL entered Co-Exhibits 1-3; the Agency entered Exhibits 1-10. All parties rested. The Court has not yet reviewed the evidence; however mother is incarcerated in the Butler County Jail with no bond and a stated release date of October 2014. Father's whereabouts are unknown and he has never been involved in the matter. The Court places Zyvauntae in the Temporary Custody of HCJFS at this time. Temporary Custody is due to expire by operation of law on 6-27-14. The Court set an Annual Review hearing. Ms. Moore and Mr. Higgins' Custody Investigations/Home Studies have been completed and distributed to the parties. Mr. Muhammad's Custody Investigation/Home Study shall be completed by the Annual Review date. At that time the Custody Petitioners will decide whether they wish to proceed on their Custody Petitions.

THEREFORE, THE DECISION OF THE MAGISTRATE IS AS FOLLOWS:

Based upon the clear and convincing evidence presented and the stipulations entered, ZYVAUNTAE HIGGINS is adjudicated dependent.

Interim custody of ZYVAUNTAE HIGGINS to Hamilton County Job and Family Services is terminated.

Pursuant to O.R.C. section 2151.353 and in the best interest of the child, ZYVAUNTAE HIGGINS is committed to the Temporary Custody of Hamilton County Job and Family Services. The child's continued residence in or return to the home would be contrary to the child's best interest and welfare. The Temporary Custody will terminate by operation of law on 06/27/2014.

Attachment I

THE MAGISTRATE FURTHER DECIDES:
In accordance with 42 U.S.C. Section 11431, the above-referenced child is entitled to immediate enrollment in school as defined by O.R.C. section 3313.64. The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Ohio Revised Code or any other records required for enrollment. Winton Woods School District shall bear the costs of education, pursuant to O.R.C. sections 2151.35(B)(3) and 2152.362. Such determination is subject to re-determination by the department of education pursuant to ORC 2151.362.

The report(s) of the Guardian ad Litem filed 04/20/2014 is received and incorporated by reference herein.
The report(s) of the Guardian ad Litem filed 01/03/2014 is received and incorporated by reference herein.
The report(s) of the Guardian ad Litem filed 11/06/2013 is received and incorporated by reference herein.
The report(s) of the Guardian ad Litem filed 08/15/2013 is received and incorporated by reference herein.

The case plan filed for ZYVAUNTAE HIGGINS on 08/19/2013 is approved and incorporated by reference herein.
The case plan filed for ZYVAUNTAE HIGGINS on 09/06/2013 is approved and incorporated by reference herein.
The case plan filed for ZYVAUNTAE HIGGINS on 01/13/2014 is approved and incorporated by reference herein.
The case plan filed for ZYVAUNTAE HIGGINS on 02/21/2014 is approved and incorporated by reference herein.
The case plan filed for ZYVAUNTAE HIGGINS on 03/19/2014 is approved and incorporated by reference herein.
The case plan filed for ZYVAUNTAE HIGGINS on 03/19/2014 is approved and incorporated by reference herein.
The case plan filed for ZYVAUNTAE HIGGINS on 04/07/2014 is approved and incorporated by reference herein.

Continue for Annual Review to 06/12/2014 at 09:00 AM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 613

Magistrate Brenda Anthony
May 8, 2014

I have received a copy of the Decision of Magistrate and therefore waive service by the Clerk.

Michael Wagner

James J. Muhammad

Danita Moore

The Magistrate's Decision is hereby approved and entered as the judgment of the Court.

Judge

Objection of Magistrate's Decision

Any party may file written objections to a Magistrate's Decision within 14 days of the filing of the decision. A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40 (D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b).

J8019902

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497

IN RE:
THE HIGGINS CHILD.

Decision of Magistrate Awarding Custody

Based upon the Decision of the Magistrate dated 05/08/2014, Pursuant to O.R.C. section 2151.353 and in the best interest of the child, ZYVAUNTAE HIGGINS is committed to the Temporary Custody of Hamilton County Job and Family Services. The child's continued residence in or return to the home would be contrary to the child's best interest and welfare. The Temporary Custody will terminate by operation of law on 06/27/2014.

In accordance with 42 U.S.C. Section 11431, the above-referenced child is entitled to immediate enrollment in school as defined by O.R.C. section 3313.64. The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Ohio Revised Code or any other records required for enrollment. Winton Woods School District shall bear the costs of education, pursuant to O.R.C. sections 2151.35(B)(3) and 2152.362. Such determination is subject to re-determination by the department of education pursuant to ORC 2151.362.

Magistrate Brenda Anthony
05/08/2014

I have received a copy of the Decision of Magistrate and therefore waive service by the Clerk.

The Magistrate's Decision is hereby approved and entered as the judgment of the Court.

Judge

Objection of Magistrate's Decision

Any party may file written objections to a Magistrate's Decision within 14 days of the filing of the decision. A party shall not assign as error on appeal the Court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Juv. R. 40 (D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Juv. R. 40(D)(3)(b).

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS

§ F06-2497

§ ENTRY
ADOPTING THE MAGISTRATE'S ORDERS

This cause came to be heard upon the "objections to the Magistrate's Decision" filed by the mother, pro se. The Court will liberally construe the "objections" to be a motion to set aside the Magistrate's Orders. The motion lists 4-29-2014 as the hearing the mother wants set aside. However in the body of the motion the mother concerns only the Chief Deputy Magistrate's Order of 5-1-2014.

Oral argument was held on 5-20-2014 leading to today's ruling.

The mother, Pauletta Higgins pro se.
Attorney Erica Dority, Guardian Ad Litem for the mother.
Attorney Ernest Lee representing the State and the Hamilton County Department Jobs and Family Services (HCDJFS).
Attorney Kacy Eaves, Guardian Ad Litem for the child (GAL).

The child under consideration is:
Zyvauntae Higgins DOB 11-14-2006 now age 7 years old.

On 4-29-2014 the Magistrate did hold a hearing and testimony regarding disposition was presented. The trial was continued in progress to 5-8-2014. The Magistrate also ordered the HCDJFS to arrange telephone contact between the child and mother and to work toward arranging visits for them. Several old motions were disposed of including two prior requests for emergency hearings by the mother that were dismissed as moot.

Nothing in the mother's motion to set aside the Magistrate's Order addresses the 4-29-2014 hearing. The Order is proper on its face.

Therefore the mother's motion to set aside the Magistrate's Order of 4-29-2014 is denied.

F/06/002497 06/04/2014
J8039373 E03

Attachment J

On 5-1-2014 the mother filed another request for an emergency hearing. She has filed similar requests several times before during the pendency of this case. The child is in placement with the maternal aunt - the mother's sister - in Dayton Ohio through the authority of HCDJFS who have been holding Interim Custody and now hold dispositional Temporary Custody. The mother is vehemently opposed to this placement and has accused the aunt of harming the child several times.

The HCDJFS and the Dayton authorities have investigated these claims and have determined to keep the child in this placement.

The mother's request for another emergency hearing on 5-1-2014 appeared to the Deputy Chief Magistrate who was assigned the emergency case, to be a duplicate of prior allegations recently dismissed. The Chief Deputy Magistrate felt that a full emergency hearing would be redundant and was not necessary.

In fact this emergency motion alleged new allegations of harm to the child in Hamilton County. The mother claimed that the aunt drove the child to Cincinnati on 4-30-2014 and made contact with the mother. The mother describes a chaotic scene with the aunt physically pulling the hysterical child by the arm and shoving him into the car when he would not leave the mother.

This request by the mother was not regarding a prior emergency request, but it was similar to the mother's prior allegations against the aunt and seemed to be more of the same allegations in order to effect a change in the child's placement. The mother has filed many pro se motions, several of them claiming emergencies later dismissed by the Court, reducing her credibility. However, a hearing should have been held that day so that the HCDJFS were sure to be aware that the child was brought to Cincinnati, and they could investigate if the child was injured and determine if the child's current placement with the aunt is appropriate under the circumstances.

In any event, there was no true emergency requiring immediate intervention by the Court that day. The incident happened the day before and the child was back in Dayton. The mother could have reported the incident to the emergency hot line of HCDJFS so that they would be aware of the alleged incident and investigate or take action as they might feel appropriate under their custodial authority. The mother's distrust of HCDJFS may be leading her to seek court relief rather than reporting incidents directly to the HCDJFS or the GAL.

Now that the HCDJFS has been aware of the alleged incident since the mother's filing, they have the authority to act as they feel appropriate for this child under their care and in placement with a family member. A Court hearing is no longer necessary and the mother's emergency request is now moot, similar to such requests in the past. A maternal uncle who is familiar with the circumstances of his family has offered to be an unofficial buffer between his sisters and help resolve the issues facing the family - if the mother and aunt allow him. Hopefully his intervention will be beneficial for the child.

Therefore the mother's motion to set aside the Magistrate's Order of 5-1-2014 is moot.

Therefore both of the Magistrate's Orders dated 4-29-2014 and 5-1-2014 are adopted as the judgment of this Court.

6-4-2014
Date

Thomas R. Lipps
Judge Thomas R. Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Thomas Lipps
Judge Juvenile Court
By Velma A. Bradley
Deputy Clerk

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Norma L. Bradley
Deputy Clerk

Order of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

On June 12, 2014, an ANNUAL REVIEW hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
MICHAEL D HIGGINS (PETITIONER of ZYVAUNTAE HIGGINS) was duly notified by CMGR
JAMES MOORE MOHAMMED (CUSTODIAN of ZYVAUNTAE HIGGINS) was duly notified by CMGR
TAMIKA MOORE (PETITIONER of ZYVAUNTAE HIGGINS) was duly notified by CMGR

The following parties did not appear before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified by MAIL
EDWARD MARTIN (FATHER - ALLEGED of ZYVAUNTAE HIGGINS) was not notified by MAIL

The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley)
Alex Patsfall (Supervisor representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

FINDINGS OF FACT ON THE REVIEW:
Evidence was presented to establish the following:
Mother is not present. She reported through her GAL that she resides in Florida. She called 15 minutes prior to the hearing requesting to appear by phone. The Court could not accommodate her request due to not making that request prior to the day of the hearing. Additionally, she has two capiases in Hamilton County. Mother has filed a federal law suit in Florida and is appealing a decision of this Court in the First District Court of Appeals. Zyvauntae is doing well; he has not had any behavioral issues recently and is in a summer program doing well. He is engaged in therapy. He has been referred for a new medical somatic provider. He remains placed with Ms. Moore, maternal aunt. He made all As and was promoted to 2d grade.
The Agency filed a Motion to Extend TC; however, due to the Appeal this Court cannot proceed on that motion. The Agency filed a Case Plan requesting Zyvauntae's tonsils be removed; mother is not in agreement, and the Court sets an expedited Case Plan Objection hearing. If mother does not appear the Court will conduct the hearing as the Agency reports the medical recommendation is that they be removed quickly as the inflamed tonsils are affecting his daily activities. Zyvauntae has an IEP, but his behaviors have been fine at school. The IEP will be reviewed at the next school year to see if he continues to need an IEP.

THE MAGISTRATE FURTHER ORDERS:
Continue for Expedited Hearing to 06/23/2014 at 03:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 613

Magistrate Brenda Anthony
June 12, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

jcmr874o.dot

Attachment K

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8044729

JUVENILE COURT HAMILTON COUNTY, OHIO

IN RE: Zyvaunte Higgins

CASE NUMBER: F062497

MOTION

to appear by Phone!

I Pauletta Higgins reside in Orlando Flordia and I truly want to presude my motion tranporation is a Issues and I request to appear by Phone!!!

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court

Date 11-3-2014

Judge Juvenile Court

By Norma J. Bradley Deputy Clerk

2014 JUN 1 ... 8:34

FILED HAMILTON COUNTY JUVENILE COURT

Please be on notice that the within motion will be heard on the ____ day of _____ 20____, by Judge / Magistrate _____ at the Hamilton County Juvenile Court located at 800 Broadway in Cincinnati, Ohio 45202-1332. Floor # _____.

Pauletta Higgins
Name

P.O Box 3063
Address

Orlando Fl 32802
City State Zip Code

( )
Area Code Telephone Number

Certificate of Service

I, Pauletta Higgins Certifie

6-13-14
Date

F/06/002497 06/16/2014

J8046773 M099

'ify that I served a copy of the foregoing on the Plaintiff by 222 E Central parkwy Cinti OH 45202

Pauletta Higgins
Signature

Form 583 – Revised 12/2001

Attachment L

JUVENILE COURT HAMILTON COUNTY, OHIO

IN RE: Zyvaunte Higgins

CASE NUMBER: F06002497

MOTION to transfer & relocation

I Pauletta wish to transfer my Child Custody Case to Orlando florida where I reside, Place of employeement and much more. I am working with Current therpist as Stated as a request from Child Service. this is in the best Intrest of the Child due to Zyvaunte Spending the last years of his life in orlando Fl from the age of 3yr to 6yrs Zyvaunte has friends in the area and will be attending the same School & same activity as well as Karate & Basketball

Please be on notice that the within motion will be heard on the ____ day of _____ 20____ by Judge / Magistrate _____ at the Hamilton County Juvenile Court located at 800 Broadway in Cincinnati, Ohio 45202-1332. Floor # _____

Page 2 over before

Pauletta Higgins
Name
P.O Box 30163
Address
Orlando FL 32802
City State Zip Code
(321) 937-2160
Area Code Telephone Number

2014 JUN 16 PM 1:19

Certificate of Service

I, Pauletta Higgins, certify that I served a copy of the foregoing on the Plaintiff by _____ at _____

6-14-2014
Date

Pauletta Higgins
Signature

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

F/06/002497 06/16/2014
J8047580 M099

Attachment M

have prepare a long term living arrangement for Zyvaunte and I Would like to Contiue that tranporation is a Issues and this has Cause a Serve amount of Issue of Interfernce with my visitation rights I request a ruling upon a Judge request and as my custodials rights I request a tranfer/relocation of my Child and I. Child Custody case SSO I Can Contiue my reunifaction with my Child. there is a Serve amount of Conflict of Intrest with the opasing party as of Pending pegury Charges, federal lawsuits for consitutional right and Much more! including the Reasonable effort of Child service and to reunifie and violating to include me in Child life

Sincerg
Paulette Hughes
6-14-2014

RECEIVED 2014 JUN 16 PM 3:17

HAMILTON COUNTY JUVENILE COURT
SERVICE REQUEST

☐ WRITTEN REQUEST FOR SERVICE (Civil)
☐ PRAECIPE (Delinquent/Criminal)

IN RE: Zyvaunte

CASE NUMBER: FD02487

Case Type: Child custody

Charges: _____

Reason for Hearing: transfer & relocation

A hearing is scheduled on the 23rd day of June 2014, at 3:00 AM / PM.

Judge / Magistrate: Anthony Case Manager: _____

Type of Form: (Summons) (Subpoena) or (Notice) *(List one of these selections for each address listed below.)*
(Parties) (Witnesses) (Attorney/Parties)

Type of Service: (Regular Mail) (Certified Mail) (Personal Service)
(Usual Service)
(Residential Service) or (Publication) *(List one of these selections for each address listed below.)*

	Type of Form	Type of Service	Name and Complete Address and Zip Code
1.	N	RM	Hamilton County Dept CRS 222 E. Central Pkwy Cinti OH 45202
2.	N	RM	

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 JUN 16 PM 3:17

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma L. Bradley
Deputy Clerk

F/06/002497 06/16/2014
J8047581 E483

Requested by: Paulette Higgins Phone: 937 260 8793

Address: P.O Box 3063 Orlando FL 32802

City State Zip

Form 1397 Revised 12/2006

FILED
WASHINGTON COUNTY
CIRCUIT COURT
2014 JUN 16 PM 3:17

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Norma L. Bradley
Deputy Clerk

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On June 23, 2014, an EXPEDITED HEARING hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified by MAIL
MICHAEL D HIGGINS (PETITIONER of ZYVAUNTAE HIGGINS) was duly notified by PS
JAMES MOORE MOHAMMED (CUSTODIAN of ZYVAUNTAE HIGGINS) was duly notified by CMGR
TAMIKA MOORE (PETITIONER of ZYVAUNTAE HIGGINS) was duly notified by CMGR

The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley)
Alex Patsfall (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Brittanie Dudley (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following:
Mother appeared by phone; her motion to appear by phone is granted. Her motion to remove the GAL is denied; mother does not have an attorney, and the Court believes that mother needs a GAL to help mother understand the Court process and to report to the Court what the GAL believes is in mother's best interest.
Regarding the Case Plan Objection to the plan filed 6-10-14, the Agency provided a letter from Dr. Elluru, Department of Otolaryngology Head and Neck Surgery at Children's Hospital dated 4-22-14, recommending that Zyvauntae would benefit from an adenotonsillectomy, as well as copies of a physical examination report and a CHECK Foster Care Clinic report, all from Cincinnati Children's Hospital dated 4-14-14. Tamika Moore scheduled an appointment to have the surgery, but that was cancelled due to mother's objection to the surgery.
The Agency and others have been served with all the motions filed by mother. The Agency objects to service by the Court rather than by mother. The Court cannot address any of the motions as mother has objections pending in this court as well as an Appeal in the First District.
The Agency is ordered to obtain a second pre-operative physical examination to determine if Zyvauntae continues to need the surgery. The Agency is ordered to send the time and date of that physical exam to mother who is invited to attend. The Agency shall ask whether the child needs a Sleep Study. The Agency shall send copies of Zyvauntae's medical records to mother via certified mail at the Post Office box number she provides today. The Agency shall request if mother can attend Zyvauntae's doctor's appointment by phone if she is unable to make that appointment in person. If Zyvauntae is determined to still need the surgery after the next doctor's appointment, the Court approves the Agency obtaining that surgery over mother's objections.

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion - TO APPEAR BY PHONE BY PAULETTA HIGGINS, filed 06/16/2014 is granted for ZYVAUNTAE HIGGINS.

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion - REMOVAL OF GAL ERIKA DORITY. FAX FILED BY PAULETTA HIGGINS, filed 06/23/2014 is denied for ZYVAUNTAE HIGGINS.

Attachment N

THE MAGISTRATE FURTHER ORDERS:

Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 613

Magistrate Brenda Anthony
June 23, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8052404

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS **§ F06-2497**

§ ENTRY

CONTINUING MOTIONS AND OBJECTIONS PENDING RULING ON ISSUES PRESENTLY BEFORE THE COURT OF APPEALS

This cause came to be heard upon the various motions and objections pending before the Court.

The mother, Pauletta Higgins, is pro se. She reportedly is now living in Florida and was not present for the hearing. On 7-7-2014 just prior to today's hearing, she fax-filed a motion to appear via telephone. That motion is granted to provide allowance to the mother of this child even though none of the other parties were served with her motion. The other parties indicated in Court that they have no objection to the Court granting the mother's motion and to her participating in the hearing by telephone. Thus the mother was present and participated in the hearing via speaker telephone.

Attorney Erica Dority, Guardian Ad Litem for the mother was present.
Attorney Ron Geers was present representing the State and the Hamilton County Department Jobs and Family Services (HCDJFS).
Attorney Kacy Eaves, Guardian Ad Litem for the child was present.

The child under consideration is:
Zyvauntae Higgins DOB 11-14-2006 now age 7 years old.

The mother has filed an appeal with First District Court of Appeals regarding rulings made by this Court in regards to the dependency proceedings. The Appeal was apparently filed on 6-10-2014 and is pending before the Court of Appeals. The mother has also filed numerous motions and objections with this Court since filing the appeal.

While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception. That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils.

Therefore, pending the resolution of the appeal all motions and objections are held in abeyance.

F/06/002497 07/07/2014
J8060870 E03

Attachment O

The mother stated that she will obtain transcripts regarding the hearings that she wants the Court to review concerning a Magistrate's Order or Decision. She should present those transcripts to the Court after the Court of appeals rules, if those Orders or Decisions are still relevant after the Court of Appeals Ruling.

A hearing in this matter will be set after the Court of Appeals rules on the pending appeal.

7-7-2014
Date Judge

Thomas R. Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Thomas Lipps
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

On July 10, 2014, a PRE TRIAL/PRELIMINARY hearing was conducted.

THE MAGISTRATE FINDS:

The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served

The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley)
Alex Patsfall (Supervisor representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following:
Mother, Pauletta Higgins, is present by phone. Mother filed two Emergency Motions; a motion to immediately relocate Zyvauntae to Florida, and a motion to dismiss proceedings in this court due to improper jurisdiction and venue. The Court denies the motions. Zyvauntae is in the temporary custody of HCJFS and cannot be moved to Florida. This court has proper jurisdiction. The facts that led to the filing of the Agency's Complaint occurred in Hamilton County, Ohio. Mother submitted to the jurisdiction of the court by appearing in this matter in Ohio before she moved to Orlando, FL. The Agency is offering services to mother in Hamilton County if mother returns to Hamilton County. The Agency is not able to offer services to mother in Orlando; however, mother may obtain services on her own and provide that information to the Agency. The Agency shall arrange and monitor phone contact for Zyvauntae and mother. Mother has been invited to attend the doctor's appointment already set for Zyvauntae regarding his tonsils. The Agency shall investigate all names of persons that mother would want to be considered for placement/custody of Zyvauntae. Due to the first year of temporary custody having elapsed, the Agency shall not consider anyone for placement who is not willing to be a permanent placement for Zyvauntae. Mother must supply the Agency with information about how to contact those persons. It is clearly in mother's best interest to return to Hamilton County to engage in services to be able to reunify with her son or to seek those services on her own in Orlando.

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion - TO APPEAR BY PHONE FILED BY PAULETTA HIGGINS, filed 07/10/2014 is granted for ZYVAUNTAE HIGGINS.

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion - EMERGENCY REQUEST FOR DISMISAL DUE TO JURISDICTIONAL IMPROPER VENUE FAX FILED BY PAULETTA HIGGINS, filed 07/10/2014 is denied for ZYVAUNTAE HIGGINS.

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion - EMERGENCY MOTION AND RELOCATE MY CHILD FILED BY PAULETTA HIGGINS, filed 07/10/2014 is denied for ZYVAUNTAE HIGGINS.

THE MAGISTRATE FURTHER ORDERS:

Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

Attachment P

July 10, 2014

CD # 613

Magistrate Brenda Anthony
July 10, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8064245

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Deputy Clerk

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On July 16, 2014, an EXPEDITED HEARING hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served
TAMIKA MOORE (PETITIONER of ZYVAUNTAE HIGGINS) was duly notified

The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley)
Alex Patsfall (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Brittanie Dudley (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

FINDINGS OF FACT ON THE MOTION:
Evidence was presented to establish the following:
Mother reported many past incidents between herself and Ms. Moore and between Zyvauntae and Ms. Moore that she believes rises to the level of imminent risk. The Court heard sworn testimony from Ms. Higgins and Ms. Patsfall, Hamilton County Job and Family Services Supervisor. The Court does not find imminent risk. Ms. Higgins should sign Releases so that the Agency may obtain medical records that Ms. Higgins states provide proof of injuries. She should continue to engage in services listed in her Case Plan either in Florida or in Hamilton County. Ms. Higgins has been requested to provide in writing all information about incidents she reported today with specific details including days and full names of the people involved, and the Agency is ordered to investigate thoroughly all allegations.
Hamilton County Juvenile Court has continuing, original, and exclusive jurisdiction over Zyvauntae Higgins, d.o.b. 11-14-06. He is in the Temporary Custody of Hamilton County Jobs and Family Services.

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Motion - EMERGENCY MOTION FILED BY PAULETTA HIGGINS, filed 07/16/2014 is denied for ZYVAUNTAE HIGGINS. The Emergency Hearing was held and the request for Custody was denied.

THE MAGISTRATE FURTHER ORDERS:
Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 613

Magistrate Brenda Anthony
July 16, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

jcgv874o.dot

Attachment Q

July 16, 2014

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8068230

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On July 22, 2014, an ENTRY was issued.

THE MAGISTRATE FINDS:
FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following:
The Court finds an Emergency Hearing would not be the proper response to Ms. Higgins' Emergency Motion filed today, 7-22-14. The appropriate response is to notify the police of the situation and to ask them to investigate the facts alleged in the motion. The Court has contacted Hamilton County Job and Family Services and ordered the Agency to contact the police in Miamisburg, Montgomery County, Ohio, to ask the police to conduct an immediate investigation into Ms. Higgins' allegations regarding Zyvauntae's welfare. The Court orders HCJFS to fax the motion to the appropriate police department. The Agency is ordered to report back to the Court and to include the Police Report that is generated after the investigation. At that time this Court will follow up based on the Police Report and will act in accordance with the child's best interest.

THE MAGISTRATE FURTHER ORDERS:

Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 613

Magistrate Brenda Anthony
July 22, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8072021

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

jcmr874o.dot

Attachment R

Hamilton County Juvenile Court

Case Number. **F062497**

In Re. Zyvaunte Higgins

Notice Of

Discrimination

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 JUL 23 PM 3:30

Emergency Motion

Now comes petitioner Pauletta Higgins and inform this court of the discrimination, color of crimes that is going on and continue to go on among the department of Cps and Juvenile Court Alexandria Patfalls has denied me social participation/human rights to my child base on prejudice due to the color of my/child and I race and religious beliefs.

1) Alex has denied my human right to by child by making medical decision/ and moving my child from home to home without notifying me do to the color of my skin and relious belief

2.) Alex stated to me that she was not going to get my case plan to me (as a previous court order) unless I died my hair Red with black sprits with picture sent to her email as proof

3) Alexandria stated that her and her agency work as a team and my child and I are retarded so unless proven otherwise that she will continue to make my child and me life miserable.

F/06/002497 07/23/2014
J8073738 M103

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Deputy Clerk

Attachment S

4.) Alex stated I was retarded and could not care for my child properly do to my disability and I was not the first and last family this was done to cause this is what she does for a living

Alexandria Patfalls has coached Brittanie Dudley into the manipulate to the courts by appearing and every court hearing to make sure it is presented appoatie and according as previous discuss Recently on a phone conversation I was made aware of crimes to be aware of by Alexandria patfalls due to the color of my race My child and I are in harm's way of this wrongful act and seek the court attention due to the previous comments that I have no idea of what to be aware of next with more to be explain

Respectfully submitted

Pauletta Higgins

Pauletta N. Higgins

P.o Box 3063

Orlando Florida 32801

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 JUL 23 PM 3:54

Motion to appear by phone

I pauletta Higgins request to appear by phone due to transportation concerns and are thousand miles away from this court

Respectfully submitted

Signed: Pauletta Higgins

P.o box 3063

Orlando Florida 32801

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 JUL 23 PM 3:3

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Herman L. Bradley
Deputy Clerk

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On July 24, 2014, an ENTRY was issued.

THE MAGISTRATE FINDS:
FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following:
Ms. Higgins filed an Emergency Motion today, July 24, 2014. This motion, along with all the motions previously filed by Ms. Higgins, is held in abeyance pursuant to Judge Lipps' ruling issued 7-7-14 that states, "While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception. That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils. Therefore, pending the resolution of the appeal all motions and objections are held in abeyance."
Today's pleading, on its face, does not support emergency relief, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services.

THE MAGISTRATE FURTHER ORDERS:

Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

Magistrate Brenda Anthony
July 24, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

J8074510

jcmr874o.dot

Attachment T

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

Ms. Higgins filed the following motions today: Emergency motion for modification and visitation with the request of a (sic) ex parte hearing; and Emergency Motion. These motions, along with all the motions previously filed by Ms. Higgins, are held in abeyance pursuant to Judge Lipps' ruling issued 7-7-14 that states, "While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception. That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils. Therefore, pending the resolution of the appeal all motions and objections are held in abeyance."

Today's pleadings, on the face, do not support emergency relief, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services. A copy of the email is forwarded to HCJFS and the GAL to assess if further investigation is warranted.

Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

Carla Guenthner
Magistrate Carla Guenthner
July 25, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8075349

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On July 30, 2014, an ENTRY was issued.

THE MAGISTRATE FINDS:
THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:

Ms. Higgins filed an Emergency Motion today, July 30, 2014. This motion, along with all the motions previously filed by Ms. Higgins, is held in abeyance pursuant to Judge Lipps' ruling issued 7-7-14 that states, "While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception. That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils. Therefore, pending the resolution of the appeal all motions and objections are held in abeyance."

Today's pleading, on its face, does not support emergency relief, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services. A copy of the Emergency Motion is forwarded to HCJFS and the GAL to assess if further investigation is warranted.

THE MAGISTRATE FURTHER ORDERS:

Continue for Motion to 08/22/2014 at 02:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

Magistrate Brenda Anthony
July 30, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J8078191

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By [signature] Deputy Clerk

jcmr874o.dot

Attachment V

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS § F06-2497

§ SECOND ENTRY
CONTINUING MOTIONS AND OBJECTIONS PENDING RULING ON ISSUES PRESENTLY BEFORE THE COURT OF APPEALS

This cause came to be heard upon the mother's Objection to the Magistrate's Decision dated 7-16-2014 and upon the mother's motion to Set Aside the Magistrate's Decision dated 7-24-2014

None of the other parties were legally served with notice of today's hearing but they learned of the hearing and appeared They indicated that they had not been served with legal notice of the various filings by the mother

The mother, Pauletta Higgins, is pro se The mother requested and was permitted to be present and participate in the hearing via speaker telephone

The mother once again waived counsel for today's hearing
Attorney Erica Dority, Guardian Ad Litem for the mother was present
Attorney Ron Geers was present representing the State and the Hamilton County Department Jobs and Family Services (HCDJFS)
Attorney Kacy Eaves, Guardian Ad Litem for the child was present

The child under consideration is
Zyvauntae Higgins DOB 11-14-2006 now age 7 years old

The mother has filed an appeal with First District Court of Appeals regarding rulings made by this Court in regards to the dependency proceedings The Appeal was apparently filed on 6-10-2014 and is pending before the Court of Appeals The mother filed a second similar Appeal on 7-25-2014 which is also now pending in the Court of Appeals

At the last hearing held before this Court Judge on 7-7-2014, it was determined that the Juvenile Trial Court should refrain from making Decisions or Rulings in this matter until the appeal is resolved Now there are two appeals The one exception was specified for the child's health or emergency situations

F/06/002497 08/04/2014
J8082112 E03

Attachment W

Since the last hearing held before this Court Judge on 7-7-2014, the mother has filed 14 emergency motions requesting a hearing - 7-10, 7-10, 7-11, 7-11, 7-14, 7-14, 7-16, 7-21, 7-22, 7-23, 7-24, 7-25, 7-25, and 7-30

The Magistrates entered 12 Decisions or Orders responding to the mother - 7-10, 7-11, 7-14, 7-15, 7-16, 7-21, 7-21, 7-22, 7-24, 7-24, 7-25, and 7-30

The mother has also filed various other motions and objections with this Court during that time

The Court re-iterates that while this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception That exception would concern any motions or hearings regarding the child's immediate health or in an emergency

There is no present emergency requiring immediate relief Therefore, pending the resolution of both appeals all present motions and objections are held in abeyance

The mother stated at the hearing held on 7-7-2014 that she will obtain transcripts regarding the hearings that she wants the Court to review concerning a Magistrate's Order or Decision She should present those transcripts to the Court after the Court of Appeals rules, if those Orders or Decisions are still relevant after the Court of Appeals Ruling

A hearing in this matter will be set after the Court of Appeals rules on the pending appeal

The new allegation made orally by the mother in Court today regarding possible harm to the child that allegedly occurred in Orlando, Florida will be referred for Florida police investigation by subsequent entry

8-4-2014
Date

Thomas R Lipps
Judge Thomas R Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Thomas Lipps
Judge Juvenile Court
By Norma A. Bradley
Deputy Clerk

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On August 11, 2014, a hearing was conducted.

THE MAGISTRATE FINDS:
THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS

Ms Higgins filed an Emergency Motion today, August 11, 2014 This motion, along with all the motions previously filed by Ms Higgins, is held in abeyance pursuant to Judge Lipps' rulings issued on 7-7-14 and 8-4-14

In the 8-4-14 entry Judge Lipps states, "The Court re-iterates that while this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception That exception would concern any motions or hearings regarding the child's immediate health or in an emergency There is no present emergency requiring immediate relief Therefore, pending the resolution of both appeals all present motions and objections are held in abeyance "

Today's pleading, on its face, does not support emergency relief, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services As Ms Higgins reports she is in the process of moving to New York, the Court advises Ms Higgins to contact the Agency with regard to obtaining Case Plan services that may be available to her in New York

THE MAGISTRATE FURTHER ORDERS·

Continue for Motion to 08/22/2014 at 02 00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS

Magistrate Brenda Anthony
August 11, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

J8086325

jcmr874o dot

Attachment X

Hamilton County Juvenile Court

In RE.

The Higgins Child ONLY

F06-2497

Motion to:

Authorization to relocate

Minor Child pursuant to O R C

3109.51

Emergency Motion

Now comes Petitioner Pauletta Higgins Mother of Z H and request this court to relocate my child so I may be entitled to the visitation that Z H and I am entitled to Pursuant to Ohio Revised Code 3109.12 and 3109.51 I only a get to talk to my son once a week for 15-20 minutes noting Z. H and I are entitled to more as well to see each other in person pursuant to Ohio revised Code 3109 401 This is in the best interest of the Child due to the beginning of this case Z H home state was the state of Florida All Z h knew of was the state of Florida including friends housing sport and activity that till remain the same as of today Zyvaunte will be seeing the same doctor as well have the same teacher nothing his teacher is now teaching second grade Mother cannot are will not return back to Ohio due to her Dv partner reside in the state of Ohio with more to be explained. Thanks for your time and Consideration

Respectfully Submitted

FILED
8/20/14
HAMILTON COUNTY
JUVENILE COURT

Pauletta N Higgins
Pauletta Higgins

P/98/000240 08/20/2014
J8094256 M103

Attachment Y

Motion for hearing Pursuant

To ORC 3109.051(G)(2)

Now comes petition Pauletta Higgins and states as follows Z H Father is nowhere to be found and never played a role in the child's life ONLY biological mother who wishes to conute her role as a parent to Z.H including visitation and more. Father nowhere to be found so service is not needed in the best interest of the child.

Respectfully Submitted

Pauletta Higgins

Pauletta Higgins

August 20th 2014

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court

Date 11-3-2014

Judge Juvenile Court

By Norma J. Bradley
Deputy Clerk

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

Pauletta N Higgins
Plaintiff / Petitioner

-vs/and-

Hamilton County Dept CPS
Defendant / Petitioner

Enter:
Date: August 20th 2014
Case No. F062497
File No. F062497
CSEA No N/A
Judge Thomas Lipps

NOTICE OF INTENT TO RELOCATE
(ORC 3109.051(G)(1))

If you are requesting a hearing (see #2) do not provide your new residence address. Do provide an address where you wish to receive notice of your hearing date.

Relocating Parent's name: Pauletta Higgins

Relocating Parent's current address: 5245 Cinderlane Pkwy
Street
Orlando Fl 32808
City State Zip Code

Relocating Parent's new address. 5245 Cinderlane Pkwy
Street
Orlando Florida 32808
City State Zip Code

Effective date for new address: June 1st 2014

Relocating Parent's home telephone number. 407-601-0138

Relocating Parent's work telephone number. N/A

Pauletta N. Higgins
Signature of Relocating Parent

Original filed with Clerk of Courts
Copies to: Other parent
CSEA

WARNINGS TO THE RELOCATING PARENT:

1) The filing of the Notice of Intent to Relocate **does not** authorize you to relocate a minor child of the marriage outside the area specified in your Parenting Time Order or in the Decree of the Court, including the provisions of a Shared Parenting Plan. **If you wish to relocate a minor child of the marriage outside the area specified in your Parenting Time Order, Decree or Shared Parenting Plan, IN ADDITION to filing this Notice, you must do one of the following BEFORE relocating:** 1) file a motion for authorization to relocate the minor child(ren) and have that motion granted by the Court, or 2) present the Court with an agreed entry signed by both parties (and each party's attorney, if applicable) permitting the relocation of the minor child(ren) and have that agreed entry approved and signed by the Court The Court reserves the right to require an oral hearing prior to authorization of an agreed entry.

2) As provided in Ohio Revised Code Section 3109.051(G), the Court shall send a copy of this Notice to the other parent of your child(ren), unless he/she has been convicted of or pleaded guilty to a violation of Ohio Revised Code Section 2919.25 (Domestic Violence) involving a victim, who at the time of the commission of the offense, was a member of this family or household, has been convicted of or pleaded guilty to any other offense involving a household member which resulted in physical harm to the household member, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child **If you have reason to believe that this Notice should not be sent to the other parent (your spouse/former spouse), you may request a court hearing on only that issue by completing the Motion For Hearing Pursuant to ORC 3109.051(G)(2) (Form DR 2.8A). The Motion For Hearing must be filed with the Court along with this Notice form.**

If you do not request a court hearing, a copy of this Notice will be sent to the other parent.

3) If this Notice is sent to the other parent, upon receipt of this Notice, the Court, on its Motion or on the Motion of the other parent, may schedule a hearing with notice to both parties to determine whether it is in the best interests of your minor child(ren) to revise the Parenting Schedule.

Return this Notice to: Court of Domestic Relations,
Docket Office, Rm 3-46,
800 Broadway, Cincinnati, Ohio 45202.

NOTICE TO THE NON-RELOCATING PARENT:

Pursuant to Ohio Revised Code Section 3109.051(G)(1), upon your receipt of this Notice Of Intent To Relocate, you may file a motion for a hearing to determine whether it is in the best interest of your child(ren) to revise the Parenting Schedule

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- Ohio Revised Code
- » Title [31] XXXI DOMESTIC RELATIONS - CHILDREN
- » Chapter 3109: CHILDREN

3109.051 Parenting time - companionship or visitation rights.

(A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to have parenting time with the child at the time and under the conditions that the court directs, unless the court determines that it would not be in the best interest of the child to permit that parent to have parenting time with the child and includes in the journal its findings of fact and conclusions of law. Whenever possible, the order or decree permitting the parenting time shall ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact by either parent with the child would not be in the best interest of the child. The court shall include in its final decree a specific schedule of parenting time for that parent. Except as provided in division (E)(6) of section 3113 31 of the Revised Code, if the court, pursuant to this section, grants parenting time to a parent or companionship or visitation rights to any other person with respect to any child, it shall not require the public children services agency to provide supervision of or other services related to that parent's exercise of parenting time or that person's exercise of companionship or visitation rights with respect to the child. This section does not limit the power of a juvenile court pursuant to Chapter 2151 of the Revised Code to issue orders with respect to children who are alleged to be abused, neglected, or dependent children or to make dispositions of children who are adjudicated abused, neglected, or dependent children or of a common pleas court to issue orders pursuant to section 3113 31 of the Revised Code.

(B)

(1) In a divorce, dissolution of marriage, legal separation, annulment, or child support proceeding that involves a child, the court may grant reasonable companionship or visitation rights to any grandparent, any person related to the child by consanguinity or affinity, or any other person other than a parent, if all of the following apply

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child

(c) The court determines that the granting of the companionship or visitation rights is in the best

interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109 12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109 11 or 3109 12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109 11 or 3109 12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109 12 of the Revised Code, and resolving any issues related to the making of any determination with respect to parenting time or visitation rights or the establishment of any specific parenting time or visitation schedule, the court, in its discretion, may interview in chambers any or all involved children regarding their wishes and concerns If the court interviews any child concerning the child's wishes and concerns regarding those parenting time or visitation matters, the interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding those parenting time or visitation matters. A court, in considering the factors listed in division (D) of this section for purposes of determining whether to grant any parenting time or visitation rights, establishing a parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109 12 of the Revised Code, or resolving any issues related to the making of any determination with respect to parenting time or visitation rights or the establishment of any specific parenting time or visitation schedule, shall not accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes or concerns regarding those parenting time or visitation matters.

(D) In determining whether to grant parenting time to a parent pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109 11 or 3109.12 of the Revised Code, in establishing a specific parenting time or visitation schedule, and in determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider all of the following factors

(1) The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child,

(2) The geographical location of the residence of each parent and the distance between those residences, and if the person is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence;

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule,

(4) The age of the child;

(5) The child's adjustment to home, school, and community;

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;

(7) The health and safety of the child,

(8) The amount of time that will be available for the child to spend with siblings;

(9) The mental and physical health of all parties;

(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;

(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child,

(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child, whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent previously has been convicted of an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that the person has acted in a manner resulting in a child being an abused child or a neglected child;

(13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(14) Whether either parent has established a residence or is planning to establish a residence outside this state;

(15) In relation to requested companionship or visitation by a person other than a parent, the wishes and concerns of the child's parents, as expressed by them to the court,

(16) Any other factor in the best interest of the child.

(E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant parenting time rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.

(F)

(1) If the court, pursuant to division (A) of this section, denies parenting time to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)

(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child If the court determines that that parent has not been so convicted and has not been determined to be the

perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is given the parenting time rights in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919 25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is granted parenting time rights in accordance with division (G)(1) of this section

If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed

pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919 25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents notice of the date, time, and location of the hearing. If the court determines that the parent who is granted the parenting time rights has been so convicted or has been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that the parent who is granted the parenting time rights will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section or that the residential parent is no longer required to give that parent a copy of any notice of relocation unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination. If it does not so find, it shall dismiss the motion.

(H)

(1) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court

(2) Subject to section 3125 16 and division (F) of section 3319.321 of the Revised Code, subsequent

to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any confidential law enforcement investigatory record. The court shall schedule a hearing on the motion and give notice of the date, time, and location of the hearing to all parties

(I) A court that issues a parenting time order or decree pursuant to this section or section 3109 12 of the Revised Code shall determine whether the parent granted the right of parenting time is to be permitted access, in accordance with section 5104.039 of the Revised Code, to any child day-care center that is, or that in the future may be, attended by the children with whom the right of parenting time is granted. Unless the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted access to the center, the parent who is not the residential parent and who is granted parenting time rights is entitled to access to the center to the same extent that the residential parent is granted access to the center. If the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted such access under section 5104 039 of the Revised Code, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to the center, provided that the access shall not be greater than the access that is provided to the residential parent under section 5104 039 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the parenting time order or decree.

(J)

(1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the

residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.

(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (J)(1) of this section, all school officials and employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to the residential parent of the child, unless the residential parent has presented the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of an order issued under division (J)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to student activities related to the child and the order pertains to the student activity in question. If the residential parent presents the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of that type of order, the school official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting parenting time rights issued pursuant to this section or section 3109 12 of the Revised Code or companionship or visitation rights issued pursuant to this section, section 3109 11 or 3109 12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory parenting time or visitation to the person whose right of parenting time or visitation was affected by the failure or interference if such compensatory parenting time or visitation is in the best interest of the child. Any compensatory parenting time or visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the parenting time or visitation that was affected by the failure or interference

(L) Any parent who requests reasonable parenting time rights with respect to a child under this section or section 3109 12 of the Revised Code or any person who requests reasonable companionship or visitation rights with respect to a child under this section, section 3109 11 or 3109.12 of the Revised Code, or any other provision of the Revised Code may file a motion with the court requesting that it waive all or any part of the costs that may accrue in the proceedings If the court determines that the movant is indigent and that the waiver is in the best interest of the child, the court, in its discretion, may waive payment of all or any part of the costs of those proceedings

(M)

(1) A parent who receives an order for active military service in the uniformed services and who is subject to a parenting time order may apply to the court for any of the following temporary orders for the period extending from the date of the parent's departure to the date of return

(a) An order delegating all or part of the parent's parenting time with the child to a relative or to another person who has a close and substantial relationship with the child if the delegation is in the child's best interest;

(b) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service;

(c) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service.

(2)

(a) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (M)(1) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins.

(b) The court shall schedule a hearing upon receipt of an application under division (M) of this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest

(c) In determining whether a delegation under division (M)(1)(a) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in division (D) of this section

(d) An order delegating all or part of the parent's parenting time pursuant to division (M)(1)(a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.

(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.

(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court

(O) As used in this section

(1) "Abused child" has the same meaning as in section 2151 031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Active military service" and "uniformed services" have the same meanings as in section 3109 04 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149 43 of the Revised Code.

(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.

(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following

(a) Records maintained by public and nonpublic schools;

(b) Records maintained by facilities that provide child care, as defined in section 5104 01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;

(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child,

(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.

Cite as R.C. § 3109.051

History. Amended by 129th General AssemblyFile No 128, SB 316, §120 01, eff. 1/1/2014

Amended by 129th General AssemblyFile No 21, HB 121, §1, eff 6/9/2011

Effective Date 03-22-2001; 05-18-2005

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HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

Ms Higgins filed the following motions Emergency Motion filed August 20, 2014, Emergency Motion For Relief Due To My Visitation Rights on August 22, 2014, and Emergency Motion to Appear In Front Of Administrative Judge John Williams on August 22, 2014

Ms Higgins filed an appeal with First District Court of Appeals regarding rulings made by this Court in regards to the dependency proceedings The Appeal was filed on June 10, 2014, and is pending before the Court of Appeals The mother filed a second Appeal on July 25, 2014, which is also pending in the Court of Appeals

Judge Lipps, in his ruling issued July 7, 2014, states, "While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils Therefore, pending the resolution of the appeal all motions and objections are held in abeyance "

The Emergency pleadings do not support emergency relief, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services Therefore, the Emergency Motion filed August 20, 2014, the Emergency Motion For Relief Due To My Visitation Rights on August 22, 2014, and the Emergency Motion to Appear In Front Of Administrative Judge John Williams on August 22, 2014, are held in abeyance pending a ruling from the First District Court of Appeals

Continue for Motion to 10/15/2014 at 09 45 AM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS

Carla Guenthner
Magistrate Carla Guenthner
August 26, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

J8097679

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

jcmf874pdo dot

Attachment Z

AZAMARA CRUISES · Celebrity Cruises · pullmantur · TUI Cruises

Fax Message from Royal Caribbean

To: **recipeint**

15139469450

From: **EN Front Desk Manager**

Royal Caribbean Cruises Ltd
1050 Caribbean Way
Miami, Fl 33132-2096
Tel 305-539-6000 Fax

Regarding fax

SEN_guestsc14090310230.pdf

FILED
HAMILTON COUNTY
COURT
2011 SEP -3 AM 11:46

F/06/002497 09/03/2014
J8102005 M103

Attachment AA

fax

5139416 9450

In RE
Z. H

F062497
ex-parte
hearing
requested

2014 SEP -3 A11:46
FILED
IN ALTCH COUNTY
CLERK OF COURT

Emergency motion

In The agency refuse to give me
Z. my Phone Vistitation w/ my Son as
order by mag. Anthony on June 23 14.
the agency has Created false
accusation into this matter. I had
my friend Brashay & Alexus on
the line as a witness if neccassary
Z and contiue to be when talking to the
agency. I did not have my vist
last week due to the agency
refusal I have been Calling
today Sept. 2 2014. They contiue to refuse
to talk to me or give me my
Compaionship 3/09.12 that Zyvaunte &
Za
a

I are entitled too. I Demand a trail on this matter a.s.a.p

Paul Stultz
Sept 2. 2014

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

Order of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11.3.2014

Judge Juvenile Court
By Norma L Bradley
Deputy Clerk

On September 4, 2014, a PRE TRIAL/PRELIMINARY hearing was conducted.

THE MAGISTRATE FINDS:

The following parties did not appear before the Court
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

The following attorneys and parties also appeared
Alex Patsfall (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)

Also present
Ms Pauletta Higgins ((by telephone))
Ms Sundermann (APA)

FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following
After review of the pleadings, the "Emergency Objection to the Magistrate's Decision" [of August 22nd] is held in abeyance until ruling by the First District Court of Appeals The separately labeled "Objection to Magistrate" requesting a full hearing is similarly held in abeyance as being the same pleading in a different form

Finally the "Emergency Motion Ex Parte Hearing" document does not assert a claim recognized by either the Ohio Rules of Juvenile Procedure or the Ohio Revised Code Apparently the relief sought is an emergency change of placement The moving party, Ms Higgins, the child's mother asserts the Court must order HCJFS, the child's legal custodian, place the child in the home of an individual she has identified This individual is named Lantonya Elliot Since custody is the right to determine where and with whom a child shall live, this filing is tantamount to an emergency request to terminate the custody grant to Job and Family Services without the formalities of a trial, or adequate notice to the other interested parties, including the child's legal representative, the Guardian ad Litem

Instead, by this entry, Ms Higgins is guided to the 241-KIDS reporting line A report to that number will result in an assessment, mandated by law, that the report is or is not reliable, and, if reliable, an investigation will result to insure the child's safety

Therefore, the "Emergency Motion Ex Parte Hearing" is dismissed

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:

At the request of Hamilton County Job and Family Services, the Request For Emergency Hearing, filed 09/04/2014 is dismissed
ZYVAUNTAE HIGGINS

Attachment BB

THE MAGISTRATE FURTHER ORDERS.

CD # 607

Magistrate Mark L Resler
September 4, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

J8103077

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On September 12, 2014, a PRE TRIAL/PRELIMINARY hearing was conducted.

THE MAGISTRATE FINDS:

A hearing was conducted today on the Emergency Motion filed on September 4, 2014, by Pauletta Higgins (mother) that contained Notice of Sexual/Physical Abuse Tourching(sic) Ms Higgins was permitted to participate in the hearing by phone as she requested Additionally, Ms Higgins was afforded an opportunity to present sworn testimony The Court admitted and considered Mother's Exhibit 1 a letter from mother's friend, Alexuis Walker, dated September 5, 2014, and faxed to the Court on September 12, 2014 Ms Higgins elected to proceed without an attorney today but plans to retain private counsel in October of 2014 Also present Erica Dority (GAL for Ms Higgins), attorney Kacey Eaves (GAL for Zyvauntae), attorney Lee representing Alex Patsfall, Brittney Dudley and Kacie Rolfes (HCJFS) The Court is construing mother's motion as a motion to review the child's status in HCJFS custody and a request for a shelter care hearing

Based upon the evidence presented and in the child's best interest, the Emergency Motion to alter the child's custody status and placement is denied HCJFS and the GAL shall assess mother's concerns and evaluate whether an investigation is warranted HCJFS and the GAL shall be prepared to present an update to the Court at the next hearing

Findings of fact shall be issued by 09/19/2014

CD # 612

Carla Guenthner
Magistrate Carla Guenthner
September 12, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J Bradley
Deputy Clerk

J8109336

jcmt874o dot

Attachment CC

HAMILTON COUNTY JUVENILE COURT

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Norma A. Bradley
Deputy Clerk

Case No. F/06/002497 Z

Order of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

THE MAGISTRATE FINDS.

An evidentiary hearing was held on September 12, 2014, on the Emergency Motion filed by Pauletta Higgins (mother) that contained a Notice of Sexual/Phscial(sic) Abuse Tourching(sic) The Emergency Motion was denied at the conclusion of the hearing and the matter was continued for Findings of Fact

The following parties appeared before the Court
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) by MAIL and waived counsel

The following attorneys and parties also appeared
Ernest Lee, Jr (Attorney representing Hamilton County Prosecutor's Office for Kacie Rolfes, Brittanie Dudley, Alex Patsfall)
Alex Patsfall (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Kacie Rolfes (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)
Brittney Dudley (HCJFS)

FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following
Pauletta Higgins is the mother of Zyvauntae Higgins (d o b 11/14/06) Zyvauntae is currently in the Temporary Custody of the Hamilton County Department of Job & Family Services and placed with the maternal aunt, Tamika Moore He entered substitute care on June 27, 2013, pursuant to an ex-parte emergency order

Mother has a history of making allegations that Ms Moore has abused and neglected Zyvauntae while in her care To date, these allegations have been unsubstantiated Mother has filed multiple appeals regarding rulings issued by this Court, and the matter is pending before the First District Court of Appeals Judge Lipps issued an order on July 7, 2014, indicating that this Court should refrain from making decisions or issuing rulings in this matter until the appeals are resolved The one exception involves allegations related to the child's health or an emergency situation Given the serious nature of mother's allegations set forth in her emergency motion filed September 4, 2014, Judge Lipps docketed the matter before this Magistrate on September 12, 2012 at 9 00 AM for a hearing All parties were properly notified of the hearing Ms Higgins was permitted to participate in the hearing by conference call since she currently resides in Florida

The entry of September 10, 2014 is amended as follows the date of the Magistrate's Decision that led to the filing of objections was September 4, 2014 and not October 4, 2014 Additionally, the date of the evidentiary hearing on the Emergency Motion was set for September 12, 2014 and not October 12, 2014

In support of her emergency motion, Ms Higgins provided her own sworn testimony along with a letter faxed to the Court by Alexus Walker on September 12, 2014 Mother claims her friend (Alexus Walker) and a private investigator she retained (Robert Combs) went to the home of Tamika Moore in Dayton, Ohio on September 3, 2014 At approximately 5 25 PM on September 3, 2014, Alexus Walker allegedly went to the side of Ms Moore's home and peaked in a window through the blinds Ms Walker claims she saw Zyvauntae naked through the blinds and observed Ms Moore attempting to get Zyvauntae to "jack off" by playing with his genitals Zyvauntae was kicking and screaming according to Ms Higgins and Ms Walker, and Zyvauntae then proceeded to exit the home and run into the street It was reported that Zyvauntae came within two inches of being struck by a red SUV Ms Moore ran after Zyvauntae, who was still naked, and drug him on the concrete surface by pulling his hands above his head while his body was dragged by her on the concrete surface Zyvauntae was crying

Attachment DD

When Ms Walker and Zyvauntae returned to the home, Ms Walker observed Ms Moore through the blinds shoving oatmeal down the child's throat with a metal spoon Zyvauntae began to vomit At some point Ms Walker left her vantage point to get Mr Combs so he could serve as a witness All of these events reportedly took place in under 5 minutes

At no point did Ms Walker or Mr Combs intervene to assist Zyvauntae or contact law enforcement To date, Ms Walker and Mr Combs have not contacted law enforcement Ms Higgins indicated a report was made to a Public Children Services Agency, but she cannot identify what county received the report about the allegation

Ms Higgins testified that Ms Walker returned to Columbus and faxed her statement to the Court from Columbus, Ohio However, the fax was sent by Ms Walker from a FedEx Office in the Orlando, Florida area where Ms Higgins resides To date, Ms Higgins has not received a report from Mr Combs but expects to receive documentation in the near future

The faxed letter from Ms Walker is marked as Mother's Exhibit 1, was admitted into evidence and is incorporated by reference herein

The Emergency Motion was denied on September 12, 2014 The evidence lacks credibility and does not support a finding that an emergency change in the child's agency placement would serve his best interest HCJFS and the GAL shall assess mother's concerns and evaluate whether an investigation is warranted and appropriate HCJFS and the GAL shall assess the child's safety and submit a written report within 10 days to the Court A more detailed report can be provided at the next hearing

HCJFS and the GAL identified no concerns regarding the care of Zyvauntae by Ms Moore

THE MAGISTRATE FURTHER ORDERS.

Continue for Motion to 10/15/2014 at 09 45 AM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS

Carla Guenthner

Magistrate Carla Guenthner
September 18, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

J81,13096

HAMILTON COUNTY
JOB & FAMILY
SERVICES

Main Office 222 East Central Parkway • Cincinnati, Ohio 45202-1225
General Information (513) 946-1000
General Information TDD (513) 946-1295
www hcjfs org

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Norma J Bradley
Deputy Clerk

HCJFS
Children's Services Progress Report

From: 09/01/2014 **To: 09/29/2014**

In regards to: Zyvaunte Higgins **Case #: 1272491**
Magistrate: Anthony
Court ID #: F/06/002497 Z

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 SEP 30 PM 3 03

In person contact with family and child:

09/24/2014 Face to Face home visit with Zyvaunte Higgins

Case progress since disposition or last court review:

During an Emergency Hearing on September 12, 2014, Ms Higgins made an allegation of sexual abuse, physical abuse and torture by Tamika Moore towards Zyvaunte Higgins Ms Higgins alleged that she was contacted on her cruise ship by her friend Alexis Walker and a private investigator that she hired, Robert Combs They reported to Ms Higgins that they went to the home of Tamika on September 3rd and peaked through the window on the side of the house Ms Walker and Mr Combs reported to Ms Higgins that they observed Ms. Moore touching and playing with Zyvaunte's genitals and that Zyvaunte was kicking and screaming Zyvaunte allegedly ran out of the home and was almost hit by a red SUV Ms Moore then reportedly was seen dragging Zyvaunte back into the home while he was naked by pulling both of his hands over his head while Ms Walker and Mr Combs did not intervene nor did they contact authorities

Caseworker completed face to face home visit with Zyvaunte Higgins on 9/24/14 at the residence of Tamika Moore Caseworker observed a window on the side of Ms Moore's home, however, the only view from the window is looking into the bathroom Ms Moore reported that she always keeps the blinds closed Caseworker observed Zyvaunte on the phone with his mother Zyvaunte was lying on his back, rolling back and forth to his stomach Zyvaunte did not appear to be uncomfortable laying on his back or stomach

Caseworker spoke with Zyvaunte alone with permission from Ms Moore Zyvaunte stated that things were going good and so was school Zyvaunte expressed that he likes living with his Aunt, and that they do a lot of fun things together Caseworker asked

F/06/002497 09/30/2014
J8121270 E365

Attachment EE

Zyvaunte if he knew what the word "safe" meant, or if he knew what it meant to be safe Zyvaunte said yes Zyvaunte stated that" if someone makes you do something that you don't want to do or if they do something bad then it is not safe" Caseworker asked Zyvaunte if he felt safe with Ms Moore and Zyvaunte said yes Caseworker asked Zyvaunte if anyone had made him do anything that he did not want to do or that made him feel uncomfortable Zyvaunte said no

Caseworker asked Zyvaunte if he had ever been out of the house without Ms Moore knowing, or has he ever ran out of the house Zyvaunte stated that he has never been out of the house without Ms Moore knowing He stated that if he is out of the house, Ms Moore is always watching him through the window and checking on him

Zyvaunte did not appear to be in distress or be in fear Zyvaunte appeared to be happy Zyvaunte is very bonded with Ms Moore Caseworker did not notice any signs of abuse nor did Zyvauntea report any concerns Zyvaunte was observed to be free from injuries

Ms Moore denied all allegations

Ms Higgins participates in supervised phone calls with Zyvaunte every Wednesday Ms Higgins contacts the agency and then Zyvaunte is conferenced in Zyvauntea has never reported to Ms Higgins any concerns during phone calls Zyvauntea presents as happy and calm during the phone calls Ms Higgins speaks with Zyvauntea weekly and he has never shown any signs of distress to Ms Higgins Ms Higgins has never reported her concerns to Caseworker or Supervisor during these phone calls

Services offered to the family:

Case Management/HCJFS-Zyvaunte Higgins and Pauletta Higgins
Individual Therapy/CCHMC-Zyvaunte Higgins
Psychological Assessment, Individual Therapy, Med-Somatic Services- Pauletta Higgins

School, medical, and therapy information for each child:

Zyvaunte is now in the 2nd grade Zyvaunte reports that he really likes his school, all of his teachers and his friends Caseworker has not received any reports of unacceptable behavior with the school Ms Moore reports that the school has not reported anything to her Ms Moore has shown Caseworker some of Zyvaunte's homework Zyvaunte is doing very well in school and continues to get good grades

Zyvaunte participates in individual therapy through CCHMC 1x bi-weekly

Placement and visitation:

Zyvaunte is placed with Maternal Aunt, Tamika Moore Zyvaunte is doing very well in placement and appears to be very bonded with Ms Moore

Ms Higgins no longer resides in the state of Ohio, so is unable to participate in face to face visitation with Zyvaunte Ms Higgins and Zyvaunte have supervised phone conversations every Wednesday

Additional remarks or concerns:

Recommendations: (including permanency plan)

The agency conducted a PC staffing and determined that due to Ms Higgins unstable mental health and unstable housing that it would be best for Zyvaunte to continue to reside with Ms Moore

Respectfully submitted by,

Caseworker: Brittanie Dudley Brittanie Dudley **Date: 09/30/2014**

Supervisor: Alex Patsfall Alex Patsfall **Date: 09/30/2014**

STATE OF OHIO
COMMON PLEAS
HAMILTON COUNTY JUVENILE COURT

IN RE: ZYVAUNTAE HIGGINS	:	**CASE NO. F06-2497Z**
	:	**INVESTIGATIVE REPORT OF GUARDIAN AD LITEM**
	:	**SEPTEMBER 28, 2014**

: : : : : : : : :

Now comes Kacy C Eaves, Attorney, undersigned, appointed Guardian Ad Litem (GAL) regarding Zyvauntae Higgins date of birth11/14/2006, age 7, and respectfully issues this Special Report to this honorable Court as required and pursuant to Court order of September 18, 2014

HISTORY OF REPORT

Mother reported very concerning allegations regarding Zyvauntae care, reporting under sworn oath that she had reports that the chid was observed by two adults being sexually abused, while in the home of his caregiver, maternal aunt

The GAL reviewed Mother's testimony, communicated with the caregiver, contacted the child's school, and met with the child The GAL did not directly question the child about the allegations, the GAL engaged with the child and has no concerns His school professionals report that there are no concerns, no behavioral issues, and no disclosures, no disturbance of mood, no change in the child's educational performance, no change in his engagement socially with his peers and teachers, and no change or concerns in the observed interactions between the care giver and the child.

The GAL has no indication to implicate that any kind of sexual abuse has occurred to the child There has been no report made to Hamilton County Jobs and Family Services, and law

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 SEP 30 PM

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

F/06/002497 09/30/2014
J8120233 E218

Attachment FF

enforcement in the child's jurisdiction is fully aware of the current custody orders and would have reported any such allegation to Hamilton County professional..

The GAL is unaware that any kind of report, other than Mother's assertions, has been made in this regard to the care of the child

The child is doing well, and has not indicia of abuse, neglect, or behaviors that are indicative of any kind of abuse or neglect

Respectfully Submitted,

Kacy C. Eaves (0067684)
Attorney Guardian Ad Litem
Post Office Box 9055
Cincinnati, Ohio 45209
Telephone and Fax (513) 221-2856

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served to parties with addresses, the GAL is unable to Serve Mother with this report as there is Mother's address is unknown

Kacy C. Eaves, Attorney (0067684)

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

Order of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Ms Higgins filed an Emergency Motion on October 3, 2014, requesting holiday visitation while the appeal is pending Additionally, Ms Higgins filed a Motion to Appear by Phone

Ms Higgins filed an appeal with First District Court of Appeals regarding rulings made by this Court in regards to the dependency proceedings The Appeal was filed on June 10, 2014, and is pending before the Court of Appeals Ms Higgins filed a second Appeal on July 25, 2014, which is also pending in the Court of Appeals

Judge Lipps, in his ruling issued July 7, 2014, states, "While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils Therefore, pending the resolution of the appeal all motions and objections are held in abeyance "

The Emergency pleadings filed today do not support emergency relief, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services and a hearing is scheduled before the proposed holiday visits Therefore, the Emergency Motion filed October 3, 2014, is held in abeyance pending the hearing before this Magistrate The Request to Appear by Phone is granted for the hearing on October 15, 2014 However, Ms Higgins shall provide Sharon Gundrum in advance of the hearing with a telephone number that she can be reached at the time of the hearing

Continue for Motion to 10/15/2014 at 09 45 AM Magistrate Carla Guenthner for ZYVAUNTAE HIGGINS

Carla Guenthner
Magistrate Carla Guenthner
October 7, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

CERTIFIED COPY

J8125957

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma A. Bradley
Deputy Clerk

jchn874pdo dot

Attachment GG

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

On October 15, 2014, a MOTION hearing was conducted.

THE MAGISTRATE FINDS:

The following parties appeared before the Court
TAMIKA MOORE (PETITIONER of ZYVAUNTAE HIGGINS) by MAIL

The following parties did not appear before the Court
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified by MAIL
MICHAEL D HIGGINS (PETITIONER of ZYVAUNTAE HIGGINS) by MAIL
JAMES MOORE MOHAMMED (CUSTODIAN of ZYVAUNTAE HIGGINS) by MAIL
EDWARD MARTIN (FATHER - ALLEGED of ZYVAUNTAE HIGGINS) was not properly served

The following attorneys and parties also appeared
Ernest Lee, Jr (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley, Alex Patsfall)
Alex Patsfall (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Brittanie Dudley (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:

Three of the appeals have been dismissed but a fourth appeal was filed by mother on October 10, 2014 Attempts were made to include mother in today's hearing by telephone conference call, however, one phone number has been disconnected and no one answered the other number The request for holiday visits is granted subject to the conditions contained herein Visits are by phone call coordinated between HCJFS and the GAL The caregiver cannot facilitate phone contact due to a restraining order issued by Montgomery County Mother has weekly phone calls on Wednesday at 4 15 PM arranged by HCJFS The eve of all holidays falls on Wednesday so mother will have an opportunity to have phone contact around the holidays Calls cannot be conducted on the actually holidays, with the exception of Halloween, as HCJFS is closed for the holidays Mother will have calls on the Wednesday before Thanksgiving, Christmas Eve and New Year's Eve HCJFS shall arrange a call on Halloween that does not interfere with Zyvauntae's activities

To the extent mother's motion requests in person visits, the motion is denied Mother's whereabouts are not known, and she refuses to provide the Court or the agency with an address

HCJFS has filed a Motion to Modify Temporary Custody to Permanent Custody If mother does not provide an address to HCJFS, HCJFS will be serving both parents by publication If petitioners fail to appear, the petitions will be dismissed

All prior orders remain in effect The Motions/Petitions are held in abeyance pending a ruling from the First District Court of Appeals

Zyvauntae is thriving in his aunt's home He is doing well in school and the teachers speak highly of Zyvauntae He is also involved in extracurricular activities Zyvauntae is happy in his placement and has a strong bond with Ms Moore The therapist has no concerns about Zyvauntae or the care he is receiving

THE MAGISTRATE FURTHER ORDERS:

Continue for Pre-trial to 12/04/2014 at 10 30 AM Magistrate Carla Guenthner for ZYVAUNTAE HIGGINS

CD # 607

Carla Guenthner

Magistrate Carla Guenthner
October 15, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

J8131578

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS **§ F06-2497**

§ ENTRY
SETTING PERMANENT CUSTODY MOTION FOR PRETRIAL HEARING;
APPOINTING PSYCHOLOGICAL / PSYCHIATRIC CONSULTANT FOR THE MOTHER ;

This matter came to be heard upon the Motion to Modify the Temporary Custody of this child to Permanent Custody

The child under consideration is
Zyvauntae Higgins DOB 11-14-2006 now almost 8 years old

It appears that both the mother and he father have been served with the motion by publications and all other parties have actual and personal service Although the mother has been actively involved in this matter she has not advised the parties or the Court where she lives Her present whereabouts are unknown The mother promised to provide a post office address for service process purposes, but she failed to do so

The Motion to Modify the Temporary Custody to Permanent Custody filed in this matter by the HCDJFS is hereby set for a pre-trial hearing on 12-9-2014 @ 12 00 noon JTL, hearing room 615 All parties are expected to attend All discovery issues should be addressed at that time Witness lists and probable length of testimony should be provided to the Court and exchanged with the parties on that day Trial dates may be set

Any pre-trial motions should be addressed at the pre-trial hearing.

Upon the request of the mother's Guardian ad litem and in the best interests of the child and in the interests of due process, a psychological / psychiatric consultant is hereby appointed to assist the mother in accordance with *In Re Angelo Brown,* 1986 Lexis 9237 There will be a hearing held on the motion for Permanent Custody, mental health may be an issue and the mother is indigent

If the mother requests an attorney, one will be appointed for her The Court will consider whether a consulting attorney who is not actual counsel should be available to help the mother

At the pre-trial hearing the GAL for the child should relay her determinations to the Court regarding whether a conflict exists between the guardian's recommendations and the child's wishes and whether a separate attorney to represent the child needs to be appointed in accordance with *In re Williams,* 101 Ohio St 3d 398, 2004-Ohio-1500

Judge Thomas R. Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

CERTIFIED COPY
I hereby certify that this is a true copy of the original on file in the Hamilton County Juvenile Court
Date 10-28-14
Thomas Lipps
Judge Juvenile Court
By Norma Bradley
Deputy Clerk

F/06/002497 10/28/2014
J8141664 E03

Attachment II

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS § F06-2497

§ ENTRY
ADOPTING THE MAGISTRATE'S ORDER OF
9-12-2014 / 9-18-2014

This matter came to be heard upon the Motion to Set Aside the Magistrate's Order of September 12, 2014 filed by the mother, Pauletta Higgins filed on September 26, 2014

The hearing before the Magistrate was recorded transcribed and reviewed The Magistrate's Order of 9-12-2014 was reviewed The Magistrate's findings related to the hearing and set out on 9-18-2014 were reviewed

This matter was scheduled for hearing despite possible pending appeals as the Magistrate's Order and thus this Court's consideration of the motion to Set Aside the Magistrate's Order both fall within the excepted instance of consideration of emergency health and welfare interests of the child under Juvenile Rule 13

The mother did not appear for the hearing scheduled for oral argument today The mother was personally notified of the hearing The mother did not call in or seek to be heard by telephone as has been her recent habit The Court is unable to call the mother as her whereabouts are unknown

Attorney Erica Dority, Guardian Ad Litem for the mother was present
Attorney Ernest Lee was present representing the State and the Hamilton County Department Jobs and Family Services (HCDJFS)
Attorney Kacy Eaves, Guardian Ad Litem for the child was present

The child under consideration is
Zyvauntae Higgins DOB 11-14-2006 now almost 8 years old

The mother did not appear and forward her objections The Magistrate's Order and findings are appropriate on their face and in accordance with the transcript of the hearing

Therefore the Magistrate's Order is adopted as the judgment of this Court

Therefore the mother's motion to Set Aside the Magistrate's Order is denied

10-28-2014
Date

Judge Thomas R Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

CERTIFIED COPY
I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014
Thomas Lipps
Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

F/06/002497 10/28/2014
J8141467 E03

Attachment JJ

HAMILTON COUNTY JUVENILE COURT

CERTIFIED COPY

Case No. F/06/002497 Z

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-3-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

On October 30, 2014, an ENTRY hearing was conducted

THE MAGISTRATE FINDS

This matter came before the Court on two emergency pleadings filed today by Pauletta Higgins [hereinafter mother], of Zyvauntae Higgins Emergency motion base (sic) on disability discrimination, and Emergency motion base (sic) on disability discrimination Hearing requested[1]

Ms Higgins filed an appeal with First District Court of Appeals regarding rulings made by this Court in regards to the dependency proceedings, and a decision on the appeal is pending

Judge Lipps, in his ruling issued July 7, 2014, states, "While this case is pending in the Court of Appeals, no further Decisions or Rulings will be issued by this Court with one exception That exception would concern any motions or hearings regarding the child's health or emergency, particularly since there has been an issue with his tonsils Therefore, pending the resolution of the appeal all motions and objections are held in abeyance "

The issue of holiday visits contained in today's emergency filings was previously before the Court on an emergency motion filed by mother on 10/03/2014 The matter was docketed for a hearing on 10/15/2014 Mother was afforded an opportunity to call in telephonically for the hearing and declined to do so Further, mother failed to appear despite having notice of the hearing The findings set forth in the Court's order of 10/15/2014, contain a ruling on the issue of holiday visits and are incorporated by reference herein Mother was afforded a hearing on the issue of holiday visits and failed to participate in the proceeding Further, mother refuses to provide the Court or HCJFS with her address or current contact information, which not only hinders the provision of notice and an opportunity to be heard but also complicates the Court's ability to consider in-person parent/child visitation

The Emergency pleadings filed today do not support emergency relief on their face, as the child is safe and secure in the Temporary Custody of Hamilton County Job and Family Services The issue of holiday visits, while not an emergency, has already been addressed by this Court on 10/015/2014 Therefore, the Emergency motion base (sic) on disability discrimination and the Emergency motion base (sic) on disability discrimination Hearing requested filed today are denied

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Request For Emergency Hearing, filed 10/30/2014 is denied for ZYVAUNTAE HIGGINS

Based upon the stipulations entered, the evidence presented and in the best interest of the child, the Request For Emergency Hearing-Amended, filed 10/30/2014 is denied for ZYVAUNTAE HIGGINS

THE MAGISTRATE FURTHER ORDERS.

Continue for Pre-trial to 12/09/2014 at 12 00 PM Judge Assigned for ZYVAUNTAE HIGGINS

Carla Guenthner
Magistrate Carla Guenthner
October 30, 2014

Attachment KK

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

J8143773

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 11-10-2014

Judge Juvenile Court
By Norma J. Bradley
Deputy Clerk

On November 6, 2014, a PRE TRIAL/PRELIMINARY hearing was conducted

THE MAGISTRATE FINDS.

The following parties did not appear before the Court
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified

The following attorneys and parties also appeared
Ernest Lee, Jr (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley, Alex Patsfall)
Kacie Rolfes (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

FINDINGS OF FACT ON THE MOTION:

Evidence was presented to establish the following
Pauletta Higgins is the mother of Zyvauntae Higgins (d o b 11/14/06) Ms Higgins filed an Emergency Motion and an Emergency Motion Hearing Requested today Additionally, Ms Higgins requested the ability to participate in today's emergency hearing by telephone conference call and that request was granted

On N
Ms Higgins is currently in Washington D C but refuses to provide her exact location Ms Higgins indicates she is a resident of Florida and intends to return to Florida Further, Ms Higgins requested that all entries be sent to P O Box 3063, Orlando, Florida 32801

The f
Ms Higgins indicated she drove a white car belonging to her friend from Washington D C to Miamisburg, Ohio She was unsure of the make and model of the car On November 3, 2014, Ms Higgins arrived at the home of Tamika Moore (maternal aunt and caregiver for Zyvauntae) in Dayton, Ohio sometime between 8 30 and 9 00 PM Ms Higgins parked in Ms Moore's driveway, proceeded to the back of her residence and went on her balcony Ms Higgins saw an adult, African American male identified as Fred raping Zyvauntae Ms Higgins observed blood, stool and urine on Zyvauntae during the attack Ms Higgins entered the residence but left when Fred tried to hit her with a baseball bat Ms Higgins stated both Fred and Zyvauntae were nude and she saw Fred's genitals between Zyvauntae's legs Ms Higgins did not call the police, but she stated she called 241-KIDS to report the incident HCJFS has no record of a call from Ms Higgins on the evening of November 3, 2014

Ms Higgins returned to Ms Moore's residence on the evening of November 4, 2014, and observed Fred torturing Zyvauntae for three hours from 10 00 PM on November 4, 2014 until 1 00 AM on November 5, 2014 At one point during the incident, Ms Higgins indicated that Zyvauntae had fainted and remained unconscious for approximately 20 minutes Ms Higgins stated she left when Ms Moore called the police

There is currently a restraining order preventing Ms Higgins from having contact with Ms Moore and her residence Ms Higgins did not call the police during either incident

The Guardian ad Litem contacted Zyvauntae's school today The school reported Zyvauntae was in school on both of the days after the alleged incident took place and no concerns were identified Further, the Guardian ad Litem confirmed with Ms Moore and the respite provider that Zyvauntae was not in Ms Moore's home on the evening of November 3rd and 4th of 2014 Zyvauntae spent both

Attachment LL

nights in a respite foster home located in Hamilton County Both the school and the respite provider identified no concerns with Zyvauntae

The Court is construing the emergency motions as a request for the child to be removed from the home of Tamika Moore Based upon the evidence presented, the Emergency Motions are denied However, the Court granted the requested for a hearing and permitted Ms Higgins to participate in the proceeding by telephone There is no credible evidence that Zyvauntae is in immediate danger or at risk of harm Zyvauntae is safe and receiving good care

THE MAGISTRATE FURTHER ORDERS:

Continue for Pre-trial to 12/09/2014 at 12 00 PM Judge Assigned for ZYVAUNTAE HIGGINS

CD # 613

Carla Guenthner

Magistrate Carla Guenthner
November 6, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed See Juvenile Rule 40

J8148015

CERTIFIED COPY

I hereby certify that this document is a true copy of the original on file in the Hamilton County Juvenile Court
Date 1-29-15
Judge Juvenile Court
By Deputy Clerk

HAMILTON COUNTY, OHIO
JUVENILE COURT

IN RE:
ZYVAUNTAE HIGGINS **§ F06-2497**

§ ENTRY
REFLECTING PRE-TRIAL HEARING HELD ON
1-12-2015 AND ISSUING PRE-TRIAL ORDERS

This matter came to be heard upon the motion of the Hamilton County Department of Job and Family Services to Modify Temporary Custody to Permanent Custody, filed on 10-8-2014, and upon the separate petitions for Legal Custody filed in the past but held in abeyance, by the child's aunt Tamika Moore, uncle Michael Higgins and grandfather James Muhammad

A Pre-Trial hearing was held on 1-12-2015

On 1-12-2015
The mother Pauletta Higgins was not present but was legally and actually notified of today's pre-trial hearing It is noted that the mother did file a motion to appear for hearings via telephone That motion was granted by this Court but no one answered the number provided (1-352-210-2884) by the mother A voicemail message indicated that the voicemail was not set up The hearing thus proceeded without the mother's presence or telephone participation.

Attorney Erica Dority was present and is the Guardian Ad Litem (GAL) for the mother
Attorney Phyliss Schiff was present and is a Legal Advisor appointed for the mother
The father Edward Martin was not present but was legally notified of today's pre-trial hearing
Assistant prosecuting attorney Ernest Lee was present representing the State and the Hamilton County Department of Job and Family Services (HCDJFS)
Attorney Kacy Eaves was present and is the Guardian Ad Litem (GAL) for the child
Attorney Mary Beth Wallingford was present and represents the child as his attorney in accordance with In re Williams, 101 Ohio St 3d 398, 2004-Ohio-1500

The child's aunt and present caretaker, Tamika Moore was present, pro se
The child's grandfather, James Muhammad was not present
The child's uncle, Michael Higgins was not present

The child under consideration is
Zyvauntae Higgins DOB 11-14-2006 now age 8 years old

F/06/002497 01/12/2015 E03 *J8186248*

Attachment MM

Both the maternal aunt and the maternal grandfather responded in writing in accordance with the last Court Entry The aunt indicated a desire to proceed with her custody petition at this time but may change if she feels reasonably confident to adopt the child if committed to permanent custody The maternal grandfather responded asking that his custody petition remain in abeyance The Court will construe the maternal grandfather's response as a desire to proceed with his custody petition Both Legal Custody petitions will be considered along with other custody motions at the trial previously scheduled to begin on 2-17-2015 Both custody petitioners must be personally present at the trial to forward their petitions

The maternal uncle Michael Higgins did not respond Therefore his custody petition filed on 2-18-2014 is hereby dismissed

The mother filed an emergency motion for custody by fax filing on 1-10-2015 In its body the motion does not describe a true present emergency for the child Therefore this motion will be considered along with other petitions and motions at the scheduled trial to begin on 2-17-2015 The mother must be personally present if she wishes to forward her motion, present evidence, and testify subject to cross examination

All persons present indicated once again that they have not been legally served with motions or other filings of the mother It was indicated that the mailings sent to the mother at the addresses provided by her have been returned

Discovery is being exchanged by the parties who were present However the mother has not responded to discovery requests All discovery is to be completed before the next pre-trial hearing scheduled for 2-9-2015 Failure to provide discovery could result in sanctions

The Court of Appeals First District Appellate District of Ohio, Hamilton County, Ohio issued an entry on 1-7-2015 dismissing all pending appeals and instructed the Juvenile Court to proceed on the underlying matter Therefore this Court will immediately review all of the pending matters that were held aside while the appeals were pending The Court will determine the status of those matters and will make determinations or schedule further hearings as may be appropriate The Court intends to issue a ruling on those matters on 1-28-2015 The ruling may be issued sooner or may be delayed depending upon the circumstances and the Court's Schedule

Continue for pre-trial hearing on 2-9-2015 @ 2 00 pm JTL

This matter is set for trial regarding the Permanent Custody motion and the Legal Custody petitions at the dates and times set out in the Court's prior entry dated 12-10-2014 All parties must appear in person if they wish to participate in the Permanent Custody /Legal Custody trial All subpoenaed witness must appear in person to give testimony before the Court

1-12-2015
Date

Thomas R Lipps
Judge Thomas R Lipps, Retired
Sitting by Assignment of the Ohio Supreme Court

This Entry is not intended to be a final and appealable order of the Juvenile Court.

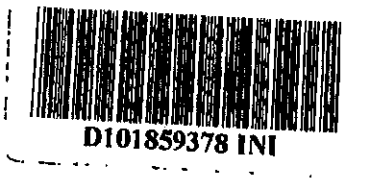
Pauletta N. Higgins
1836 Fairmount Ave
Cincinnati OH 45214

15000

VS

A1303213

Hamilton County
Department of Service
222 E. Central Pkwy
Cinti OH 45202



I was told by a JFS employee I was getting put out because I was black. I fell I was discriminated against and treated wrongfully. So I bring this matter in front of Court to reciev better service

FILED
TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OH
2013 APR 29 P 12:02

Pauletta Higgins
4-29-13

Attachment 3

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

PAULETTA N. HIGGINS	:	Case No. A1303213
Plaintiff	:	Judge Carl Stich Jr.
vs.	:	**ENTRY GRANTING DEFENDANT'S COMBINED MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT**
HAMILTON COUNTRY DEPARTMENT OF SERVICE	:	
Defendants	:	
	:	

Upon careful consideration of Defendant's Motion to Dismiss and Motion for Summary Judgment and for good cause shown, Plaintiff's Complaint is hereby dismissed with prejudice for the reasons stated therein. Plaintiff to pay any and all costs associated herewith.

ENTERED
JUL 17 2013

SO ORDERED, this 17th day of July, 2013.

Judge

FOR COURT USE ONLY
S.C. Line #: 18

D102906426

Respectfully submitted by,

JOSEPH T. DETERS
PROSECUTING ATTORNEY
HAMILTON COUNTY, OHIO

/s/ Jeremiah Seebohm
Jeremiah R. Seebohm, Esq. (0086902P)
Assistant Prosecuting Attorneys
TRIAL ATTORNEYS FOR DEFENDANT

COURT OF COMMON PLEAS
ENTER

HON. CARL STICH
THE CLERK SHALL SERVE NOTICE TO PARTIES PURSUANT TO CIVIL RULE 58 WHICH SHALL BE TAXED AS COSTS HEREIN.

ELECTRONICALLY FILED 07/01/2013 10:10 / MOTN / A 1303213 / CONFIRMATION NUMBER 261687

Attachment 4

RECEIVED

MAR 24 2014

JOHN P. HEHMAN, CLERK
CINCINNATI, OHIO

1:14CV247

J. BECKWITH

M.J. LITKOVITZ

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
_____ DIVISION

Pauletta Higgins
(Enter Above the Name of the Plaintiff in this Action)

vs.

Department of Job and family CPS
(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

Julie Harrison. ~~Jentrishe~~ Jermone
Marjorie Davis ~~Erin Erkert~~
Alex Patfalls. ~~Melissa Mott~~
Brittanie Dudley ~~Julian Wagnor~~
~~Brenda Anthony~~

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Pauletta Higgins
Name - Full Name Please - PRINT

1440 W. Kemper Rd #1701
Street Address

Cinti OH 45240
City, State and Zip Code

513-312-6702
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Attachment 5

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Paulette Higgins
Name - Full Name Please
1440 W. Kemper Rd # 1701
Address, Street, City, State and Zip Code

2. all defendants can be served
at 222 E Central Pkway

3. Cinti OH 45202

4.

5.

6.

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

☑ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]

☑ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]

☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds $75,000.]

☐ Title _____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

See Attached

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption. (Example: Case Number: 2:08-cv-728 and Caption: John Smith (vs. Jane Doe).

Case Number | Caption

_____ _____ vs. _____

_____ _____ vs. _____

_____ _____ vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

1.) Protect My Son and I from furthmore retaliaton possible order Case to be transferred to a different State w/ Moving of my Child

2.) Law Suit for Pain and Suffering

3.) Protect from happing to Others familes

4.) ~~Pay all~~ order to pay all of trauling fees

I state under penalty of perjury that the foregoing is true and correct. Executed on this 24 day of March, 20 14

Paulette Higgins

Signature of Plaintiff

The United states of District Court of Southern Ohio

RECEIVED
JOHN P. HEHMAN, CLERK
1:14CV247

Pauletta N. Higgins
1440 W.Kemper Rd Apt 1701
Cincinnati Oh 45240

Vs.

Complaint of:

Hate Crimes, Discrimination,
Misleading the Courts to cause harm,
Violation of rights, false accusations and
Retaliation

Department of Job and Family Service
222 E. Central Parkway
Cincinnati Oh 45202

J. BECKWITH

M.J. LITKOVITZ

I Pauletta Higgins Phone Department of job and family Children services on June 27Th to get involved with my current situation and involving my 6 y.o Child. (age at the time of the complaint) Shortly after my call to the agency, the agency falsified information to the forest park police and filed a complaint with juvenile court stating I call and was reporting 1.) Physical abuse 2.)Suicide to myself 3.) I was going to hang myself I Pauletta Higgins telling the Forest park police at the scene I did not state that and I just call for help for my child and that department of job and family service was a recorded pone line and to please obtain that stating my proof and fact the forest park police refused to do that and took me to the hospital anyhow I feel the department of job and family service provoke my right terribly to gang custody of my child and violated my right which has drove me insane at times to give up but I know I have a child to live for and a fight is what I doing to get heard and for this not to happen to another family who calls for help

Shortly after this the agency (dontrishe Jermone & Erin Eckert) was planning on moving my child home before the new school year begin which did not happen until Nov 5th 2013 because of Marjorie Davis who had some type of hate crimes against me and my child being

together. On or Before Nov 5th 2013 Marjorie Davis went up to my child school and provoke/threatened him to wher my 6.y.o child was transported to Cincinnati Children's hospital due to his behavior which was cause by Marjorie Davis. Nov 7th my child get move back out of his home due his behavior at school where I have reason of discrimation cause by this due to facts of: Magistrate Brenda Anthony tells me my child getting remove out his home due to ppl and the same household with similar curruntancess and Zyvaunte need treatment and they can do it better than me I Pauletta Higgins Began filing Motions with the Juvenile court system and lawsuits against the agency do to these matters and the agency began to retaliate against me and my child to obtain revenge. Meaning: On December 25th 2013 I Pauletta Higgins witness my Child begin abuse in his Forest Home which lead him with a fracture tooth diagnoses by Dr. Magalia at Mercy Fairfield Hospital. On January 10th the agency (Julie Harrison and Marjorie Davis comes to my home again and me and my 7y.o child get harassed and toured by Marjorie Davis and Julie Harrison due to the fruition the agency is with me I go to the Forest Park Police to make a Report and the agency use my son and I situation to separate us to try and proke me to not have my son I countine to notified of the agency doings which lead them to violate my right to attend my child school and dr app.meeting so I go back to the court to filed a motion concerning theses matter and the magiste make order of my entilments ship the agency still violate thee court order where I get tramutin by Brittanie Dudle and Alex patfall by placing my child with my abusive family memembe who I made it clear to that I did not want my child to place I inform the court where a orded was made for my child to be with a friend d of mines the agency attend to provoke me and any way they can with my child or my currant cumtantance and I declar justice or my case to get transferred to a diffent I am scared for my Life noting I have No Idea of what the agency plan is to do next.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAULETTA N. HIGGINS,
Plaintiff,

vs.

DEPARTMENT OF JOB AND FAMILY CPS, et al.,
Defendants.

Case No. 1:14-cv-247
Beckwith, J.
Litkovitz, M.J.

REPORT AND RECOMMENDATION

Plaintiff Pauletta N. Higgins, a resident of Cincinnati, Ohio, brings this action against the "Department of Job and Family CPS," Julie Harrison, Marjorie Davis, Alex Patfalls, and Brittanie Dudley. By separate Order, plaintiff has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This matter is before the Court for a sua sponte review of plaintiff's complaint to determine whether the complaint, or any portion of it, should be dismissed because it is frivolous, malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

In enacting the original *in forma pauperis* statute, Congress recognized that a "litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits." *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 324 (1989)). To prevent such abusive litigation, Congress has authorized federal courts to dismiss an *in forma pauperis* complaint if they are satisfied that the action is frivolous or malicious. *Id.*; *see also* 28 U.S.C. §§ 1915(e)(2)(B)(i). A complaint may be dismissed as frivolous when the plaintiff cannot make any claim with a rational or arguable basis in fact or law. *Neitzke v.*

Williams, 490 U.S. 319, 328-29 (1989); *see also Lawler v. Marshall*, 898 F.2d 1196, 1198 (6th Cir. 1990). An action has no arguable legal basis when the defendant is immune from suit or when plaintiff claims a violation of a legal interest which clearly does not exist. *Neitzke*, 490 U.S. at 327. An action has no arguable factual basis when the allegations are delusional or rise to the level of the irrational or "wholly incredible." *Denton*, 504 U.S. at 32; *Lawler*, 898 F.2d at 1199. The Court need not accept as true factual allegations that are "fantastic or delusional" in reviewing a complaint for frivolousness. *Hill v. Lappin*, 630 F.3d 468, 471 (6th Cir. 2010) (quoting *Neitzke*, 490 U.S. at 328).

Congress also has authorized the *sua sponte* dismissal of complaints that fail to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915 (e)(2)(B)(ii). A complaint filed by a *pro se* plaintiff must be "liberally construed" and "held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). By the same token, however, the complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); *see also Hill*, 630 F.3d at 470-71 ("dismissal standard articulated in *Iqbal* and *Twombly* governs dismissals for failure to state a claim" under §§ 1915A(b)(1) and 1915(e)(2)(B)(ii)).

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). The Court must accept all well-pleaded factual allegations as true, but need not "accept as true a legal conclusion couched as a factual allegation." *Twombly*, 550 U.S. at 555 (quoting *Papasan v. Allain*, 478 U.S. 265, 286

(1986)). Although a complaint need not contain "detailed factual allegations," it must provide "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555). A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." *Twombly*, 550 U.S. at 555. Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement." *Id.* at 557. The complaint must "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Erickson*, 551 U.S. at 93 (citations omitted).

Plaintiff's pro se complaint is difficult to decipher. Plaintiff alleges that on June 27, she telephoned the Department of Job and Family Children's Services "to get involved with my current situation and involving my 6 y.o Child." Plaintiff states that in response to her phone call, the agency gave false information to the Forest Park Police and stated that plaintiff threatened to commit suicide. When the police arrived, plaintiff informed them that the agency was mistaken and she had only called to obtain help for her child. Nevertheless, the police took plaintiff to the hospital.

Plaintiff also alleges that shortly after this incident, the agency was planning to move her child back home before the start of the new school year. However, he was not returned until November 2013 because defendant Davis "had some type of hate crimes against me and my child being together." She also states that defendant Davis went to her child's school and "provoke/threatened him to wher[e] my 6 y.o. child was transported to Cincinnati Children's hospital due to his behavior which was cause by Marjorie Davis." Plaintiff includes additional allegations concerning the removal of her child from her home by a juvenile court magistrate which is the subject of a separate lawsuit and will not be repeated here. *See Higgins v. Anthony*, No. 1:14-cv-246 (S.D. Ohio). The remainder of plaintiff's complaint alleges:

> On December 25th 2013 I Pauletta Higgins witness my Child begin abuse in his Forest Home which lead him with a fracture tooth diagnoses by Dr. Magalia at Mercy Fairfield Hospital. On January 10th the agency (Julie Harrison and Marjorie Davis comes to my home again and me and my 7y.o child get harassed and toured by Marjorie Davis and Julie Harrison due to the fruition the agency is with me I go to the Forest Park Police to make a Report and the agency use my son and I situation to separate us to try and proke me to not have my son I countine to notified of the agency doings which lead them to violate my right to attend my child school and dr app. meeting so I go back to the court to filed a motion concerning theses matter and the magiste make order of my entilments ship the agency still violate thee court order where I get tramutin by Brittanie Dudle and Alex patfall by placing my child with my abusive family memembe who I made it clear to that I did not want my child to place I inform the court where a orded was made for my child to be with a friend d of mines the agency attend to provoke me and any way they can with my child or my currant cumtantance and I declar justice or my case to get transferred to a diffent I am scared for my Life noting I have No Idea of what the agency plan is to do next.

(Complaint at 6). Plaintiff seeks proteetion from retaliation, a "possible order" that her case be transferred to a different state, a "lawsuit for pain and suffering," and an order to pay all traveling fees.

Plaintiff's allegations are insufficient to state a claim with an arguable basis in law over which this federal Court has subject matter jurisdiction.

First, it appears clear from the face of the complaint that plaintiff is not invoking the diversity jurisdiction of the Court under 28 U.S.C. § 1332(a). Even if she had, the complaint reveals such jurisdiction is lacking. In order for diversity jurisdiction pursuant to § 1332(a) to lie, the citizenship of the plaintiff must be "diverse from the citizenship of each defendant" thereby ensuring "complete diversity." *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996) (citing *State Farm Fire & Cas. Co. v. Tashire*, 386 U.S. 523, 531 (1967)); *see also Napletana v. Hillsdale College*, 385 F.2d 871, 872 (6th Cir. 1967); *Winningham v. North American Res. Corp.*, 809 F. Supp. 546, 551 (S.D. Ohio 1992). In this case, both plaintiff and the named defendants are domiciled in Ohio. Therefore, this Court lacks subject matter jurisdiction on the

basis of diversity of citizenship.

District courts also have original federal question jurisdiction over cases "arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. In order to invoke the Court's federal question jurisdiction pursuant to 28 U.S.C. § 1331, plaintiff must allege facts showing the cause of action involves an issue of federal law. *See Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58, 63 (1987). In this case, the undersigned is unable to discern from the facts alleged in the complaint, any federal statutory or constitutional provision that applies to give rise to an actionable claim for relief. Plaintiff's pro se complaint is largely indecipherable and provides no factual content or context from which the Court may reasonably infer that the defendants violated plaintiff's federal constitutional or statutory rights. *Iqbal*, 556 U.S. at 678. Accordingly, the complaint fails to state a claim upon which relief may be granted and should be dismissed under 28 U.S.C. § 1915(e)(2)(B).

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be **DISMISSED** with prejudice.

2. The Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

Date: 3/28/14

Karen L. Litkovitz, Magistrate Judge
United States District Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAULETTA N. HIGGINS,
Plaintiff,

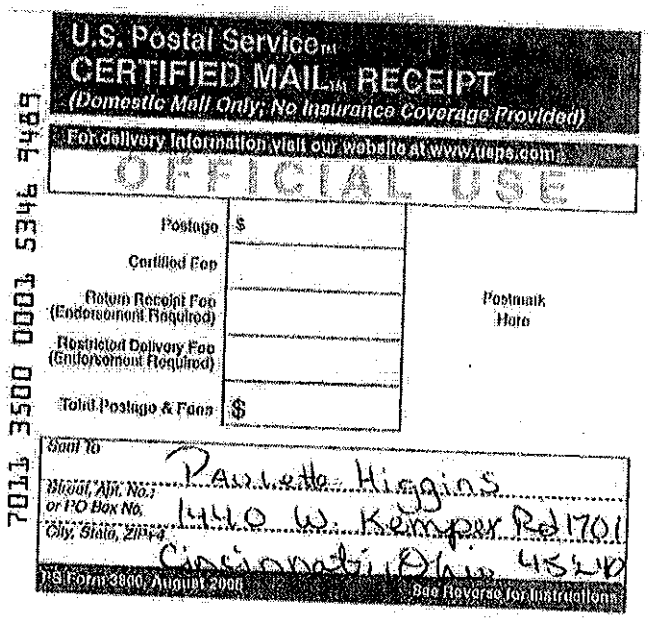
vs.

DEPARTMENT OF JOB AND FAMILY CPS, et al.,
Defendants.

Case No. 1:14-cv-247
Beckwith, J.
Litkovitz, M.J.

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).



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City, State, ZIP+4: Cincinnati, Ohio 45240

PS Form 3800, August 2006 — See Reverse for Instructions

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Pauletta Higgins,	:	Case No. 1:14-cv-247
Plaintiff,	:	
v.	:	
Department of Job and Family CPS et al.,	:	
Defendants.	:	

ORDER

This matter is before the Court on Magistrate Judge Litkovitz's Report and Recommendation of March 28, 2014 (Doc. No. 4) and Plaintiff Pauletta Higgins's objections to the Report and Recommendation (Doc. No. 5). Also before the Court is Plaintiff's motion to hold Kim Sexton in contempt. Doc No. 6.

Because Plaintiff had been granted in forma pauperis status, Magistrate Judge Litkovitz sua sponte reviewed Plaintiff's pro se complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine if any part of it should be dismissed because it is frivolous, malicious or fails to state a claim for relief. Accurately describing Plaintiff's complaint as being "largely indecipherable," Judge Litkovitz concluded that Plaintiff failed to plead any cognizable federal claim or establish the Court's diversity jurisdiction over any possible state law claim. Judge Litkovitz, therefore, recommended dismissing the complaint with prejudice.

Plaintiff filed a timely objection to the Report and Recommendation which is likewise hard to follow. Plaintiff also filed a motion to hold a person named Kim Sexton

in contempt for failing to comply with a subpoena duces tecum she served.

The Court's assessment of Plaintiff's complaint is somewhat different from Judge Litkovitz's analysis although it largely agrees with the result she reached. In the Court's view, the complaint indicates that Plaintiff is involved in an ongoing custody dispute over her minor child with the Department of Job and Family Services and she would like this Court to intercede on her behalf. For instance, after describing the circumstances which allegedly led to the removal of her son from her home, Plaintiff indicates that she objected to the court's placement of her child with allegedly abusive family members. Plaintiff also apparently complains that the Defendants interfered with certain of her visitation rights. In her objections, Plaintiff states that Defendants are "destroying" her reunification with her child. Plaintiff indicates that she wants her child custody case moved to another court. Doc. No. 3, at 6.

While some federal claim might be lurking in Plaintiff's complaint - she mentions retaliation and hate crimes - the Court nevertheless concludes that it lacks subject matter jurisdiction in this case and/or that abstention from jurisdiction is appropriate because it is apparent that the complaint is related to ongoing state custody proceedings. Hughes v. Hamann, 23 Fed. Appx. 337, 338 (6th Cir. 2001).

Accordingly, Plaintiff's objections to Magistrate Judge Litkovitz's Report and Recommendation are not well-taken and are **OVERRULED.** The Court **ADOPTS** the Report and Recommendation to the extent it recommends dismissing the complaint. The complaint, however, is **DISMISSED WITHOUT PREJUDICE.** Plaintiff's motion to hold Kim Sexton in contempt is not well-taken and is **DENIED. THIS CASE IS**

CLOSED.

The Court certifies pursuant to 28 U.S.C.A. § 1915(a)(3) that an appeal of this order would not be taken in good faith, and therefore **DENIES** Plaintiff leave to appeal in forma pauperis. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

Date April 15, 2014

s/Sandra S. Beckwith
Sandra S. Beckwith
Senior United States District Judge

Case No. 14-3372

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

PAULETTA N. HIGGINS

Plaintiff - Appellant

v.

DEPARTMENT OF JOB AND FAMILY CPS; JULIE HARRISON; MARJORIE DAVIS; ALEX PATFALLS; BRITTANIE DUDLEY

Defendants - Appellees

Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by June 19, 2014.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT
Deborah S. Hunt, Clerk

Issued: July 30, 2014

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: July 30, 2014

Pauletta N. Higgins
P.O. Box 3063
Orlando, FL 32801

Re: Case No. 14-3372, *Pauletta Higgins v. Department of Job and Family C, et al*
Originating Case No. : 1:14-cv-00247

Dear Sir or Madam,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Jill Colyer
Case Manager
Direct Dial No. 513-564-7024

cc: Mr. John P. Hehman

Enclosure

No mandate to issue

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
_____ DIVISION

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CINCINNATI, OHIO

1:14CV246

DLOTT

M.J. LITKOVITZ

Paulette Higgins
(Enter Above the Name of the Plaintiff in this Action)

vs.

Brenda A. Anthony
(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:
Scherazade Washington
Nancy Hunt
Debbie Poland
Curt Kissinguru

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Paulette Higgins
Name - Full Name Please - PRINT

1440 W. Kemper Rd # 1701
Street Address

Cinti OH 45240
City, State and Zip Code

513 312-6702
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Paulletta Miggins
Name - Full Name Please
1440 W. Kemper Rd # 1701
Address: Street, City, State and Zip Code

2. Brenda Anthony
800 Broadway RM 613
Cinti OH 45202

3. Debbie Poland
800 Broadway
Cinti OH 45202

4. Nancy Hunt
800 Broadway
Cinti OH 45202

5. Scherazade Washington 800 Broadway Cinti OH

6. Kurt Kissingurg 800 Broadway 45202
Cinti OH 45202

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

☑ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]

☑ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]

☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds $75,000.]

☐ Title ____ United States Code, Section ____
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

See Attached

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption. (Example. Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number	Caption
_____	_____ vs. _____
_____	_____ vs. _____
_____	_____ vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

1.) I Would like to See for the Damage of Juvenille Court and order than to pay all medical bills related to my Suffering

2.) Give me my child back and move us away so we are safe from retaliaton

3.) make a order prevent them from doing this to another family

I state under penalty of perjury that the foregoing is true and correct. Executed on this 24 day of March, 2014

Pauletta Higgins
Signature of Plaintiff

Pauletta N. Higgins

1:14CV246

J. DLOTT

M.J. LITKOVITZ

Complaint of Discrimination under the Disabilty act Code

VS

Juvenille Court

RECEIVED
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CINCINNATI, OHIO

I Pauletta Higgins has been Discriminated under the Disabilty act Code by Mag. Brenda Anthony Dated Nov 7 2014 due to reason and facts of:

1.) my Child had an emotinal breakdown due to a threat made to him and he was transported to Childrens Hospital

2.) Mag. Brenda Anthony makes statement about two people in the same household with mental health or similar Circumstance

3.) Magistrate Brenda Anthony states My Child needs theapy after my child was Discharge from Children with ONLY a follow-up appt by medical professinol

4.) Magistrate Brenda assumes they can do a better Job than Me Shorthy

after I informs her my child been under service for Four year enroll by I Pauletta Higgins

On Nov 7th Mag. Brenda Anthony acts in a discrminary matter by removing my child out of his home and place back into foster care do to the information listed above I Pauletta Higgins talked to Mag. washington (supervisor) to get matter resolved and she refuse to do anything about it so I attemped to talk to her supervisor and Nancy Hunt to inform the adminstrate Curt Kissinsure and they fond the situration halarires Last I try to scheld a conference with Judge Williams and Debbie his secarterg and get told I would get contacted

Back from the Juvenille Court so I now act upon to receive justice by the United State Federal Court so this may never happen again.

Signed

Paulotta Higgins

3-24-14

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAULETTA N. HIGGINS,
Plaintiff,

vs.

BRENDA A. ANTHONY,
Defendants.

Case No. 1:14-cv-246
Dlott, J.
Litkovitz, M.J.

REPORT AND RECOMMENDATION

Plaintiff Pauletta N. Higgins, a resident of Cincinnati, Ohio, brings this action against Brenda A. Anthony, a magistrate with the Hamilton County, Ohio Juvenile Court. By separate Order, plaintiff has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This matter is before the Court for a sua sponte review of plaintiff's complaint to determine whether the complaint, or any portion of it, should be dismissed because it is frivolous, malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

In enacting the original *in forma pauperis* statute, Congress recognized that a "litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits." *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 324 (1989)). To prevent such abusive litigation, Congress has authorized federal courts to dismiss an *in forma pauperis* complaint if they are satisfied that the action is frivolous or malicious. *Id.*; *see also* 28 U.S.C. §§ 1915(e)(2)(B)(i). A complaint may be dismissed as frivolous when the plaintiff cannot make any claim with a rational or arguable basis in fact or law. *Neitzke v. Williams*, 490 U.S. 319, 328-29 (1989); *see also Lawler v. Marshall*, 898 F.2d 1196, 1198 (6th

Cir. 1990). An action has no arguable legal basis when the defendant is immune from suit or when plaintiff claims a violation of a legal interest which clearly does not exist. *Neitzke,* 490 U.S. at 327. An action has no arguable factual basis when the allegations are delusional or rise to the level of the irrational or "wholly incredible." *Denton,* 504 U.S. at 32; *Lawler,* 898 F.2d at 1199. The Court need not accept as true factual allegations that are "fantastic or delusional" in reviewing a complaint for frivolousness. *Hill v. Lappin,* 630 F.3d 468, 471 (6th Cir. 2010) (quoting *Neitzke,* 490 U.S. at 328).

Congress also has authorized the *sua sponte* dismissal of complaints that fail to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915 (e)(2)(B)(ii). A complaint filed by a *pro se* plaintiff must be "liberally construed" and "held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus,* 551 U.S. 89, 94 (2007) (per curiam) (quoting *Estelle v. Gamble,* 429 U.S. 97, 106 (1976)). By the same token, however, the complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal,* 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly,* 550 U.S. 544, 570 (2007)); *see also Hill,* 630 F.3d at 470-71 ("dismissal standard articulated in *Iqbal* and *Twombly* governs dismissals for failure to state a claim" under §§ 1915A(b)(1) and 1915(e)(2)(B)(ii)).

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal,* 556 U.S. at 678 (citing *Twombly,* 550 U.S. at 556). The Court must accept all well-pleaded factual allegations as true, but need not "accept as true a legal conclusion couched as a factual allegation." *Twombly,* 550 U.S. at 555 (quoting *Papasan v. Allain,* 478 U.S. 265, 286 (1986)). Although a complaint need not contain "detailed factual allegations," it must provide

"more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555). A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." *Twombly*, 550 U.S. at 555. Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement." *Id.* at 557. The complaint must "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Erickson*, 551 U.S. at 93 (citations omitted).

Plaintiff's pro se complaint alleges that Magistrate Anthony discriminated against plaintiff by removing her child from her care and placing him in foster care. She alleges that her child had an "emotional breakdown" and was transported to Children's Hospital. Plaintiff alleges that Magistrate Anthony made statements "about two people in the same household with mental health or similar circumstance" and about the child's need for therapy following his discharge from the hospital, a statement with which plaintiff disagrees. Plaintiff seeks monetary damages, the return of her child from foster care, and an order preventing this from happening to another family.

Plaintiff's claims against Magistrate Anthony are barred by judicial immunity. Judges are afforded absolute immunity from 42 U.S.C. § 1983 liability for acts they commit while functioning within their judicial capacity. "Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages." *Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Pierson v. Ray*, 386 U.S. 547 (1967); *Barrett v. Harrington*, 130 F.3d 246, 255 (6th Cir. 1997). Judges retain absolute immunity from liability even if they act maliciously or corruptly, as long as they are performing judicial acts and have jurisdiction over the subject matter giving rise to the suit against them. *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978). *See also Brookings v. Clunk*, 389 F.3d 614, 617 (6th Cir. 2004); *Stern v. Mascio*, 262

F.3d 600, 607 (6th Cir. 2001). It is clear that Magistrate Anthony's decision to remove plaintiff's child from her care and place the child in foster care is one normally performed by a juvenile court magistrate or judge, *Stump*, 435 U.S. at 362, and plaintiff has alleged no facts indicating that Magistrate Anthony acted "in the complete absence of all jurisdiction." *Stern*, 262 F.3d at 607. Therefore, defendant Anthony is absolutely immune from civil liability in this matter.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be **DISMISSED** with prejudice.

2. The Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

Date: 3/28/14

Karen L. Litkovitz

Karen L. Litkovitz, Magistrate Judge
United States District Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAULETTA N. HIGGINS,
Plaintiff,

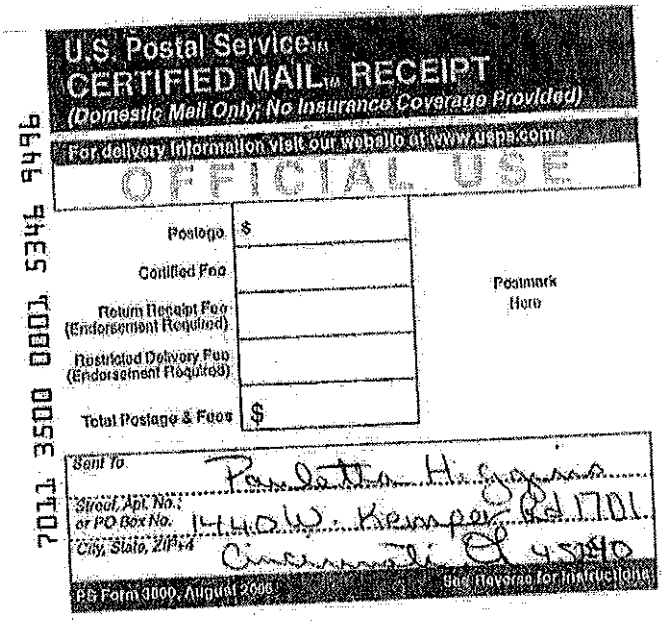
vs.

BRENDA A. ANTHONY,
Defendant.

Case No. 1:14-cv-246
Dlott, J.
Litkovitz, M.J.

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).



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City, State, ZIP+4: Cincinnati OH 45240

PS Form 3800, August 2006 — See Reverse for Instructions

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Pauletta N. Higgins,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:14cv246
vs.	:	
	:	Chief Judge Susan J. Dlott
Brenda A. Anthony,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 28, 2014 a Report and Recommendation (Doc. 4). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 6).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, plaintiff's complaint is DISMISSED with prejudice.

The Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith, therefore, denying plaintiff leave to appeal *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider,* 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.,* 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court

Attachment 11

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: June 27, 2014

Ms. Pauletta N. Higgins
1440 W. Kemper Road
Suite 1701
Cincinnati, OH 45240

Re: Case No. 14-3487, *Pauletta Higgins v. Brenda Anthony*
Originating Case No. : 1:14-cv-00246

Dear Ms. Higgins:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Robin L. Johnson
Case Manager
Direct Dial No. 513-564-7039

cc: Mr. John P. Hehman

Enclosure

No mandate to issue

Attachment 12

Case No. 14-3487

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

PAULETTA N. HIGGINS

Plaintiff - Appellant

v.

BRENDA A. ANTHONY

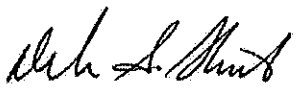
Defendant - Appellee

Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by **June 20, 2014.**

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT
Deborah S. Hunt, Clerk



Issued: June 27, 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
_____ DIVISION

Pauletta Higgins
(Enter Above the Name of the Plaintiff in this Action)

vs.

Paul Damont
(Enter above the name of the Defendant in this Action)

1:14CV295

J. BECKWITH

M.J. LITKOVITZ

If there are additional Defendants, please list them:

_____

_____

_____

_____

RECEIVED
APR 09 2014
JOHN P. HEHMAN, CLERK
CINCINNATI, OHIO

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Pauletta Higgins
Name - Full Name Please - PRINT

1440 W. Kemper Rd #1701
Street Address

Cinti OH 45240
City, State and Zip Code

513-312-6702
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Attachment 13

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Paul D. Gamont
Name - Full Name Please
800 Broadway Cinti OH 45202
Address: Street, City, State and Zip Code

2. _____

3. _____

4. _____

5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

☑ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]

☐ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]

☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds $75,000.]

☐ Title ____ United States Code, Section _____
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

Plase see attached

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption. (Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number	Caption
_____	_____ vs. _____
_____	_____ vs. _____
_____	_____ vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

Prayer for relief
Immunity
Custody of child
1 Million Dollar
Due to my pain and
Suffering noting my child may
not be in a safe environment

I state under penalty of perjury that the foregoing is true and correct. Executed on this 9 day of April, 2014.

Paulette Rogers
Signature of Plaintiff

Paulette Higgins

Vs

~~Complaint~~ of Violation of rights

Paul Damont

I Bring forth My Concerns Concerning Mag. Paul Damont of neglect of A Child I bring forth Concern (See Attached) to Juvenile Court and Mag. Paul Demont refuse to hear it or allow me to subit Evidence due to the fact I feel he Violated the Code Violation of rights neglect of A child

Violation of my parental right and I would like Prayer for my releft and Immuity due to the magiState allowing my child to remain under these Curcumtance

Sign

Paulette Higgins

4-9-2014

Juvenile Court

Motion for emergency hearing

I Mother of Zyvaunte Higgins bring forth matter Concerning my Child Placement and in possible risk of danger There has been many occassion Of Dosematic Violents with my Sister I inform this Court on many occassion that I did not want my Child place with relatives to to this Concern Tanika has a TPO against me and I have one against Tanika I has bought these matter to 241-Kids (concerts and the refuse to do anything bout it On March 12 Zyvaunte ran out of Care giver home to escape from her and police where call Zyvaunte has attaled Tanika of many time to the where tanika has Inflicted harresing stress She has Cause On behalf.

FILED
HAMILTON COUNTY
JUVENILE COURT
2014 APR -9 AM 8:32

M103 "J799701"

FU6-24972 (2)

I asked my attorney to get this relsoved and he refuse to due so so where I stand is filing another Emering hearing with the court it is in the best intrest of my child

feb 10 the court made a order for my child to be w/ a friend of mine and ~~to~~ 241-kids provoke me in any means neccessa 241 kids has place my child w a relitive who I highly reject !!! This pass Sudny Tamika came to my hz and a Pshical fight occur between Tamika and I Tamitia hit me w/ a gun and Police

Pauletta Huggen 4-9-14

FILED HAMILTON COUNTY COVENIEL COURT 2014 APR -9 AM 8:33

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

Order of Magistrate

COPY

On April 9, 2014, an EXPEDITED HEARING hearing was conducted.

THE MAGISTRATE FINDS:

The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was duly notified

The following attorneys and parties also appeared:
Ernest Lee, Jr. (Attorney representing Hamilton County Prosecutor's Office for Brittanie Dudley)
Mark Fidler (Attorney for PAULETTA HIGGINS)
Brittanie Dudley (Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Erika Dority (GAL/Attorney for PAULETTA HIGGINS)
Kacy Eaves (GAL/Attorney for ZYVAUNTAE HIGGINS)

THEREFORE, THE ORDER OF THE MAGISTRATE IS AS FOLLOWS:

The request for an emergency hearing is denied.

THE MAGISTRATE FURTHER ORDERS:

Mr. Fiddler is permitted to withdraw as attorney for mother due to conflicts.

Continue for review to 04/16/2014 at 03:00 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS.

CD # 606

Magistrate Paul Demott
April 9, 2014

I have received a copy of the above Order of Magistrate and therefore waive service by the Clerk.

_____ _____

_____ _____

Motion to Set Aside Magistrate's Order

Any party may file a Motion with the Court to set aside a Magistrate's Order. The Motion shall state the moving party's reasons with particularity and shall be filed not later than 10 days after the Magistrate's Order is filed. See Juvenile Rule 40.

J7997868

jcm874o.dot

JS 44 (Rev. 12/12)

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 NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Hamilton
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

DEFENDANTS

County of Residence of First Listed Defendant Paul Damont
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 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)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. 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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAULETTA N. HIGGINS,
Plaintiff,

vs.

PAUL DAMONT,
Defendant.

Case No. 1:14-cv-295
Beckwith, J.
Litkovitz, M.J.

REPORT AND RECOMMENDATION

Plaintiff Pauletta N. Higgins, a resident of Cincinnati, Ohio, brings this action against Paul Damont, a magistrate with the Hamilton County, Ohio Juvenile Court. By separate Order, plaintiff has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This matter is before the Court for a sua sponte review of plaintiff's complaint to determine whether the complaint, or any portion of it, should be dismissed because it is frivolous, malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

In enacting the original *in forma pauperis* statute, Congress recognized that a "litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits." *Denton v. Hernandez,* 504 U.S. 25, 31 (1992) (quoting *Neitzke v. Williams,* 490 U.S. 319, 324 (1989)). To prevent such abusive litigation, Congress has authorized federal courts to dismiss an *in forma pauperis* complaint if they are satisfied that the action is frivolous or malicious. *Id.*; *see also* 28 U.S.C. §§ 1915(e)(2)(B)(i). A complaint may be dismissed as frivolous when the plaintiff cannot make any claim with a rational or arguable basis in fact or law. *Neitzke v. Williams,* 490 U.S. 319, 328-29 (1989); *see also Lawler v. Marshall,* 898 F.2d 1196, 1198 (6th

Cir. 1990). An action has no arguable legal basis when the defendant is immune from suit or when plaintiff claims a violation of a legal interest which clearly does not exist. *Neitzke,* 490 U.S. at 327. An action has no arguable factual basis when the allegations are delusional or rise to the level of the irrational or "wholly incredible." *Denton,* 504 U.S. at 32; *Lawler,* 898 F.2d at 1199. The Court need not accept as true factual allegations that are "fantastic or delusional" in reviewing a complaint for frivolousness. *Hill v. Lappin*, 630 F.3d 468, 471 (6th Cir. 2010) (quoting *Neitzke*, 490 U.S. at 328).

Congress also has authorized the *sua sponte* dismissal of complaints that fail to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915 (e)(2)(B)(ii). A complaint filed by a *pro se* plaintiff must be "liberally construed" and "held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (quoting *Estelle v. Gamble,* 429 U.S. 97, 106 (1976)). By the same token, however, the complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); *see also Hill*, 630 F.3d at 470-71 ("dismissal standard articulated in *Iqbal* and *Twombly* governs dismissals for failure to state a claim" under §§ 1915A(b)(1) and 1915(e)(2)(B)(ii)).

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). The Court must accept all well-pleaded factual allegations as true, but need not "accept as true a legal conclusion couched as a factual allegation." *Twombly*, 550 U.S. at 555 (quoting *Papasan v. Allain*, 478 U.S. 265, 286 (1986)). Although a complaint need not contain "detailed factual allegations," it must provide

"more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 555). A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." *Twombly*, 550 U.S. at 555. Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement." *Id.* at 557. The complaint must "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Erickson*, 551 U.S. at 93 (citations omitted).

Plaintiff's pro se complaint is difficult to decipher, but it appears to allege that Magistrate Damont violated plaintiff's rights by neglecting her child and placing him with relatives with whom plaintiff disapproves. Attached to plaintiff's complaint is an Order from the magistrate denying a request for an emergency hearing at which plaintiff was represented by counsel. Plaintiff seeks monetary damages, custody of her child, and "immunity."

Plaintiff's claims against Magistrate Damont are barred by judicial immunity. Judges are afforded absolute immunity from 42 U.S.C. § 1983 liability for acts they commit while functioning within their judicial capacity. "Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages." *Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Pierson v. Ray*, 386 U.S. 547 (1967); *Barrett v. Harrington*, 130 F.3d 246, 255 (6th Cir. 1997). Judges retain absolute immunity from liability even if they act maliciously or corruptly, as long as they are performing judicial acts and have jurisdiction over the subject matter giving rise to the suit against them. *Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978). *See also Brookings v. Clunk*, 389 F.3d 614, 617 (6th Cir. 2004); *Stern v. Mascio*, 262 F.3d 600, 607 (6th Cir. 2001). It is clear that Magistrate Damont's decision regarding the placement of plaintiff's child is one normally performed by a juvenile court magistrate or judge, *Stump*, 435 U.S. at 362, and plaintiff has alleged no facts indicating that Magistrate Damont

acted "in the complete absence of all jurisdiction." *Stern*, 262 F.3d at 607. Therefore, defendant Damont is absolutely immune from civil liability in this matter.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's complaint be **DISMISSED** with prejudice.

2. The Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

Date: 4/15/14

Karen L. Litkovitz, Magistrate Judge
United States District Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAULETTA N. HIGGINS,
Plaintiff,

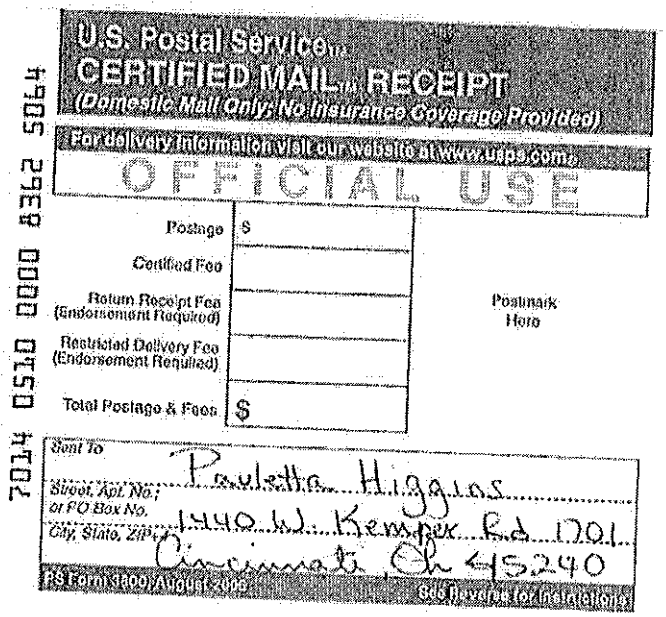
vs.

PAUL DAMONT,
Defendant.

Case No. 1:14-cv-295
Beckwith, J.
Litkovitz, M.J.

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).



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Postmark Here
Sent To Paulette Higgins
Street, Apt. No.; or PO Box No. 1440 W. Kemper Rd 1201
City, State, ZIP+4 Cincinnati Oh 45240
PS Form 3800, August 2006 See Reverse for Instructions
7014 0510 0000 8362 5044

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Pauletta N. Higgins,
Plaintiff

v. Case No. 1:14-cv-295

Paul Damont,
Defendant

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed February 17, 2014 (Doc. 4).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's complaint is dismissed with prejudice.

This Court certifies that pursuant to 28 U.S.C. § 1915(a)(3) an appeal of this Order would not be taken in good faith, and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*. *See Callihan v. Schneider,* 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.,* 105 F.3d 274, 277 (6th Cir. 1997).

Date: May 14, 2014

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: June 27, 2014

Ms. Pauletta N. Higgins
1440 W. Kemper Road
Suite 1701
Cincinnati, OH 45240

Re: Case No. 14-3497, *Pauletta Higgins v. Paul Damont*
Originating Case No. : 1:14-cv-00295

Dear Sir or Madam,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Benjamin P. Alexander
Case Manager
Direct Dial No. 513-564-7021

cc: Mr. John P. Hehman

Enclosure

No mandate to issue

Attachment 16

Case No. 14-3497

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

PAULETTA N. HIGGINS

Plaintiff - Appellant

v.

PAUL DAMONT

Defendant - Appellee

Appellant/Petitioner having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant/petitioner has failed to satisfy the following obligation(s):

The proper fee was not paid by June 23, 2014.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT
Deborah S. Hunt, Clerk

Issued: June 27, 2014

6:14-cv-00832-PGB-TBS Higgins v. Hamilton County Child Protection Service
Paul G. Byron, presiding
Thomas B. Smith, referral
Date filed: 05/30/2014
Date terminated: 07/29/2014
Date of last filing: 08/21/2014

History

Doc. No.	Dates	Description
1	*Filed & Entered:* 05/30/2014	Complaint
2	*Filed & Entered:* 05/30/2014 *Terminated:* 06/03/2014	Motion for temporary restraining order
3	*Filed & Entered:* 05/30/2014 *Terminated:* 07/29/2014	Motion for leave to proceed in forma pauperis/affidavit of indigency
4	*Filed & Entered:* 06/03/2014 *Terminated:* 06/23/2014	Report and Recommendations
5	*Filed & Entered:* 06/03/2014	Order on Motion for Temporary Restraining Order
6	*Filed:* 06/11/2014 *Entered:* 06/12/2014	Amended Complaint
7	*Filed & Entered:* 06/12/2014 *Terminated:* 06/12/2014	Motion for temporary restraining order
8	*Filed & Entered:* 06/12/2014	Jury demand
9	*Filed & Entered:* 06/12/2014	Order on Motion for Temporary Restraining Order
10	*Filed & Entered:* 06/17/2014 *Terminated:* 08/21/2014	Notice of Interlocutory Appeal
11	*Filed & Entered:* 06/17/2014 *Terminated:* 07/29/2014	Motion for Leave to Appeal in forma pauperis
12	*Filed & Entered:* 06/17/2014	Transmission of Notice of Appeal, Order/Judgment and Docket Sheet to USCA
13	*Filed & Entered:* 06/23/2014	Order Adopting Report and Recommendations
14	*Filed & Entered:* 06/25/2014	Report and Recommendations

Attachment 17

	Terminated:	07/29/2014	
15	*Filed & Entered:*	07/02/2014	Case Assigned/Reassigned
16	*Filed & Entered:*	07/08/2014	Objection to Report and Recommendations
17	*Filed & Entered:*	07/29/2014	Order Adopting Report and Recommendations
18	*Filed:* *Entered:*	08/21/2014 08/22/2014	USCA order

PACER Service Center			
Transaction Receipt			
11/18/2014 08:49:48			
PACER Login:	hc0186:2559591:0	**Client Code:**	
Description:	History/Documents	**Search Criteria:**	6:14-cv-00832-PGB-TBS
Billable Pages:	1	**Cost:**	0.10

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA 2014 MAY 30 AM 11: 21
ORLANDO DIVISION

Pauletta Higgins
PLAINTIFF

Case No.
6:14-cv-832-ORL-36-TBS

vs.

Hamilton County Child protection service
DEFENDANT

COMPLAINT

Restraining order
&
emotional abuse)

with the request of A Jury trail & Presentation of witnesses

Name: Pauletta Higgins
Address: 400 W. Colonial Dr
Orlando Fl 32804

Phone No.: 321- 474 6528

Attachment 18

on feb 7th 2014 my Child was in the Hamilton County Child protection services where he was declared to be safe by the State of law. on feb 7th my Child call 911 atteming sudiede from his foster home due to Phsical abuse by a 16 yr boy and the 16 yr old boy breaking his belonging 911 pesonal arrive in found my Child to be "out of Control" and attemiting suicide so he was transporte to Children hospital Child service was aware of the situration for months and refuse to do any about it unto ~~still~~ my Child was remove by the police my Child now reside with a Prostatuct and abusive family member who I disapproved she has taken my Child to the strip Club on many occassions

on feb 18th to Present

and my Child Seeks for his life this Currenly family member has a Civil Protection Order against her and Child Service still leaving my child in the home My Child is in Imtament risk and I seek removal from the care ASAP or transfed to the DCF in Orlando FL where I now reside! I have witness such as Police, Children hospital and My Child current thurpist where he now recived ~~just~~ treatment from his damages there has been never no abuse or neget with me and attacted or the Exibits much more to be explained reguardin Civil rights violation of the Consintutional Law and much more! the emotinal abuse is pending Investigation with Springdale Police in criminal Charge will be fild Exibit 1 and 2 or attacted My life and Child life is at Instant Danger and seeks Justice

Paulette Higgins
SIGNATURE

Pawletta Higgins
NAME

400 W. Colinal Dr
Orlando FL 3280~~4~~
ADDRESS

ADDRESS

321-474 6528
PHONE NO.

and relief from Immuity also

to declar my child Safty I seek custody back of my child or Case in Child tranferr to DCF in orlando florida where I now reside and have been reside ins since June of 2012

Paulette Higgins
May 30th 2014

 Exhibit # I

HAMILTON COUNTY JUVENILE COURT

Case No. F/06/002497 Z

Decision of Magistrate

IN RE:
THE HIGGINS CHILD.
REGARDING
ZYVAUNTAE HIGGINS
ONLY

On October 1, 2013, an ADJUDICATION hearing was conducted.

THE MAGISTRATE FINDS:
The following parties appeared before the Court:
PAULETTA HIGGINS (MOTHER - BIOLOGICAL of ZYVAUNTAE HIGGINS) was properly served by CMGR and requested counsel
MICHAEL D HIGGINS (UNCLE of ZYVAUNTAE HIGGINS) was duly notified by CMGR
JAMES MOORE MUHAMMED (CUSTODIAN of ZYVAUNTAE HIGGINS) was properly served by CMGR
The following parties did not appear before the Court:
EDWARD MARTIN (FATHER - LEGAL of ZYVAUNTAE HIGGINS) was properly served by CERT
The following attorneys and parties also appeared:
Jonathan Sinclair (Attorney for PAULETTA HIGGINS)
Dontrishe Jarmon (Intake Case Worker representing Hamilton County Job and Family Services for ZYVAUNTAE HIGGINS)
Marjorie Davis (GAL/Attorney representing Hamilton County Public Defender GAL Division for ZYVAUNTAE HIGGINS)
Talia Bryan (Attorney representing Hamilton County Prosecutor's Office for Dontrishe Jarmon)
Also present: Tamika Moore (Maternal Aunt)

FINDINGS OF FACT ON ADJUDICATION:
The parties stipulated to the following:
Mother is present, served, represented by counsel, and stipulates and agrees to the facts in the Amended Complaint filed 9-6-13 with the changes per the attached and of record.
Edward Martin is the legal father pursuant to Juvenile Court Case P11-716. He was served by publication and is not present. No one has any information about Edward Martin. The address previously provided was returned by the post office as not an existing address.
The parties requested bifurcation.
PAUL

THEREFORE, THE DECISION OF THE MAGISTRATE IS AS FOLLOWS:
Based upon the clear and convincing evidence presented and the stipulations entered, ZYVAUNTAE HIGGINS is adjudicated dependent.
The allegation of neglect of ZYVAUNTAE HIGGINS is withdrawn at the request of Hamilton County Job and Family Services.
The allegation of abuse of ZYVAUNTAE HIGGINS is withdrawn at the request of Hamilton County Job and Family Services.
The

THE MAGISTRATE FURTHER DECIDES:
Continue for Disposition to 10/10/2013 at 01:30 PM Magistrate Brenda Anthony for ZYVAUNTAE HIGGINS until 2:30 PM.
Magi
Talia
CD # 613

Magistrate Brenda Anthony
October 1, 2013

FIND
I have received a copy of the Decision of Magistrate and therefore waive service by the Clerk.
Mother
Edwar

The Magistrate's Decision is hereby approved and entered as the judgment of the Court.

Judge

jcmi874d.dot

Exhibit #2

FORM 10.01-G:

WARNING CONCERNING THE ATTACHED DOMESTIC VIOLENCE PROTECTION ORDER

NOTE: *Rules 10.01 and 10.02 of the Rules of Superintendence for the Courts of Ohio require this Warning to be attached to the FRONT of all civil and criminal domestic violence protection orders issued by the courts of the State of Ohio. TO BE USED WITH FORMS 10.01-H, 10.01-I, 10.01-J, 10.01-M, and 10.02-A.*

WARNING TO RESPONDENT / DEFENDANT

Violating the attached Protection Order is a crime, punishable by imprisonment or fine or both, and may cause your bond to be revoked or result in a contempt of court citation against you.

This Protection Order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. Territories pursuant to the Violence Against Women Act, 18 U.S.C. 2265. Violating this Protection Order may subject you to federal charges and punishment.

Only the Court may change this Protection Order. The Petitioner/Alleged Victim cannot give you legal permission to change this Order. If you go near the Petitioner/Alleged Victim or other protected person, even with their permission, you may be arrested. Only the Court may modify or terminate this Protection Order. Unless the Court modifies or terminates this Order, you may be arrested for violating this Protection Order. **You act at your own risk if you disregard this WARNING.**

WARNING TO PETITIONER / ALLEGED VICTIM

You **cannot** change the terms of this Order by your words or actions. Only the Court may allow the Respondent/Defendant to contact you or return to your residence. This Protection Order **cannot** be changed by either party without obtaining a written court order.

NOTICE ABOUT FIREARMS AND OTHER DEADLY WEAPONS

As a result of this Protection Order or Consent Agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law, 18 U.S.C. 922(g)(8). If you have any questions whether these laws make it illegal for you to possess or purchase a firearm or ammunition, you should consult with a lawyer.

This Protection Order may be subject to the exceptions pursuant to 18 U.S.C. 925(a)(1) **only** with respect to the official use of government-issued firearms or ammunition for the use of any department or agency of the United States, Ohio, or its political subdivision. This exception does not apply if the Defendant/ Respondent has been convicted of an offense of violence, for example, domestic violence, menacing by stalking, etc. against a family or household member.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

The attached Protection Order is enforceable in all jurisdictions. Violation of this Protection Order, whether it is a criminal or civil Protection Order, is a crime under R.C.2919.27. Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.26, 2919.27, and 3113.31. If you have reasonable grounds to believe that Respondent/Defendant has violated this Protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain Respondent/ Defendant until a warrant may be obtained. Federal and state law prohibits charging a fee for service of this Order.

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

☐ Respondent ordered to **VACATE** residence. (See box #2 under provisions)

Order of Protection

Per R.C. 3113.31(F)(3), this order is indexed at

LAW ENFORCEMENT AGENCY WHERE INDEXED

PHONE NUMBER

Case No DV 1400384

Judge Susan Laker Tolbert
Magistrate William L. Murphy

County HAMILTON State OHIO

DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO)
EX PARTE (R.C. 3113.31)

PETITIONER:

Pauletta Higgins
First Middle Last

v.

RESPONDENT:

Tamika Moore
First Middle Last

Relationship to Petitioner: Sister

Address where Respondent can be found:

2014 PINE FOREST DR

MIAMISBURG OH 45342-0000

PERSON(S) PROTECTED BY THIS ORDER

Petitioner: Pauletta Higgins DOB: 01/10/1984

Petitioner's Family or Household Member(s) (May attach additional forms):

_____ DOB: _____
_____ DOB: _____
_____ DOB: _____
_____ DOB: _____

RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
F	B	5' 07"	110
EYES	HAIR	DATE OF BIRTH	
BRO	BLK	01/07/1983	
DRIVERS LIC NO. & EXP. DATE		STATE	

Distinguishing Features _____

☐ **WARNING TO LAW ENFORCEMENT: RESPONDENT HAS FIREARMS ACCESS – PROCEED WITH CAUTION**

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this form is not required for enforcement.)

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.** The parties' are sisters and last lived together during the summer of 2013. The Petitioner testified that since August 2013, the Respondent has attacked her several times with the most recent incidents occurring on April 10, 2014 and April 30, 2014. The Petitioner was also attacked by several girls on April 13, 2014 and the Petitioner believes the Respondent put those girls up to attacking her. The Petitioner is fearful of the Respondent.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse against the Petitioner and other protected persons named in this Order. Additional terms of this Order are set forth below.

The terms of this order shall be effective until 05/01/2015. (DATE CERTAIN)

WARNINGS TO RESPONDENT: See the warnings page attached to the front of this Order.

This proceeding came on for an *ex parte* hearing on 05/01/2014 (Respondent not being present), upon the filing of a Petition by Petitioner for a domestic violence civil protection order (CPO) against the Respondent, pursuant to Ohio Revised Code 3113.31. In accordance with R.C. 3113.31(D)(1), the court held an *ex parte* hearing on the same day that the petition was filed.

The Court finds that the protected persons herein are in immediate and present danger for domestic violence, and for good cause shown, the following temporary orders are necessary to protect the persons named in this Order from domestic violence.

RESPONDENT SHALL NOT ABUSE, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT

☐ 1. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence:

☐ 2. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: Is granted to . Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, or interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]

☐ 3. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity after service of this Order to the law enforcement agency that serves Respondent with this Order or as follows _____.

☒ 4. **RESPONDENT SHALL NOT ENTER** or interfere with the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations. Respondent may not violate this order **even with the permission of a protected person.** [NCIC 04]

☒ 5. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this Order, and not be present within 500 feet or _____ (distance) of any protected persons wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission.** If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

☒ 6. **RESPONDENT SHALL NOT INITIATE OR HAVE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax, e-mail, voice mail, delivery service, social networking media; blogging; writings; electronic communications, or communications by any other means directly or through another person. Respondent may not violate this order **even with the permission of a protected person.** [NCIC 05]

☐ 7. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** _____, to the law enforcement agency that served Respondent with the Order or as follows _____ and Petitioner is granted exclusive use of this motor vehicle

☒ 8. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Protected persons personal property shall be apportioned as follows: _____.

☒ 9. **RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this order.

☐ 10. **RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON** at any time while the Order remains in effect unless Respondent is excepted for official use pursuant to 18 U.S.C. 925(a)(1).(NCIC 07).

☒ **Respondent shall turn over all deadly weapons and concealed carry weapons license** in Respondent's possession to the law enforcement agency that serves Respondent with this Order or as follows: _____.

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

☐ 11. **PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS: [NCIC 09]**

This order applies to the following child(ren): _____.

☐ 12. **VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

☒ ☐ (A) Respondent's visitation rights are suspended; or

☐ (B) As a limited exception to paragraph 5 and 6, temporary visitation rights are established as follows: [NCIC 06]
_____

This order applies to the following child(ren): _____.

☐ 13. **LAW ENFORCEMENT AGENCIES,** including but not limited to _____, are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

☐ 14. **RESPONDENT SHALL SUPPORT** the protected persons named in this Order as follows: _____

☐ 15. **RESPONDENT MAY PICK UP CLOTHING** and personal effects from the above residence only in the company of a uniformed law enforcement officer within seven days of the filing of this Order. Arrangements may be made by contacting: _____.

☐ 16. **RESPONDENT SHALL NOT USE OR POSSESS** alcohol or illegal drugs.

☒ 17. **IT IS FURTHER ORDERED:** [NCIC 08] **RESPONDENT SHALL NOT BE IN VIOLATION OF THIS ORDER MERELY BECAUSE SHE/HE IS WITHIN 500 FEET OF THE PROTECTED PERSON(S) WHILE ATTENDING COURT ORDERED OR AGREED UPON COUNSELING AND/OR MEDIATION SESSIONS OR SCHEDULED COURT PROCEEDINGS FOR WHICH RESPONDENT IS EITHER A PARTY OR A SUBPOENAED WITNESS.**

18. **ALL DISCOVERY SHALL STRICTLY COMPLY** with Civ R 65 1(D)

19. **IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by Civ R 65 1(D).. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. No cost or fees shall be assessed against the Petitioner for filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving this protection order.

20. **ALL OF THE TERMS OF THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL** 05/01/2015 unless earlier modified or dismissed by order of this Court. Except for paragraphs 11, 12, 13, and 14 above, this order survives a divorce, dissolution of marriage, or legal separation.

IT IS SO ORDERED.

Wm. L. Murphy 5/1/14
Magistrate William L. Murphy

NOTICE TO RESPONDENT:
THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER.
YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

A FULL HEARING on this Order, and on all other issues raised by the Petition, shall be held

before Magistrate **Magistrate Stuart Newberry**

on the **9th** day of **May, 2014**

at **1:30 PM** at the following location:

ROOM **2-114**
800 Broadway St. Cincinnati, Ohio 45202.

TO THE CLERK
COPIES OF THIS ORDER SHALL BE DELIVERED TO

☐ Petitioner
☐ Respondent (by personal service)
☐ Police Dept. Where Petitioner Resides: _____

☐ The **Hamilton County Sheriff**
☐ Police Dept. Where Petitioner Works: _____

☐ CSEA: _____
☐ OTHER: _____

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

For Court Use Only	
Prior Filing Yes	NC No
E #	264754
Case # DR	
Judge	Mag
Case # DV	1400231
Judge	JOS Mag M21
XPAR	FULL
CAGR	DISM 4/1/14
Oder Effective Until	

Paulitta Higgins 388122
Petitioner
1440 W. Kemper Rd #101
Address
Cinti OH 45240
City, State, Zip Code
Date Of Birth: 1-10-84

v.

Tumika Moore 388123
Respondent
2014 Pine Forest Rd
Address
~~Cinti~~ Miamisburg OH
City, State, Zip Code 45342
Date Of Birth: 1-7-84

Case No. DV1400384

Judge Tolbert

PETITION FOR DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (R.C. 3113.31)

Notice to Petitioner: Throughout this form, check every ☐ that applies.

Do NOT write your address at left or below if you are requesting confidentiality. Please provide an address where you can receive notices from the court. This form is public record.

FILED
2014 MAY -1 A 10:09
TRACY WINKLER
CLERK OF COURTS
HAMILTON COUNTY, OH

☐ 1. Petitioner is a family or household member of Respondent, and a victim of domestic violence and seeks relief on Petitioner's own behalf. The relationship of Petitioner to Respondent is that of:

- ☐ Spouse of Respondent
- ☐ Former spouse of Respondent
- ☐ The natural parent of Respondent's child
- ☒ Other relative (by blood or marriage) of Respondent/ Petitioner who has lived with Respondent at any time sister
- ☐ Child of Respondent
- ☐ Parent of Respondent
- ☐ Foster Parent
- ☐ Person "living as a spouse of Respondent" defined as:
  - now cohabiting;
  - or cohabited within five years prior to the alleged act of domestic violence

☐ 2. Petitioner seeks relief on behalf of the following family or household members:

NAME	DATE OF BIRTH	HOW RELATED TO PETITIONER	HOW RELATED TO RESPONDENT	RESIDES WITH
Zyvaunte Higgins	11-14-06	Son	Aunt	

3. Respondent has engaged in the following act(s) of domestic violence **(MUST describe the acts as fully as possible.** Attach additional pages if necessary):
came to my home mutiple time harrase me and Phscial attack me I was DX w/ a head Injury Sprain Shelder

4. Petitioner requests that the Court grant relief under Ohio Revised Code 3113.31 to protect the petitioner and/or the family or household members named in this Petition from domestic violence by granting a civil protection order that:

☑ (a) Directs Respondent not to abuse Petitioner and the family or household members named in this Petition by harming, attempting to harm, threatening, following, stalking, harassing, forcing sexual relations upon them, or by committing sexually oriented offenses against them.

☐ (b) Requires Respondent to leave and not return to or interfere with the following residence and grants Petitioner exclusive possession of the residence: _____

☑ (c) Divides household and family personal property and directs Respondent not to remove, damage, hide, or dispose of any property or funds that Petitioner owns or possesses.

☐ (d) Temporarily allocates parental rights and responsibilities for the care of the following minor children and suspends Respondent's visitation rights until a full hearing is held (include names and birth dates of the minor children): Zyvaunte Higgins 11-14-04

☐ (e) Establishes temporary visitation rights with the following minor children and requires visitation to be supervised or occur under such conditions that the Court determines will insure the safety of Petitioner and the minor children (include names and birth dates of the minor children):

☑ (f) Requires Respondent to provide financial support for Petitioner and the other family or household members named in this Petition.

☑ (g) Requires Respondent to complete batterer counseling, substance abuse counseling, or other counseling as determined necessary by the Court.

☑ (h) Requires Respondent to refrain from entering, approaching, or contacting (by any means) the residence, school, business, and place of employment of or approaching or contacting (by any means) Petitioner and the family or household members named in this Petition.

☑ (i) Requires Respondent to permit Petitioner or other family or household member to have exclusive use of the following motor vehicle: _____

☐ (j) Includes the following additional provisions: _____

☐ 5. Petitioner further requests that the Court issue an *ex parte* (emergency) protection order under Ohio Revised Code 3113.31(D) and (E) and this Petition.

6. Petitioner further requests that the Court issue no mutual protection orders or other orders against Petitioner unless all of the conditions of Ohio Revised Code 3113.31 (E) (4) are met.

7. Petitioner further requests that if Petitioner has a victim advocate, the Court permit the victim advocate to accompany Petitioner at all stages of these proceedings as required by Ohio Revised Code 3113.31(M).

8. Petitioner further requests that the Court grant such other relief as the Court considers equitable and fair.

9. Petitioner lists here all present court cases and pertinent past court cases (including civil, criminal, divorce, juvenile, custody, visitation, and bankruptcy cases) that relate to the Respondent, you, your children, your family, or your household members:

CASE NAME	CASE NUMBER	COURT/COUNTY	TYPE OF CASE	RESULT OF CASE

I hereby swear or affirm that the answers above are true, complete and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

DO NOT SIGN THIS FORM UNLESS YOU ARE IN FRONT OF THE PERSON WHO WILL NOTARIZE THE PETITION FOR YOU.

Paulette Meyers
SIGNATURE OF PETITIONER

Sworn to and subscribed before me on this _____ day of _____, _____.

NOTARY PUBLIC

Do NOT write your address below if you are requesting confidentiality. Please provide an address where you can receive notices from the Court.
This form is public record.
Petitioner's Safe Address

Signature of Attorney for Petitioner (if applicable)

Name of Attorney (if applicable)

Attorney's Address

City, State, Zip Code

Attorney's Registration Number

Attorney's Phone Number

Attorney's Fax

Attorney's Email

NOTARY PUBLIC
Sworn to and subscribed before me on this 14th day of May, 2014.
Tracy Winkler

Clerk of the Common Pleas of Hamilton

By _____
Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. Case No: 6:14-cv-832-Orl-36TBS

HAMILTON COUNTY CHILD PROTECTION SERVICE,

Defendant.

REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff Affidavit of Indigency (Doc. 3), which the Court construes as a motion to proceed *in forma pauperis*. For the reasons that follow, I respectfully recommend that the district court delay ruling on the motion and grant plaintiff fourteen (14) days to amend her complaint.

Discussion

Federal courts may allow an individual to proceed *in forma paperis* if that person declares in an affidavit that she "is unable to pay [filing] fees or give security therefor." 28 U.S.C. § 1915(a)(1). However, prior to determining whether Plaintiff qualifies to proceed *in forma pauperis*, the Court has authority, pursuant to 28 U.S.C. §1915(e)(2), to review her complaint to determine whether it should be dismissed. Section 1915(e) provides that a district court may dismiss a case filed *in forma pauperis* if the court is satisfied that the action is frivolous, fails to state a claim upon which relief may be granted, or seeks monetary relief against an immune defendant. Id. § 1915(e)(2).

Federal district courts are courts of limited jurisdiction. As a general matter, an action must be dismissed if the Court lacks subject matter jurisdiction. See Steel Co. v.

Citizens for a Better Env't., 523 U.S. 83, 94 (1998). Parties seeking to invoke the Court's jurisdiction must show that the underlying claim is based upon either diversity jurisdiction[1] or the existence of a federal question (i.e "a civil action arising under the Constitution, laws, or treaties of the United States"). See 28 U.S.C. §§ 1331-1332. A federal district court "has the obligation to review sua sponte whether it has subject matter jurisdiction" and if jurisdiction is found to be lacking, the court cannot proceed, and its sole remaining duty is to state that it lacks jurisdiction and dismiss the case. Fla. Wildlife Fed'n., Inc. v. S. Fla. Water Mgmt. Dist., 647 F.3d 1296, 1302 (11th Cir. 2011).

Plaintiff is suing Defendant - a state agency in Ohio, for a restraining order and emotional abuse. (Doc. 1). She is seeking to regain custody of her child and to have her pending child welfare case transferred to the Department of Children and Families in Orlando Florida. (Id.). Plaintiff has not alleged that her claim is based on any federal law, treaty, or constitutional amendment of the United States, nor has she alleged that her cause of action involves a dispute over a financial sum that is more than $75,000, exclusive of interest and costs. Based upon this information, I conclude that Plaintiff has failed to establish this Court's subject matter jurisdiction over her claims and respectfully recommend that her complaint be dismissed with leave to amend.

Plaintiff has also failed to sufficiently plead a cause of action. "A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief." FED. R. CIV. P. 8(a)(2). Detailed factual allegations are not required, but a "pleading that offers 'labels and conclusions' or 'a formulaic

[1]Federal diversity subject matter jurisdiction exists where the matter in controversy (1) exceeds the sum or value of $75,000 exclusive of interest and costs and (2) is between citizens of different states. See 28 U.S.C. § 1332(a).

recitation of the elements of a cause of action will not do.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 554, 555 (2007)). "[A] complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft, 556 U.S. at 678 (quoting Twombly, 550 U.S. at 570). Although district courts must apply a "less stringent standard" to the pleadings submitted by a pro se plaintiff, even a pro se litigant must allege the essential elements of her claim for relief. See Eidson v. Arenas, 910 F. Supp. 609, 612 (M.D. Fla. 1995) (citations omitted); Tigner v. Internal Revenue Service, No.1:99-CV-789-TWT, 2000 WL 641614, at *1 (N.D. Ga. Mar. 24, 2000). Plaintiff's complaint recites various facts about her child custody case in Ohio and requests various forms of relief including, restoration of her child custody rights and transference of a case currently being heard in Hamilton County in Ohio to Orlando Florida. (Doc. 1). But, the complaint fails to satisfy the minimum pleading requirements of Rule 8(a), and fails to allege the essential elements of any cause of action. Plaintiff alleges that there is "much more to be explained reguarding civil rights violation of the consintutional law and much more!" [sic] but whatever facts she is referring to are not included in her complaint. (Doc. 1 at 3). She also alleges that "the emotional abuse is pending investigation with Springdale Police in criminal charge will be fild." [sic] (Id.). How, or why this matter is the proper subject of a civil complaint in this Court is not explained. Consequently, I find that Plaintiff has failed to sufficiently plead a cause of action and respectfully recommend that her complaint be dismissed with leave to amend.

Recommendation

Upon consideration of the foregoing, I respectfully recommend that:

1. Plaintiff's complaint be **dismissed without prejudice** and that Plaintiff be granted twenty-one (21) days to file an amended complaint that corrects the deficiencies outlined in this report and recommendation.

2. Plaintiff's Motion to Proceed *In Forma Pauperis* be **carried** until Plaintiff has had an opportunity to amend her complaint.

Specific written objections to this report and recommendation may be filed in accordance with 28 U.S.C. § 636, and M.D. Fla. R. 6.02, within fourteen (14) days after service of this report and recommendation. Failure to file timely objections shall bar the party from a de novo determination by a district judge and from attacking factual findings on appeal.

RESPECTFULLY RECOMMENDED at Orlando, Florida on June 3, 2014.

THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Presiding United States District Judge
Pro se Plaintiff

2014 JUN 11 PM 3:22

Amendment Complaint

United States District Court

401 W. Central Blvd

Orlando Florida 32801

407-835-4200

Case no: 6:14-CV-832-Orl-36TBS

COMPLAINT WITH JURY

DEMAND

Pauletta Higgins

P.O box 3063

Orlando Florida 32801

And

Pauletta Higgins as next friend

and mother of ZH

P.O box 3063

Orlando Fl 32801

Plaintiffs

Vs.

Hamilton County department Cps Ohio

Brittanie Dudley

222 E.Central Parkway

Cincinnati Oh 45202

And

Kim Sex sexton

222 E.Central Parkway

Cincinnati Oh 45202

And

Alexandria patsfall

222 Central Parkway

Cincinnati Oh 45202

And

Julie Harrison

222 E.Central Parkway

Cincinnati Oh 45202

Ernest Lee

800 Broadway

Cincinnati Ohio 45202

And

Marjorie Davis,

800 Broadway

Cincinnati Ohio 45202

Ericka Dority,

800 Broadway

Cincinnati Ohio 45202

And

Kacy Eves

800 Broadway

Cincinnati Ohio 45202

And

Brenda Anthony,

800 Broadway

Cincinnati Ohio 45202

And

Krista Long,

3333 Burnet ave

Cincinnati Oh 45229

And

Tiffany Freed

3333 Burnet ave

Cincinnati Oh 45229

Gloria Campbell

222 E.Central Parkway

Cincinnati Oh 45202

And

Allison Mcworther

800 Broadway

Cincinn800 Broadway

Cincinnati Ohio 45202

And

Kim Hafford

800 Broadway

Cincinnati Ohio 45202

and

Julie Harrison

800 Broadway

Cincinnati Ohio 45202

and

Tamika Moore

2014 Pine Forest dr.

Miamisburgs Oh 45432

Introduction

Comes now plaintiffs Pauletta Higgins, Pauletta Higgins as Next Friend and mother of ZH, by and through pro se Counsel, for my complaint and Jury Demand against all defendants states as follows:

Jurisdiction

1.) This action is brought to redress grievance protected by the United States Constitution through U.S.C 42 & 1983. This Court has Jurisdiction over these Matters under 28 U.S.C &, 1331, and 28 U.S.C & 1342. This court has

supplemental jurisdiction of state law claim under 28 U.S.C & 1367 and the doctrine of pendent jurisdiction.

2.) The amount of damages in controversy exceeds the jurist icon limits of the court.

3.) This court is the proper Venue for this matter under 28 U.S.C & 1391 because a substantial of the events giving rise to this action took place with the judicial Districts.

4.) At all times relevant, Plaintiff Pauletta Higgins was a resident of and domiciled in the state of Florida.

5.) At all times relevant defendant, Brittanie Dudley was a resident of and domiciled in the state of Kentucky

6.) At all times relevant defendant, Alexandria Patsfall was a resident of and domiciled in the state of Ohio

7.) At all times relevant defendant, Kim Sexton was a resident of and domiciled in the state of Ohio

8.) At all times defendant, Denise Orchard was a resident of and domiciled in the state of Ohio

9.) At all times defendant, Gloria Campbell was a resident of and domiciled in the state of Ohio

10.) At all times defendant, Julie Harrison was a resident of and domiciled in the state of Ohio

11.) At all times relevant, defendant Kacy Eaves was an attorney license to practice in and the resident of the state of Ohio

12.) At all times relevant, defendant Ericka Dority was an attorney license to practice in and the resident of the state of Ohio

13.) At all times relevant, defendant Kacy Eaves was an attorney license to practice in and the resident of the state of Ohio

14.) At all times relevant, defendant Allison Mcworther was an attorney license to practice in and the resident of the state of Ohio

15.) At all times relevant, defendant Marjorie Davis was an attorney license to practice in and the resident of the state of Ohio

16.) At all times relevant, defendant Kim Hafford was an attorney license to practice in and the resident of the state of Ohio

17.) At all times relevant defendant, Tamika Moore was a resident of and domiciled in the state of Ohio

18.) At all times relevant defendant, Krista Long was a resident of and domiciled in the state of Ohio

19.) At all times relevant defendant, Tiffany Freed was a resident of and domiciled in the state of Ohio

20.) The pros cuter in this matter, is Ernest Lee, conspired with the other defendants as asserted under the conspiracy claims but has immunity for his action in this claim

21.) The Magistrate in this matter in this matter, is Brenda Anthony, conspired with the other defendants as asserted under the conspiracy claims but has immunity for her action in this claim

22.) At all times relevant defendant, Lori Link was employed with the forest police station located in state of Ohio.

Factual Allegation

23.)On November 5 2013 Marjorie davis went up to my child Elementary school and threaten/provoke him to prevent him from coming home Marjorie Davis act in a Conspiracy act by doing this the day before my child was due to come home. My child was force into this evil crime in front of teachers principles, staff and children who refused or couldn't do anything about it. my child had a extreme outburst due this malicious activity which lead to law enforcement being call and my child was take to Cincinnati Children hospital my child has mental and physical capabilities of December 25th 2013 around 6 pm I P.H witness my child Z.H get slammed on the floor by his foster mom Patricia Thomas 18 y.o Granddaughter, which lead him with a Medical dx of a fracture tooth. My child Z.H tooth will never be able to be replaced again thru the cost of anything due to this horrifyingincident/crime that this agency allows to happen and continue to happen as of today. While my child Z.H is in state custody he is declaredabsolutely without a doubtto be protected and safe bythe United States rules and regulation of the state/federal laws. I notified Gloria Campbell, Julie Harrison Marjorie Davis and Brenda Anthony on many occasions to get permission for my child to receive medical treatment noting they held interim custody at the time. Marjorie Davis Julie Harrison Or Gloria Campbell never return my call so I go to juvenile court to get permission to get my child medical treatment Magistrate Brenda Anthony refused to give me permission to get my child treatment and stated Nobecause I did not have custody at the time (which you and I both can assume that it was more to that) so Brenda Anthony also did not allow me to get my child medical treatment, my child was highly neglected by these personnel's to cover up there evil doings which was highly illegal and the replacement of my child tooth is destroy for the rest of his life. Brenda

Anthony, Gloria Campbell Julie Harrison and Marjorie Davis began to tamper and withhold evidence to cover up my child incident to get the allegation thrown out. They threw out my child incident by illegal action not caring that my child has loss his tooth and will be and pain threw out his entire life. This has cause a lot of emotional stress on my end as a parent and all I get and return is hate crimes committed back toward me with the listed defendant using my son as the target. This is highlyillegal and a violation of my 1st amendment right and I seek justice. After one week without getting permission and the behavior responses due to the pain from my childaction Iacted on my own behalf and got my child Z.H to the nearest hospital which was Mercy Fairfield hospital located at 3000 Mack Rd Fairfield Oh 45014 to receive medical treatment due to the extreme of his injury's and behavior responses!!!Later that week the agency with listed defendant's Julie Harrison and Marjorie Davis became very frustrated with me and my child Z.H. MarjorieDavis and Julie Harrison came to my home January 10th 2014 around 6pm and stay to 10 pm and tortured, threaten and harassed me and my 7y.o child for hours by trying/forcing me to twisted my son's tooth situation around and stated that if I notified anyone regarding today that they will make it so I never see my son again. I contact Denise Orcahard,Kim Hafford and Allison Mcworther to report their action and all I get and return is (I don't care look what you are doing to our agency lighten up on us and we will give you a break) My child and I was not allow to leave my home and was told to get off my telephone as I attempted to call 911or head to the nearest police station to get help which was located at 1201 W.Kemper Rd Cincinnati Ohio 45240 My son and I got tortured threaten and harassedfor hourswith no help to be found. January 11th2014 my son and I became vey claustrophobic and felt safe enough to leave the house My son and I walked to the nearest police station to report their crimes and I get a evil look and the eye from the police officers when I stated who was

responsible for this which Hamilton county department of cps the police officers went to the back and made phones calls for like a hour or two while my son and I just set in the lobby. The police office refused to give me and mychild help or anything to that natural at the time which was a violation of my civil right and I demand justice because my son and I am U.S citizen and we have the right to be protected from any harm by the U.S federally and locally laws.Shortly after that we were told to leave or I will be charge and going to jail for trespassing, not caring if my child or I needed medical treatment or anything to that natural. My son Z.H and I became very claustrophobicand began to have nightmares which are still in effect as of today.

Later Lori Link who worked at the Forest park police department came to court and committed perjury when she was not involved in the situation at all but got the officers to come and speak with my child and I. Marjorie Davis and Julie Harrison contacted each other falsifying information stating I went to the police station filing charges against them So Gloria Campbell and MarjorieDavis stated to each other let take her visits away for persecution and retaliation I filed no charge whatsoever just went to filed a complaint and to get help for my child and I which was stated clearly and convincing under oath (so transcripts are available). If I attempt to seek any relief or justice to any mean necessary, listed defendant retaliate against me to cause me and my son harm and they always used my son as the target. On May 2nd 2014 Denise orchard Gloria Campbell Julie Harrison Brenda Anthony Ernest lee Alexandria patfall kacy eves Brittanie Dudley and Kim sexton played a huge role to get me falsely incarcerated to gaincustody of my child with falsely criminal charges still pending as of today. Brittanie Dudley,Kacy eves, Alex patsfall,Ernest lee and Brenda Anthony told Tamika to go take out a Falsely TPO against me and put my son name on it so they can make this look bad in court to gain custody of my child and Iwon't be able to come near my son by the state of law and she will

still have my child against my wishes. Tamika go take out this falsely TPO at the listed defendant request and I get a TPO put on me for 5 year for illegal action. May 21st 2014 Brittanie Dudley comes to court on her behalf to help her get this falsely TPO against me as a form of retaliation! I now have a falsely TPO pending against me for five year due to retaliation and persecution and I seek relief and asked that this be thrown out. I have had multiple nervous breakdown that left me with mental and physical injury from being attacked that can never be replaced (a sprained should and Head Injury) I now have nightmare with at time wetting of the bed with claustobioa intension that will never be able to be replace or cured. I got admitted into the hospital for almost taking my life due to these crimes of these defendants and I seek a restraining for order for the protection of my son and I.It is very unhealthy for me and my son to keep having these mental and physical breakdowns due to crimes that could have been prevented. I have lost my house and my child and I belonging worth over 1 billion dollars including medical bills, housing cost and personal property do to this agency horrify crimes federal and locally. On February7th my child suffer a nervous breakdown from the listed defendant's up above and call 911 reporting he was going to commit suicide do to the emotional and physical abuse he was experiencing from his foster family and listed defendant up above. February 7th2014 My child was admitted into children hospital with suicide ideation with report of abuse and foster family breaking his belonging (attached is the 911 call of my child screaming out of control as a sign for help) Cincinnati children's hospital Tiffany freedand Krista Long temper with evidence and committing a hofiify crime by not reportion my child allegation and bruise on his body to local law enforcement agency. As of June 2014 this matter remain under investigation with dectivicte at the Springdale police department located at 12105 main st Cincinnati oh 45246 and criminal charges will be field Pending finding of the Investigation.

Krista Long began to see my child 2 weeks after his suicidal Ideation incident and still as of this day however Defendant Krista long begin to temper/destruction with evidences and violated my 14th amendment right due to the due process that was going to be use as and committing a conspiracy act by listing on my child medical records that shetreat my son for ADHD and Adjustment disorder which is not true, Krista long has commit a serious federal and local crime and I seek justice due to the indivuial outrageous intension federal and locally to cover up why my child Suicideideationsituationsas aform of benefits to help Hamilton county department Cps destroy my family. My child is receiving therapy from this evil person along/privately every Tuesday Morningnoting that she may be brainwashing my child to help Hamilton county department Cps to destroy my family asof the fact that is what listed in this complaint. I seek a restraining order for the protection of my child and I noting that listed defendant's has a range of intension that I might not be aware of but what listed and this complaint this is a pattern of unprofessional conduct and I request to have it stopped before it get any worse!My child now required therapy for his damages that is currency under treatment with Krista Long as of today that this horrify agency known as Hamilton county department of cps created to be able to cope in society and to live a regular life My child or I will never be the same again due to our Chronic Illness's and I ask for relief My child has had extreme outburst behaviorcontinuously due to these terrible crimes and staying and the custody of these criminal will only get worse than better unless it stop!!! My child and I is living and fear as of todayand I ask this court to pleaseintervened on my behalf due to the listed defendants up above threaten me that if I don't drop this federal claim they was going to ask for permentcey custody of my child and termination ofparental rights and that they can make it happen cause they all work together, and states that we all ready started with the small thing first with the suspension or your visitation so

it can easily be done I ask for custody back of my son, A restraining order for protection, transfer custody rights and son back to home state Orlando Florida to be heard where I reside and hold these criminal responsible for they actions. February 18th2014 to present Hamilton county department cps violated my civil rights by interfering with my visitation rights due to persecution and retaliation by stating to me I need to drop my Federal complaint If I want my son !Additionally June 2013MarjorieDavis Kim hafford Allison mcworther Brenda Anthony and Ernest lee was working very hard against my will to get my child with this abusive relative for over a year.Shorty after my child suicide incident on February 7th 2014 listed defendant up above violate my civil right and constitutional right by placing my child with this abusive relative and threatening me to keep quite or something terrible was going to happen whatever that something was I attend to still act on my own behalf to seek justice for my son. Brenda Anthony temper with evidence and forge documents by not allowing a full hearing to be heard due to my disagreement of the case plan and my son placement with this abusive relative before she sign off on it Brenda Anthony has committed perjury by sign a document that was not true with forging the dates that the case plan was initially original sign off on. Tamika Moore has play a Hugh role inillegal activity by selling drugs and taking my child to the strips on May 14th 21 30th17th 2014 and June 6th2014 to engage him and sexual activity and teaching him on how to become a prostitute and state that why I wanted your child so I can teach him how to be like me cause I can't have NO Children of my own. I notifiedAlex patsfall Ericka Dority and Brittanie Dudley on many occasion about Tamika prostitute history and her taking my child to the strip club to engage him in sexual activity but all I receive is a response from Alex patsfall that what wrong with that don't we all do it (THIS IS OUTRAGOUSE AND AS A PARENT I DEMAND JUSTICE) I have had mental break and was admitted to the hospital where I now have to

receive therapy for my chronic diagnosis for the rest of my life this can never be replaced with and cost or anything I will just have to live this horrifysituation. I notified the FBI (where I was told it will be sent over for review) and Hamiltoncounty department cpswith listed defendant's get me falsely incarcerated for persecution hate crimes and retaliation I get physical attacked many time by the C/o and suffer from injury's of a contusion of my chest and neck pain that I will have to live with for the rest of my life. I have over 1 billion damage with possibility of more that can never be replace I ask this court to please intervened on my behalf for justice on my son and I behalf and not to let this to continuing to be observed. Finally I'm am a United state citizen and under the constitution law My son and I 1st 5th and 14th amendment right has been violated with more that listed in this complaintI have the right to be heard and prevents/protected from any type of abuse toward us from these outrageous crimes of harm they has caused. My son and I have a sufficient amount of imminent injury's that only with a restraining order for my son is the only thing that can keep us safe right about now and as of today. My son and I cannot be replaced and for us to counting to suffer from threats, hate crimes, and injury's from harm is not expectable and I seek justice and ask this court to step in. Finally, my child and I life is in danger due to this miclious activity of listed defendants and I asked for this restraining order childcustody of my child or transfer to dcf and Florida to be heard and hold these people reasonable for the action of getting, me falsely incarcerated due to persecution committing perjury causing damages that non replaceable emotional and physical abuse and violating my civil rights is enough and I refuse to take/accept any more damages towards my son and I. My life and my child life is main concerned. Upon ruling I request for a jury trail with the presentation of witness and evidence with the request of stopping of permencey custody and termination of parental rights pending a full hearing. There has never been no abuse or neglect

me with my child and I and for me to see this to be happening to my child is very heartbreaking. Attached is Exhibit 1.) 911 call 2.)Statement of truth/affidavit

Count #1 Destruction of evidence

1.) The Plaintiffs had 14th amendment right to access to the exculpatory material contained by my son medical records and Hamilton County Department cps that was destroyed/cover-up while in the custody of listed defendants

2.) The defendants conduct was a violation of plaintiffs 14 amendment right to due process of the United States and constitution in violation of 42 U.S.C &1983.

3.) The defendants, acting under the color of state law, deprived the plaintiffs of their clearly establish right to the medical records of my son and documentations from Hamilton county department of cps, when it was destroy/cover-up.

4.) Defendants' conduct was designed to destroy the plaintiff's potential in/or actual case/ and did in fact and proximally cause damages disruption and harm to plaintiffs'.

Count #2 Battery and Assault claims

5.) Defendants intentionally cause an offensive and harmful contact with the Plaintiffs'.

6.) The plaintiffs were put in fear of serious physical harm to themselves by the defendants action in continue to be.

7.) As a direct and proximate result of the aforementioned battery by the defendants the plaintiffs suffered and continue to suffer physical and emotional injuries.

Count #3 Libel and Slander

8.) Defendants has intentionally and maliciously used language to tending to harm the reputation of plaintiffs so as to lower plaintiffs in the estimation of the community or deter third person from associating with plaintiffs

9.) The plaintiffs were specifically identified in the defamatory matter promulgated by the defendants to third parties and numerous new agencies.

10.) The defendant acted intentionally, or with actual malice in publishing the damages to third parties including but not limited to, the readers of each respective new agency, their readers and potential employers.

11.) Because the defendants acted intentionally, maliciously, or with reckless disregards as to the truth of statement. The plaintiffs or entitled to punitive damages.

Count #5 Conspiracy

12.) This is a conspiracy claim bought under 42 U.S.C & 1983 for deprivation of the plaintiffs constitution rights,

13.) The defendants acting under the color of state law conspired to deprived the plaintiffs of their rights to due process under the 14 amendment right of the United States constitution

14.) The defendants furthers this conspiracy by intentionally deleting/destroying evidence or otherwise making the evidence not available for use in the defense

by the plaintiffs child custody by filing frivolous motion claiming conflicts of interest to keep a child from his loving in caring mother and plaintiffs rights to a fair trial.

Count #6 Intentional interference with prospective economic advantages

15.) An Economic relationship exists between the plaintiffs and their respective employer, which sustained the plaintiff's economic needs.

16.) Due to the false accusation in false charges, the plaintiffs was terminated from my job causing economic damages including loss of current and future wages and benefits, housing and special belongings.

17.) The defendant was aware that such an awesome relationship existed between my son and I and intentionally brought a numerous of charges and new charges which are still pending as of today , and made a number of false accusation under oath to lower the plaintiffs esteem in the eyes of the courts and employer.

Count #7 Breaches of Fiduciary duty and legal malpractice

18.) Defendant Kay Eves, Hamilton County department, Krista Long, Brenda Anthony, and Tiffany Freed and Ernest Lee owed a duty to ZH to represent/treat/care for him within stander of the legal profession.

19.) Defendants breached that legal duty by conspiring to commit perjury retaliate, tamper/withhold/cover-up and destruction of evidence with much more that listed in this complaint.

20.) As a result with listed defendants breach, ZH and Plaintiffs has suffer and continue to suffer serious and irreparable harm in the defense of criminal charges and separation from his loving and caring mother.

Count #7 Violations of civil rights and free speech

21.) Defendant Traci King, Kacy eves, and Hamilton County department of Cps acted in a conpirercy act and violated my rights to my child by Contacting a friend of mines stating she was concluding My child SAR Semi Annual Reviw case plan without Contacting me as I had the right to participate under the civil rules of this court.

22.) Defendant Hamilton County department Cps, Brenda Anthony, Ernest Lee and Kacy Eves, violated my rights to free speech and placement of my child

residence by placing my child with abusive relative who I disapproval from the beginning of care which was June 2013.

23.) Defendants allowed Tamika Moore to engage my child and sexual act ivy by Tamika taking my child to strip clubs where she works and physical attack my child as he attempt to escape.

24.) As a result with listed defendant's breach, ZH and plaintiffs has suffered and continue to suffer serious and irreparable harm in the defenses of plaintiff's child custody case.

Prayer for reliefs

Wherefore, Plaintiff request judgment on all counts in addition to cost and interest associated which the disbursement of this action. The plaintiff also request for a jury trial with the presentation of witness and evidence. Actual, and punitive damages and cost pre and post judgment interest and all other relief to which they are entitled

RESPECTFULLY SUMITTED at Orlando Florida on June 2014

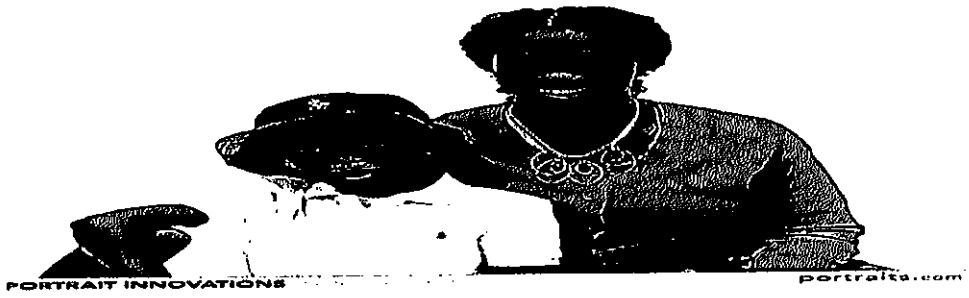
Served certified mail at: Listed adresses

Pro se Plaintiff

Date: 6/11/2014

Signed: Pauletta Higgins

Pauletta N. Higgins



The Statement of Truth

I Pauletta Higgins declare under penalty and perjury that everything in this complaint is true to the best of my knowledge.

Signed: Pauletta N. Higgins

(Notice of Exibits 911 Call will be filed June 12th 2014)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-832-Orl-36TBS**

HAMILTON COUNTY CHILD PROTECTION SERVICE, et al.,

Defendants.

ORDER

This cause comes before the Court on Plaintiff Pauletta Higgins' ("Plaintiff") *pro se* Motion for Temporary Restraining Order, filed on June 12, 2014 ("Motion") (Doc. 7). Plaintiff's handwritten Motion is, in many respects, nonsensical, and it is therefore quite difficult to determine exactly what relief Plaintiff is seeking. However, Plaintiff appears to allege that her minor child is suffering some form of sexual abuse. *Id.* at 3. While the Court takes seriously the allegation of sexual abuse, Plaintiff's Motion must be denied, as it does not comply with the Federal Rules of Civil Procedure or the Local Rules of this Court, and it is not clear what relief Plaintiff is requesting or whether this Court may even provide relief.

"The issuance of a temporary restraining order or preliminary injunctive relief is an extraordinary remedy to be granted only under exceptional circumstances." *Cheng Ke Chen v. Holder*, 783 F. Supp. 2d 1183, 1186 (N.D. Ala. 2011) (citing *Samson v. Murray*, 415 U.S. 61 (1974)). Pursuant to the Federal Rules of Civil Procedure, a temporary restraining order may be granted without notice only if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b). Additionally, the movant's attorney or

the movant, if proceeding without an attorney, must certify in writing any efforts made to give notice and the reasons why notice should not be given. *Id.* Similarly, under the Local Rules, a motion for a temporary restraining order must be supported by "allegations of specific facts shown in the verified complaint or accompanying affidavits, not only that the moving party is threatened with irreparable injury, but that such injury is so imminent that notice and a hearing on the application for the [temporary restraining order] is impractical if not impossible." M.D. Fla. R. 4.05(b)(2).

Here, despite Plaintiff's purported verification of the Amended Complaint, *see* Doc. 6 at 28, it is not clear how Plaintiff would have personal knowledge of many of the allegations therein such that she would be able to verify them as required under the Federal Rules of Civil Procedure and Local Rules, nor does it appear that her statement constitutes a proper verification. *Fowler v. S. Bell Tel. & Tel. Co.*, 343 F.2d 150, 154 (5th Cir. 1965) (noting that verification must be based on personal knowledge alone);[1] *Robbins v. Gould*, 278 F.2d 116, 118 (5th Cir. 1960) (holding that a statement that information is given "to the best of my knowledge and belief" is insufficient for verification). Additionally, as with her previous motion for a temporary restraining order (Doc. 2), Plaintiff fails to identify any efforts she made to give notice of this matter to Defendants, and she does not explain why notice should not be required. Finally, put simply, it is not clear what relief Plaintiff has requested, the parties against whom she requests relief, and, importantly, whether this matter is even properly before this Court. *See Ingram v. Hayes*, 866 F.2d 368, 369 (11th Cir. 1988) (noting that federal courts have traditionally abstained from deciding cases

[1] In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

concerning domestic relations). As Plaintiff has not met the requirements for issuance of a temporary restraining order, her Motion will be denied.

Accordingly, it is hereby **ORDERED**:

1. Plaintiff Pauletta Higgins' Motion for Temporary Restraining Order (Doc. 7) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on June 12, 2014.

Charlene Edwards Honeywell
Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-832-Orl-36TBS**

HAMILTON COUNTY CHILD PROTECTION SERVICE, KIM SEXTON, ALEXANDRIA PATSFALL, JULIE HARRISON, ERNEST LEE, MARJORIE DAVIS, ERICKA DORITY, KACY EVES, BRENDA ANTHONY, KRISTA LONG, TIFFANY FREED, GLORIA CAMPBELL, ALLISON MCWORTHER, KIM HAFFORD, TAMIKA MOORE and BRITTANIE DUDLEY,

Defendants.
_____/

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas B. Smith on June 3, 2014 (Doc. 4). In the Report and Recommendation, Magistrate Judge Smith recommends that the Court dismiss, without prejudice, Plaintiff's complaint and that Plaintiff be given leave to file an amended complaint within twenty-one (21) days. Judge Smith further recommends that Plaintiff's Motion to Proceed In *Forma Pauperis* be carried until Plaintiff has had an opportunity to amend her complaint.

All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted.

The Court agrees with the Magistrate Judge that Plaintiff has failed to establish subject matter jurisdiction and failed to sufficiently plead a cause of action. Accordingly, it is now

ORDERED AND ADJUDGED:

(1) The Report and Recommendation of the Magistrate Judge (Doc. 4) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

(2) Plaintiff's Complaint is **DISMISSED**, without prejudice. The Court notes that Plaintiff has already filed an Amended Complaint. *See* Doc 6. Therefore, there is no reason to give Plaintiff twenty-one (21) days to file an amended complaint. The Court accepts Plaintiff's Amended Complaint, as the complaint filed in response to the Report and Recommendation.

(3) A ruling on Plaintiff Pauletta Higgins' Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3) is **DEFERRED,** pending the Magistrate Judge's review of the Amended Complaint.

DONE AND ORDERED at Orlando, Florida on June 23, 2014.

Charlene Edwards Honeywell

Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Thomas B. Smith
Counsel of Record

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

August 21, 2014

Sheryl L. Loesch
U.S. District Court
401 W CENTRAL BLVD
ORLANDO, FL 32801

Appeal Number: 14-12702-E
Case Style: Pauletta Higgins v. Hamilton County Child Protecti, et al
District Court Docket No: 6:14-cv-00832-CEH-TBS

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Gloria M. Powell, E/ S.O.
Phone #: (404) 335-6184

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

Attachment 23

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 14-12702-E

PAULETTA HIGGINS,
individually and as next friend and mother of ZH,

Plaintiff-Appellant,

versus

HAMILTON COUNTY CHILD PROTECTION SERVICE,
KIM SEXTON,
ALEXANDRIA PATSFALL,
JULIE HARRISON,
ERNEST LEE, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

Before: TJOFLAT, MARCUS and JORDAN, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction. The district court's June 12, 2014, order denying Appellant's motion for a temporary restraining order is not immediately appealable. *See* 28 U.S.C. §§ 1291, 1292(a)(1); *McDougald v. Jenson*, 786 F.2d 1465, 1472 (11th Cir. 1986). No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

United States district court

Orlando Division

George C. Young Courthouse and federal Building

6:14cv984-ORL-37GJK

Pauletta N. Higgins

P.O Box 3063

Orlando Fl 32802

Vs

Hamilton County Department of Job

and family service

222 E Central Parkway

Cincinnati Oh 45202

Vs

Hamilton County Juvenile Court

800 Broadway

Complaint

with jury Demand

Cincinnati Oh 45202

Kacy eaves

800 Broad way

Cincinnati Ohio 45202

Ericka Dority

800 Broadway

Cincinnati Ohio 45202

Jurisdiction

1.) *At all times relevant, plaintiff Pauletta Higgins was a resident of and domiciled in the state of Florida.*

2.) *At all times relevant, defendant Ericka Dority was an attorney license to practice in and the resident of the state of Ohio*

3.) *The agency in this matter in this matter, is Hamilton County Juvenile court, conspired with the other defendants as asserted under the conspiracy claims but has immunity for her action in this claim*

4.) *The agency in this matter in this matter, is Hamilton County Department job and family service , conspired with the other defendants as asserted under the conspiracy claims but has immunity for her action in this claim*

5.) *At all times relevant, defendant Kacy eaves was an attorney license to practice in and the resident of the state of Ohio*

6.) *This action is brought to redress grievance protected by the United States constitutional through 42 U.S.C. & 1983. This Court has jurist icon over these matters under 28 U.S.C. & 1331 and 28 U.S.C &1343. This court has Supplemental of the state laws claims under 28 U.S.C &1367 and the doctrine of pendent jurisdiction.*

7.) *This Court is the proper venue for this matter under 28 U.S.C &1391 because of the substantial Portion of the events giving rise to this action took place with the judicial district.*

8.) *The amount of damages in the Controversy exceeds the Jurisdictional limits of the court.*

Factual allegations

Now comes Plaintiffs Pauletta Higgins and states as follows: My right to my child is being violated within the Hamilton County Department of Job and Family service and Hamilton County Juvenile Court in Cincinnati Ohio. May 2012 to present I have move to Orlando Florida due to domestic violence in Cincinnati Oh. I asked the courts and Hamilton County to relocate my child and transfer my case plan to Orlando Florida so I can complete my case plan. Defendants refused to transfer and relocate my child due to a pending federal lawsuit against them that is pending in the state of Ohio and Florida, as well as grievances at the Supreme Court Disciplinarily Counsel. This has caused and continuing to cause a interference with my visitation rights as well as my custodial rights to my son and I. Zyvaunte spent majority of his life in Orlando Florida as well as schooling, (Killarney Elementary Winter park, Florida) housing, (5245 Cinderlane Parkway Orlando Florida) friends, physical and social activities (karate (Victory martial arts) and Basketball (Winter Part Recreation) l as well as daycare (hands on learning Childcare Orlando Florida). Hamilton county hold temporary Custody of my child due to illegal act ivy including perjury and a bunch of here say. I notified the FBI as well as the U.S Attorney Office where the matter stills stands without Justice. I have rights My son has Rights and I asked this court to please intervene on my son and I behalf and please relocate my child(Relocation Act) and transferred my case to Orlando Florida so I can Complete my case plan thanks for your time and consideration. I seek relief & request the case and Cincinnati Ohio stays (including permentcey custody as well as termination of parental Rights) pending a full hearing. This has cause a lot of emotional stress between my child and I causing irrepable harm and I request this court to please intervene to put an end to it all.

Count #1 Civil rights violation

(All defendants)

Count #2 Slander

(All defendants)

Count # 3 breached of duty legal malpractice practice

(All defendants)

Count #5 conspiracy

(All defendants)

Restraining Order

I requesting a restraining order on my son and I behalf due to the conspiracy act and breach of legal malpractice that going on between Hamilton County Juvenile Court, Hamilton County Department of Job and family service and Kacy Eves. For a year now listed defendants has been retaliating against me and using my son as the Target causing me to continue and continue to lose my custody rights of my child. This is not the first time of listed defendant's crimes and attached is a federal Lawsuit against kacy eaves involving another minor child and parent. (It's a pattern of conduct and I seek Justice) Listed defendants knew about this since the beginning of my case and continue to let it be observe I request a restraining base on the conspiracy act of listed defendants and irrebable harm of emotional abuse that these defendants has cause and continue to cause. Thanks for your time and consideration.

Respectfully submitted

Signed: Paulette N. Higgins

Pauletta N. Higgins

P.O box 3063

Orlando Florida, 32802

(863)-224-7619

I certify that a copy of this complaint was served to defendant regular mail on this 24th day of June 2014

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. Case No: 6:14-cv-984-Orl-41TBS

HAMILTON COUNTY DEPARTMENT OF JOB AND FAMILY SERVICE, HAMILTON COUNTY JUVENILE COURT, KACY EAVES and ERICKA DORITY,

Defendants.

REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's Motion to Proceed *In Forma Pauperis*. (Doc 2). Upon due consideration I respectfully recommend that the Court **deny** the motion and **grant** Plaintiff leave to amend.

Background

Plaintiff is suing Defendant - a state agency in Ohio, in federal court in Orlando, Florida, for a restraining order and emotional abuse. (Doc. 1). Plaintiff seeks to regain custody of her child and to have her pending child welfare case transferred to the Department of Children and Families in Orlando Florida. (Id.). She now asks this Court for permission to proceed without the prepayment of fees. (Doc. 2).

Discussion

Federal courts may allow an individual to proceed in forma paperis if that person declares in an affidavit that she "is unable to pay [filing] fees or give security therefor." 28 U.S.C. § 1915(a)(1). However, prior to determining whether Plaintiff qualifies to proceed in forma pauperis, the Court has authority, pursuant to 28 U.S.C. §1915(e)(2), to review her complaint to determine whether it should be dismissed. Section 1915(e) provides that a district court may dismiss a case filed in forma pauperis if the court is satisfied that the action

is frivolous, fails to state a claim upon which relief may be granted, or seeks monetary relief against an immune defendant. Id. § 1915(e)(2).

Federal district courts are courts of limited jurisdiction. As a general matter, an action must be dismissed if the Court lacks subject matter jurisdiction. See Steel Co. v. Citizens for a Better Env't., 523 U.S. 83, 94 (1998). Parties seeking to invoke the Court's jurisdiction must show that the underlying claim is based upon either diversity jurisdiction1 or the existence of a federal question (i.e "a civil action arising under the Constitution, laws, or treaties of the United States"). See 28 U.S.C. §§ 1331-1332. A federal district court "has the obligation to review sua sponte whether it has subject matter jurisdiction" and if jurisdiction is found to be lacking, the court cannot proceed, and its sole remaining duty is to state that it lacks jurisdiction and dismiss the case. Fla. Wildlife Fed'n., Inc. v. S. Fla. Water Mgmt. Dist., 647 F.3d 1296, 1302 (11th Cir. 2011).

Plaintiff alleges that the Court has subject matter jurisdiction due to diversity and the existence of a federal question. In an attempt to establish diversity jurisdiction, she summarily alleges that "[t]he amount of damages in [c]ontroversy exceeds the [j]urisdictional limits of the court." (Doc. 1 at 3). A conclusory allegation is insufficient to establish diversity jurisdiction. See Moreno v. Breitburn Florida, LLC, No. 2:09-cv-566-FtM-29DNF, 2011 WL 2293124, at *1 (M.D. Fla. June 9, 2011); cf. Metro. Life Ins. Co. v. Arrington, No. 5:08-cv-168-HL, 2008 WL 2223280, at *1 (M.D. Ga. May 22, 2008). Consequently, Plaintiff has failed to adequately plead diversity jurisdiction.

Plaintiff also avers that this case involves a federal question. Specifically, she alleges that "[t]his action is brought to redress grievance[s] protected by the United States constitutional [sic] through U.S.C. 42 & 1983 [sic]." (Doc. 1 at 3). I construe this as an attempt to allege a claim based on Section 1983. Section 1983 establishes a federal cause of action for damages against those who, acting under color of state law, deprive or cause the deprivation of the federal rights of any citizen or other person under their jurisdiction. 42

U.S.C. § 1983. The purpose of this statute "is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails." Wyatt v. Cole, 504 U.S. 158, 161 (1992) (citing Carey v. Piphus, 435 U.S. 247, 254-57 (1978)). Section 1983 is a vehicle for vindicating federal rights elsewhere conferred, it does not create new substantive rights. Baker v. McCollan, 443 U.S. 137, 144 n. 3 (1979). The Court must therefore consider the specific federal rights Plaintiff claims she was deprived of by Defendants. In the Complaint, Plaintiff alleges: civil rights violation (Count 1), slander (Count 2), "breached of duty legal malpractice practice" (Count 3), and conspiracy (Count 5)[1]. None of these counts purport to be based on a federal right. Thus, none of Plaintiff's allegations aver a basis for Section 1983 liability.

Plaintiff has also failed to sufficiently plead a cause of action for any of these counts. "A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief." FED. R. CIV. P. 8(a)(2). Detailed factual allegations are not required, but a "pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 554, 555 (2007)). "[A] complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft, 556 U.S. at 678 (quoting Twombly, 550 U.S. at 570). Although district courts must apply a "less stringent standard" to the pleadings submitted by a pro se plaintiff, even a pro se litigant must allege the essential elements of her claim for relief. See Eidson v. Arenas, 910 F. Supp. 609, 612 (M.D. Fla. 1995) (citations omitted); Tigner v. Internal Revenue Service, No.1:99-CV-789-TWT, 2000 WL 641614, at *1 (N.D. Ga. Mar. 24, 2000). Plaintiff's complaint recites various facts about her child custody case in Ohio and requests various forms of relief including, restoration of her child custody rights and

[1] Apparently, in numbering the counts of the Complaint, Plaintiff has skipped the number four.

transference of a case currently being heard in Hamilton County in Ohio to Orlando Florida. (Doc. 1). But, the complaint fails to satisfy the minimum pleading requirements of Rule 8(a), and fails to allege the essential elements of any cause of action. Consequently, I find that Plaintiff has failed to sufficiently plead a cause of action and respectfully recommend that her complaint be dismissed

Recommendation

Upon consideration of the foregoing, I **respectfully recommend** that the Court **deny** Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 2) and give her **fourteen (14) days** to file an Amended Complaint and *in forma pauperis* motion.

Specific written objections to this report and recommendation may be filed in accordance with 28 U.S.C. § 636, and M.D. Fla. R. 6.02, within fourteen (14) days after service of this report and recommendation. Failure to file timely objections shall bar the party from a de novo determination by a district judge and from attacking factual findings on appeal.

RESPECTFULLY RECOMMENDED at Orlando, Florida on July 11, 2014.

THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Presiding United States District Judge
Pro se Plaintiff

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-984-Orl-41TBS**

HAMILTON COUNTY DEPARTMENT OF JOB AND FAMILY SERVICE, HAMILTON COUNTY JUVENILE COURT, KACY EAVES and ERICKA DORITY,

Defendants.

ORDER

This cause is before the Court on the Motion to Proceed *In Forma Pauperis* (Doc. No. 2), filed on June 24, 2014. The United States Magistrate Judge has submitted a report recommending that the Motion be DENIED without prejudice.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed July 11, 2014 (Doc. No. 10), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Motion to Proceed *In Forma Pauperis* (Doc. No. 2) is hereby **DENIED without prejudice** and the Complaint (Doc. No. 1) is dismissed without prejudice.

3. Plaintiff may file an amended complaint on or before **Monday, August 18, 2014**. Plaintiff may also file a Motion to Proceed *In Forma Pauperis* at that time.

DONE and **ORDERED** in Orlando, Florida on July 29, 2014.

CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-984-Orl-41CEM**

HAMILTON COUNTY DEPARTMENT OF JOB AND FAMILY SERVICE, HAMILTON COUNTY JUVENILE COURT, KACY EAVES and ERICKA DORITY,

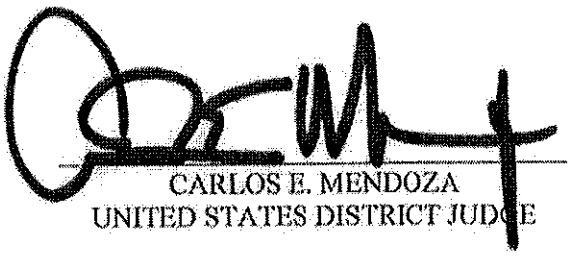
Defendants.
_____/

ORDER

THIS CAUSE came before the Court on Plaintiff's Motion to Allow Relocation of My Child filed, on July 8, 2014 (Doc. 7) and Plaintiff's Emergency Motion, filed on July 9, 2014 (Doc. 9).

ORDERED and **ADJUDGED**, that Plaintiff's Motion to Allow Relocation of My Child (Doc. 7) and Plaintiff's Emergency Motion (Doc. 9) are both **DENIED**.

DONE and **ORDERED** in Orlando, Florida on July 14, 2014.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Parties

Attachment 26

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-984-Orl-41TBS**

HAMILTON COUNTY DEPARTMENT OF JOB AND FAMILY SERVICE, HAMILTON COUNTY JUVENILE COURT, KACY EAVES and ERICKA DORITY,

Defendants.
_____/

ORDER

THIS CAUSE is before the Court on *sua sponte* review of the file. Plaintiff Pauletta Higgins filed this case on June 24, 2014. On July 29, 2014, this Court denied Plaintiff's Motion to Proceed *In Forma Pauperis* and dismissed the Complaint without prejudice. (Doc. 12). Plaintiff was given leave to file an amended complaint and motion on or before Monday, August 18, 2014. (*Id.* at 1). It is now October and no such filing has been made. Therefore, pursuant to Federal Rule of Civil Procedure 41(b), this action will be dismissed for Plaintiff's failure to prosecute.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. This case is **DISMISSED without prejudice** for failure to prosecute.
2. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on October 6, 2014.

CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Parties

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case Number: 6:14-cv-1136-ORL-40KRS

2014 JUL 15 PM 1:15

Complaint

[redacted] to adress
the Improper venue of
Hamilton County Juvenille
Cinti OH 45202

Complaint w/ Jury
DeMaND!

Pauletta Higgins
SIGNATURE

Pauletta Higgins
NAME

P.O Box 3063
ADDRESS

Orlando fl 32801
ADDRESS

863-224 7916
PHONE NUMBER

On June 28 2013 A Custody Case Was filed in the Hamilton County Juvenille Court in Cinti OH noting that was the Improper venue due to my Child and I residing at 5245 Cinderlane parkway apt 383 Orlando fl 32808 for the last 3-4yrs and contive to Be. I petition local Court to dismess this Case due to the improper Venue of this matter. I never Waived my right to this Juristicion and this Court noting they Choosen to proceed in this matter anyhow.

On the other hand At the beginning of this Case my Child & I last resi peremcty resident was Orlando fl including housing, School & much more to be explained.

this has Cause and Contiue to Cause emotinal Stress due to this irrepable Injury & more. ~~Noting~~ This Court has refuse and Countie to refuse to dismiss this case out of hate or grant Change of Venue noting this was the improper Court for this matter and Contiue to be

I Cerify that a Copy of this Complaint was mail requgual on this 15th Day of July 2014

Paulette Hyger
SIGNATURE

NAME

P.O Box 3063
ADDRESS

Orlando fl 32802
ADDRESS

PHONE NO.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-1136-Orl-40KRS**

HAMILTON COUNTY JUVENILE COURT,

Defendant.

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT:

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION:	**APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Doc. No. 2)**
FILED:	**July 15, 2014**

Plaintiff Pauletta Higgins, proceeding *pro se*, filed a complaint against the Hamilton County, Ohio Juvenile Court. She asks that this Court dismiss a child custody case pending in the Ohio court because it was filed in the wrong venue because Higgins and her child live in Orlando.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), when a plaintiff seeks to proceed *in forma pauperis* the Court is required to consider whether the plaintiff's complaint is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. *See also* Local Rule 4.07; *Mitchell v. Farcass*, 112 F.3d 1483, 1491 n.1 (11th Cir. 1997) (Lay, J., concurring) ("Section 1915(e) applies to all [in forma pauperis] litigants - prisoner who pay fees on an installment basis, prisoners who pay nothing, and nonprisoners in both

categories."). Additionally, under Rule 12(h)(3) of the Federal Rules of Civil Procedure, a district court may at any time, upon motion or *sua sponte*, act to address the potential lack of subject matter jurisdiction in a case. *Herskowitz v. Reid*, 187 F. App'x 911, 912-13 (11th Cir. 2006) (citing *Howard v. Lemmons*, 547 F.2d 290, 290 n.1 (5th Cir. 1977)). "[I]t is incumbent upon federal courts trial and appellate to constantly examine the basis of jurisdiction, doing so on our own motion if necessary." *Save the Bay, Inc. v. United States Army*, 639 F.2d 1100, 1102 (5th Cir. 1981). Federal courts are courts of limited jurisdiction; therefore, the Court must inquire into its subject matter jurisdiction, even when a party has not challenged it. *See, e.g., Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999).

In the complaint, Higgins does not allege any violation of a federal law, rule or treaty. Therefore, this Court cannot exercise federal question jurisdiction under 28 U.S.C. § 1331. She has also not made the necessary allegations to exercise diversity jurisdiction. 28 U.S.C. § 1332.

Moreover, "it is well established that 'the whole subject of domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States.'" *St. Germain v. Gee*, No. 8:10-cv-1194-T-27TGW, 2010 WL 5394883, at *4 (M.D. Fla. Oct. 8, 2010) (quoting *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992)), *adopted* 2010 WL 5395099 (M.D. Fla. Dec. 23, 2010). Accordingly, federal courts do not have jurisdiction to determine issues of child custody. *Id.*

Because this Court does not have jurisdiction to dismiss a child custody case pending in a court in Hamilton County, Ohio, I **respectfully recommend** that Higgins's complaint be **dismissed** for lack of subject matter jurisdiction and that the application to proceed *in forma pauperis* (Doc.

No. 2) be **denied**. I further **recommend** that if the Court accepts these recommendations, it direct the Clerk of Court to close the file.

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen (14) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

Recommended in Orlando, Florida on July 18, 2014.

Karla R. Spaulding
KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v. Case No: 6:14-cv-1136-Orl-40KRS

HAMILTON COUNTY JUVENILE COURT,

Defendant.

ORDER

This cause is before the Court on Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. No. 2), filed on July 15, 2014.

The United States Magistrate Judge has submitted a report recommending that the motion be denied and that the complaint be dismissed for lack of subject matter jurisdiction.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation filed July 18, 2014 (Doc. No. 3) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Motion for Leave to Proceed *in forma pauperis* (Doc. No. 2) is **DENIED**.

3. The Complaint (Doc. No. 1) is **DISMISSED** for lack of subject matter jurisdiction.

4. The Clerk of Court is directed to **CLOSE** the file.

DONE and **ORDERED** in Orlando, Florida on August 5, 2014.

PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

United States District Court

Orlando Division

George C. Young U.S courthouse and federal building

401 West Central Boulevard
Orlando, Florida 32801
407-835-4200

6:14-CV-985-ORL-22GJK

Pauletta N. Higgins

P.O Box 3063

Orlando Florida, 32802

Plaintiff

Notice of Complaint

With Jury demand

Vs

Harbor House of Central

Florida

Defendant

FBI Organization

Defendant

Florida Hospital Apopka

201 N.Park Ave, Apopka Florida

3270 Defendant

Orange County Sheriff

Attachment 31

P.O Box 1440, Orlando Florida

32802

Defendant

Jurisdiction

1.) *At all times relevant, plaintiff Pauletta Higgins was a resident of and domiciled in the state of Florida.*

2.) *At all times relevant, The Harbor House of Central Florida was responsible for safely of all residents in the state of Florida.*

3.) *At all times The Orange County sheriff was responsible for the safety of all Citizens of the United States and to treat everyone equally as what he /she is entitled to in the state of Florida.*

4.) *At all times The FBI Organization was responsible for the safety of all Citizens of the United States and to treat everyone equally as what he /she are entitled to in the state of Florida.*

5.) *At all times The Florida Hospital Apopka was responsible for the treatment of all Citizens of the United States and to treat everyone equally as what he /she are entitled to in the state of Florida.*

6.) *This action is brought to redress grievance protected by the United States constitutional through 42 U.S.C. & 1983. This Court has jurist icon over these matters under 28 U.S.C. & 1331 and 28 U.S.C &1343. This court has Supplemental of the state laws claims under 28 U.S.C &1367 and the doctrine of pendent jurisdiction.*

7.) *This Court is the proper venue for this matter under 28 U.S.C &1391 because of the substantial Portion of the events giving rise to this action took place with the judicial district.*

8.) The amount of damages in the Controversy exceeds the Jurisdictional limits of the court.

Now comes the plaintiff Pauletta N. Higgins and by and through pro se Counsel and for my complaint and Jury Demand against all defendants' states as follows:

Factual allegations

9.) Now comes Plaintiff Pauletta Higgins and States/ submit a complaint against the Harbor House of Central Florida, FBI, Florida Hospital Apopka, and Orange County Sheriff for failing to keep me safe.

10.) On June 18th 2014 at 12:30pm I was Physical assaulted by a resident.

11.) Orange County Sheriff response to the Harbor House of Central Florida

12.) Harbor House staff became very vicious towards me for making a report.

13.) Resident was charged/report with Battery.

14.) Orange County sheriff allow the resident to be free from the physical/emotional harm she cause.

15.) Orange County Sheriff refuses to take other reports from resident that had the same thing done to them.

16.) Orange County Sheriff has failed to protect me and keeps me safe as which I am entitled to as a U.S citizens

17.) Harbor House refused to move me to another dorm on property to keep me from being attacked a second time.

18.) On June 20th 2014 at 11:30 I was assaulted and spitted on again by same Resident at the Harbor House of Central Florida.

19.) I notified staff who thought the situation was funny and hilarious.

20.) I called 911 at 11:35am and medical response.

21.) Harbor House acted in a conspiracy act by taken suspect of property before police arrive while instructed not to.

22.) I was transported to Florida Hospital Apopka where I was Dx with a neck strain and physical assault.

23.) Florida Hospital Apopka treats me quickly and in a hurry than throws me out due to the color of my skin.

24.) I asked to speak with Patient Relation regarding this discrimination matter that took place at the Florida Hospital Apopka and get threaten to be charged with trespassing.

25.) I go to CT and get pulled up forcefully by the sides of the sheets that cause my neck server pain.

26.) The Florida Hospital Apopka has a legal Duty and they Breached that Duty by neglecting me causing me Irrepable Injuries of Physical and Emotional stress

27.) Orange county sheriff response three hours later and resident was charged with battery.

28.) On June 20th 2014 at 6:15pm I notified the Florida Colilition of Domestic Violence who did nothing to help my situation

29.) I notified the FBI and I get hung up on as I was calling to make a Complaint

30.) The FBI has failed to keep me safe federally and locally as which I am entitled to.

31.) On June 23rd 2014 I filed Complaint with the United States Federal Courts to obtain Justice.

Count #1 Civil Rights Violation

(All defendants)

Count #2 Slander

(All defendants)

Count #3 Discrimination

(Defendant Florida Hospital Apopka)

Count # 3 emotional Abuse

(All defendants)

Count #4 Breach of Fiduciary duty

(All defendants)

Prayers for relief

Wherefore, *plaintiff request judgment on all counts in addition to the cost and interest associate with the disbursement of this action. The plaintiff also requests a trial by jury, actual and punitive damages, and cost, attorney fees pre and post judgment interest and all other reliefs to which I am entitled.*

Respectfully Submitted

Signed: Pauletta Higgins

Pauletta N. Higgins

P.O Box 3063

Orlando FL, 32802

(863)224-7619

June 23rd 2014

I Certify that a ~~Certified~~ Copy of this Complaint was served regular mail on this 24th day of June "14"

Florida Hospital Patient Discharge Summary
Emergency Department

Altamonte: (407) 303-2230
Orlando: (407) 303-1940
East Orlando: (407) 303-8667
Winter Park: (407) 646-7920

Kissimmee: (407) 933-6632
Celebration: (407) 303-4034
Apopka: (407) 889-1032
Orlando Childrens: (407) 303- 9732

Name: HIGGINS , PAULETTA
MRN: 70490473
Visit Date: 6/20/2014 12:02 PM
Phone: 4072334353

DOB:
FIN: 83453394
Current Date: 06/20/2014 13:25:41
Address: 5245 CINDERLANE PKWY
ORLANDO FL 32808-1009

Diagnosis: Neck strain

Emergency Department Care Providers: FRISCH MD, MARK S.

PLEASE REFER TO THE GUIDELINES BELOW FOR FOLLOW-UP CARE OF YOUR ILLNESS:
The Emergency Department (ED) has provided you with instructions, which provide information to help you better understand your illness and applicable follow-up care. Please read the follow-up care instructions carefully and let us know if you have any questions.

Important: You have been treated based on your complaint(s) on an emergency basis. While the Emergency Department goes to great lengths to treat your complaint(s), that treatment is not a substitute for your complete medical care, since all of your potential health problems cannot be identified in the Emergency Department. **Follow-up care with a physician is essential to complete your treatment and to identify any other health problems.**

Follow up with the Physician identified below. Note, the Emergency Department has not made an appointment for you. It is your responsibility to call the physician's office as soon as possible to make your own appointment for follow-up care and treatment. Tell the physician or the office staff that you were seen in the Emergency Department. Contact the Emergency Department if you are having problems with your follow-up. Your physician may wish to see your x-rays or test results. Please inquire about this when making your appointment.

If your condition worsens, does not improve, or new symptoms develop, return immediately to the Emergency Department.

NOTICE:
Diagnostic studies (for example: X-rays, CT Scans, Ultrasound, EKG, Labs and Cultures) are reviewed by a specialist outside of the Emergency Department. Sometimes important findings may be discovered after you are discharged from the Emergency Department. **You may be notified if final results vary from what you were told, but it is your responsibility to ensure that your physician reviews all final results from your ED visit.** Call the Emergency Department or Medical Records for results.

Please be sure we have your correct local phone number and address.

View your Health Information Summary Online: We are now providing a secure tool to help you access your health information, review recent lab results, review your medications, and more. If you are interested, please go to the registration area in the Hospital or to the physician office and speak to one of the registration representatives.

MEDICATION INFORMATION:

HIGGINS , PAULETTA has been given the following Medication Information:

Allergies: No known allergies

Home Meds:

	START these new medications:	Take your next dose on/at	Prescription Given to Patient
New	cyclobenzaprine (Flexeril 5 mg oral tablet) 1 tab Oral three times a day for 5 day(s)		

Immunizations

No Immunizations documented this visit

I understand that I should take this medication list to my next doctor and that I should update this medication list when dosages are changed or new medications (including over the counter medications) are added. I understand that carrying this medication list is important, especially in an emergency situation.

Medications may cause drowsiness***before driving, operating heavy machinery or participating in hazardous activities, please consult your pharmacist. If you have received any medication in the Emergency Department, especially if you have received any narcotics, do not drive or operate any motorized vehicles.

FOLLOW-UP INSTRUCTIONS:

HIGGINS , PAULETTA has been given these follow-up instructions:

With:	Address:	When:
Follow up with primary care provider		Within 1 - 2 days

Comments:

ice pack to the neck today and tomorrow, then switch to heat

rest and avoid any heavy lifting or strenous activity

return for any worsening symptoms

For Free Crisis Counseling, Call Lifeline of Central Florida at Crisis Hotline: Orange/Seminole County:

407-425-2624. Osceola County: Toll free number 1-888-443-9643.
National Domestic Violence Hotline : 1-800-799-SAFE (7233).

PATIENT EDUCATION MATERIALS AND MAJOR PROCEDURES:

HIGGINS , PAULETTA has been given the following patient education materials:
NECK SPRAIN/STRAIN; PHYSICAL ASSAULT

A sudden force that causes turning or bending of the neck (such as in a car accident) can stretch or tear muscles (strain) and ligaments (sprain) and cause neck pain. Sometimes neck pain occurs after a simple awkward movement. In either case, muscle spasm is commonly present and contributes to the pain.

Unless you had a forceful physical injury (for example, a car accident or fall), X-rays are usually not ordered for the initial evaluation of neck pain. If pain continues and dose not respond to medical treatment, x-rays and other tests may be performed at a later time.

HOME CARE:

1) You may feel more soreness and spasm the first few days after the injury. Reduce your activity level until symptoms begin to improve.

2) When lying down, use a comfortable pillow that supports the head and keeps the spine in a neutral position. The position of the head should not be tilted forward or backward.

3) Use ice packs (ice in a plastic bag, wrapped in a towel) to treat acute pain. Apply for 20 minutes every 2-4 hours during the first two days. Then, begin local heat (hot shower, hot bath or heating pad) and massage to reduce muscle spasm. Some patients feel best alternating hot and cold treatments, or just staying with one method only. Do what feels the best to you and gives the most relief.

4) You may use acetaminophen (Tylenol) or ibuprofen (Motrin, Advil) to control pain, unless another pain medicine was prescribed. [NOTE : If you have chronic liver or kidney disease or ever had a stomach ulcer or GI bleeding, talk with your doctor before using these medicines.]

FOLLOW UP with your physician or this facility if your symptoms do not show signs of improvement after one week. Physical therapy may be needed.

[NOTE: A radiologist will review any X-rays or CT scans that were taken. We will notify you of any new findings that may affect your care.]

GET PROMPT MEDICAL ATTENTION if any of the following occur:

- Pain becomes worse or spreads into your arms
- Weakness or numbness in one or both arms

© 2000-2012 Krames StayWell, 780 Township Line Road, Yardley, PA 19067. All rights reserved. This information is not intended as a substitute for professional medical care. Always follow your healthcare professional's instructions.

You have been examined today for physical injuries. Because of the emotional upset that happens during a physical assault, you may not be aware of areas of pain or injury until tomorrow. Watch for the signs below.

Following a physical assault, it is normal to feel many strong emotions. Shock, embarrassment, fear, depression, blame, guilt, shame or anger are all very common and normal feelings. For a while, you may find it hard to find a sense of balance in your life. You may not be able to think clearly and you may have strong emotions about what happened to you. This is normal.

It can take time to get back to the point where you feel comfortable and safe again. Crisis intervention and supportive counseling can help you get through this.

Many states require your doctor to notify the law enforcement agency when they treat a victim of a violent crime. This does not mean that you have to prosecute or go to trial. You may be eligible for compensation of medical costs or losses related to the assault. Talk to the local law enforcement agency for details.

HOME CARE:

1) Follow your doctor's advice regarding the care of any physical injuries.

2) You may use acetaminophen (Tylenol) or ibuprofen (Motrin, Advil) to control pain, unless another pain medicine was prescribed. [NOTE : If you have chronic liver or kidney disease or ever had a stomach ulcer or GI bleeding, talk with your doctor before using these medicines.]

3) Don't isolate yourself. For the next few days, you may prefer to stay with family or a friend for emotional support and a sense of physical safety. Seek out local resources or refer to the links below for more information.

FOLLOW UP with your doctor or as advised by our staff. Refer to the links below for more information.

- National Center for Victims of Crime (NCVC) (offers victim services, referrals, articles on victim issues, and other resources) www.ncvc.org , 800-394-2255
- National Organization for Victim Assistance (NOVA) (articles on victims issues, provides victim assistance, coordinates the National Crime Victim Information and Referral Hotline) www.trynova.org, 800-879-6682

[NOTE: If X-rays were taken, they will be reviewed by a radiologist. You will be notified of any other findings that may affect your care.]

GET PROMPT MEDICAL ATTENTION if any of the following occur:

-- New or worsening headache or visual problems

-- New or worsening neck, back, abdomen, arm or leg pain

-- Shortness of breath or increasing chest pain

-- Repeated vomiting, dizziness or fainting

-- Excessive drowsiness or unable to wake up as usual

-- Confusion or change in behavior or speech, memory loss or blurred vision

-- Redness, swelling, or pus coming from any wound

©2000-2012 Krames StayWell, 780 Township Line Road, Yardley, PA 19067. All rights reserved. This information is not intended as a substitute for professional medical care. Always follow your healthcare professional's instructions.

OFFENSE: Battery
DATE/TIME: 06-20-14 2:06 pm
CASE/EVENT #: 14-54501

For a copy of the report, call 407-254-7280. Please have this information available when contacting the Sheriff's Office concerning your case.

For crime prevention services, call 407-254-7100.

You can view Orange County's warrants online at: cferimelinewarrants.com

CRIMELINE - REWARD up to $1000.00 for information leading to a felony arrest
CALL 407-423-8477 or 407-423-TIPS (Outside Orlando: 1-800-423-8477)
and you don't even have to give your name.

OFFENSE: Battery
DATE/TIME: 6-18-14 13:00
CASE/EVENT #: 14-53794

For a copy of the report, call 407-254-7280. Please have this information available when contacting the Sheriff's Office concerning your case.

For crime prevention services, call 407-254-7100.

You can view Orange County's warrants online at: cferimelinewarrants.com

CRIMELINE - REWARD up to $1000.00 for information leading to a felony arrest
CALL 407-423-8477 or 407-423-TIPS (Outside Orlando: 1-800-423-8477)
and you don't even have to give your name.

Sheriff Jerry L. Demings
ORANGE COUNTY SHERIFF'S OFFICE
Visit us online at www.ocso.com

Presented by: D/S M. Hoagland
Telephone: 407-836-7357

P.O. Box 1440 Emergency 9-1-1
Orlando, Florida 32802-1440 Non-Emergency 407-836-HELP (4357)

10-1658 (1.09) *An International and State Accredited Law Enforcement Agency*

Sheriff Jerry L. Demings
ORANGE COUNTY SHERIFF'S OFFICE
Visit us online at www.ocso.com

Presented by: D/S Steven Rojas
Telephone: 407 254 1001

P.O. Box 1440 Emergency 9-1-1
Orlando, Florida 32802-1440 Non-Emergency 407-836-HELP (4357)

10-1658 (1.09) *An International and State Accredited Law Enforcement Agency*

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA N. HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-985-Orl-22GJK**

HARBOR HOUSE OF CENTRAL FLORIDA, FBI ORGANIZATION, FLORIDA HOSPITAL APOPKA and ORANGE COUNTY SHERIFF,

Defendants.

REPORT AND RECOMMENDATION

This cause comes before the Court on periodic review. On July 15, 2014, the Court entered an order (the "Order") denying Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, and dismissing the complaint because it failed to comply with the requirements of Rule 8, Federal Rules of Civil Procedure. Doc. No. 3. The Court granted Plaintiff leave to file an amended complaint within twenty-one (21) days from the date the Order was entered. Doc. No. 3 at 4. The Court admonished Plaintiff that "[f]ailure to file an amended complaint and renew the motion to proceed *in forma pauperis* or pay the full filing fee within the time provided may result in a recommendation that the case be dismissed without further warning[.]" Doc. No. 3 at 6. Plaintiff has failed to file an amended complaint within the time provided in the Order.

Accordingly, it is **RECOMMENDED** that:

1. The case be **DISMISSED without prejudice** for failure to prosecute; and
2. The Clerk be directed to close the case.

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen (14) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

The Clerk is directed to send a copy of this report and recommendation to Plaintiff by certified and regular mail.

Recommended in Orlando, Florida on August 11, 2014.

GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA N. HIGGINS,

Plaintiff,

v. **Case No: 6:14-cv-985-Orl-22GJK**

HARBOR HOUSE OF CENTRAL FLORIDA, FBI ORGANIZATION, FLORIDA HOSPITAL APOPKA and ORANGE COUNTY SHERIFF,

Defendants.

ORDER

This cause is before the Court on the Report and Recommendation (Doc. No. 4) filed on August 11, 2014.

The United States Magistrate Judge has submitted a report recommending that the case be dismissed without prejudice for failure to prosecute.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed August 11, 2014 (Doc. No. 4), is ADOPTED and CONFIRMED and made a part of this Order.

2. This case is DISMISSED without prejudice for failure to prosecute.

3. The Clerk is directed to CLOSE the file.

DONE and **ORDERED** in Orlando, Florida on August 27, 2014.

ANNE C. CONWAY
United States District Judge

Copies furnished to:
Pauletta N. Higgins, pro se

Pauletta N. Higgins for the District of Columbia
119 Dst Nw
Washington Dc 20001

JURY Demand

FILED
OCT 23 2014
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

VS

Discriminator

US Marshal

Case: 1:14-cv-01776
Assigned To : Unassigned
Assign. Date : 10/23/2014
Description: Pro Se Gen. Civil

JURY DEMAND

RECEIVED
OCT - 1 2014
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Complaint

On sept 30th 2014 I was Discriminated agaist my Disability and Denid access to the District court to pick up Paper work of mine By US Marshal with more to be explained. on oct 1st I was torture for hours by U.S marshal with U.S marshel throwing my belong on the floor demanding me to pick it up. I was than Harrassed

and Stalked around the whole Courthouse Violating my right to privacy and much more to be Explain

Respectfully Submitted

Paul Hughes
Oct 1st 2014
119 DST NW
Washington DC
20001
703 479-0700

CIVIL COVER SHEET

F 14-1776 UNA

JS-44
(Rev. 2/11 DC)

I (a) PLAINTIFFS
Pauletta Higgins

DEFENDANTS
U.S. Marshal

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) 11001

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

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

Case: 1:14-cv-01776
Assigned To : Unassigned
Assign. Date : 10/23/2014
Description: Pro Se Gen. Civil

JURY DEMAND

II. BASIS OF JURISDICTION
(PLACE AN x IN ONE BOX ONLY)

- ○ 1 U S Government Plaintiff
- ○ 3 Federal Question (U S Government Not a Party)
- ● 2 U S Government Defendant
- ○ 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) FOR DIVERSITY CASES ONLY!

	PTF	DFT		PTF	DFT
Citizen of this State	○ 1	○ 1	Incorporated or Principal Place of Business in This State	○ 4	○ 4
Citizen of Another State	○ 2	○ 2	Incorporated and Principal Place of Business in Another State	○ 5	○ 5
Citizen or Subject of a Foreign Country	○ 3	○ 3	Foreign Nation	○ 6	○ 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT
(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

○ A. *Antitrust*
- ☐ 410 Antitrust

○ B. *Personal Injury/ Malpractice*
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Medical Malpractice
- ☐ 365 Product Liability
- ☐ 368 Asbestos Product Liability

○ C. *Administrative Agency Review*
- ☐ 151 Medicare Act

Social Security:
- ☐ 861 HIA ((1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g)
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g)

Other Statutes
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 890 Other Statutory Actions (If Administrative Agency is Involved)

○ D. *Temporary Restraining Order/Preliminary Injunction*

Any nature of suit from any category may be selected for this category of case assignment.

(If Antitrust, then A governs)

○ E. *General Civil (Other)* OR **● F. *Pro Se General Civil***

Real Property
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

Personal Property
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

Bankruptcy
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

Prisoner Petitions
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

Property Rights
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

Federal Tax Suits
- ☐ 870 Taxes (US plaintiff or defendant
- ☐ 871 IRS-Third Party 26 USC 7609

Forfeiture/Penalty
- ☐ 610 Agriculture
- ☐ 620 Other Food &Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 RR & Truck
- ☐ 650 Airline Regs
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

Other Statutes
- ☐ 400 State Reapportionment
- ☐ 430 Banks & Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions
- ☐ 470 Racketeer Influenced & Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Satellite TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 900 Appeal of fee determination under equal access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions (if not administrative agency review or Privacy Act

NS

○ G. *Habeas Corpus/ 2255* ☐ 530 Habeas Corpus-General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus - Alien Detainee	○ H. *Employment Discrimination* ☐ 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation) *(If pro se, select this deck)*	○ I. *FOIA/PRIVACY ACT* ☐ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (If Privacy Act) *(If pro se, select this deck)*	○ J. *Student Loan* ☐ 152 Recovery of Defaulted Student Loans (excluding veterans)
○ K. *Labor/ERISA (non-employment)* ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Labor Railway Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	○ L. *Other Civil Rights (non-employment)* ☐ 441 Voting (If not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 444 Welfare ☒ 440 Other Civil Rights ☐ 445 American w/Disabilities-Employment ☐ 446 Americans w/Disabilities-Other	○ M. *Contract* ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	○ N. *Three-Judge Court* ☐ 441 Civil Rights-Voting (If Voting Rights Act)

V. ORIGIN

● 1 Original Proceeding ○ 2 Removed from State Court ○ 3 Remanded from Appellate Court ○ 4 Reinstated or Reopened ○ 5 Transferred from another district (specify) ○ 6 Multi district Litigation ○ 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
42 USC 1983

VII. REQUESTED IN COMPLAINT ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND $ 0 Check YES only if demanded in complaint
JURY DEMAND: YES ☒ NO ☐

VIII. RELATED CASE(S) IF ANY (See instruction) YES ☐ NO ☐ If yes, please complete related case form

DATE 10/23/14 SIGNATURE OF ATTORNEY OF RECORD NCD

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings 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. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff is resident of Washington, D.C., 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.

III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.

IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.

VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.

VIII. RELATED CASES, IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

FILED
OCT 23 2014
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAULETTA N. HIGGINS,

Plaintiff,

v.

U.S. MARSHAL,

Defendant.

Civil Action No. 14-1776 UNA

MEMORANDUM OPINION

The Federal Rules of Civil Procedure require that a complaint contain "'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests[.]'" *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Further, a complaint must "contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 570). Although a *pro se* complaint is "held to less stringent standards than formal pleadings drafted by lawyers," *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam) (internal quotation marks and citation omitted), it too, "must plead 'factual matter' that permits the court to infer 'more than the mere possibility of misconduct,'" *Atherton v. District of Columbia Office of the Mayor*, 567 F.3d 672, 681-82 (D.C. Cir. 2009) (quoting *Iqbal*, 556 U.S. at 678-79). As drafted, the complaint fails to meet these goals.

Plaintiff alleges that, on September 30, 2014, defendant discriminated against her on the basis of a disability, denied her access to this courthouse, and on the following day, "torture[d]"

N

Attachment 35

3

her "for hours," then "harassed and stalked [her] around the whole courthouse." Compl. at 1-2. Missing from the complaint are sufficient factual allegations to support her claims. Plaintiff does not, for example, identify her alleged disability, or describe the alleged torture and harassment she suffered, or explain the injury she allegedly sustained because of defendant's actions. As drafted, the complaint does not give fair notice to the defendant of the claims being asserted that is sufficient to prepare a responsive answer, to prepare an adequate defense and to determine whether the doctrine of *res judicata* applies. *See Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977). Accordingly, the Court will dismiss the complaint without prejudice.

An Order consistent with this Memorandum Opinion is issued separately.

United States District Judge

DATE: 10/20/2014

FILED
OCT 23 2014
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAULETTA N. HIGGINS,

Plaintiff,

v.

U.S. MARSHAL,

Defendant.

Civil Action No. 14-1776 UNA

DISMISSAL ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that the plaintiff's application to proceed *in forma pauperis* is GRANTED; and it is

FURTHER ORDERED that the complaint and this civil action are DISMISSED WITHOUT PREJUDICE.

This is a final appealable Order. *See* Fed. R. App. P. 4(a).

SO ORDERED.

DATE: 10/20/2014

Amy B. Jackson
United States District Judge

N