

ENTERED ON DOCKET
NOV 18 2005

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
SHERRY L. STENSON)	CASE NO. 05-93978-MHM
)	
Debtor)	

ORDER REGARDING *PRO SE* PLEADINGS

On August 29, 2005, Debtor, who is proceeding *pro se*, delivered to the Clerk several copies of documents (attached to this order), which include references to both a pending case filed in U.S. District Court (Case No. 1:05-CV-1769-RWS) and to the above-styled bankruptcy case. The handwritten cover letter accompanying these documents is addressed to the Eleventh Circuit Court of Appeals. In an abundance of caution, the undersigned has reviewed the documents to ascertain whether Debtor has presented any cognizable claim for relief from the bankruptcy court.

Individual litigants have a right to represent themselves before the bankruptcy court, but if they choose to do so, the responsibility for that representation lies with them alone. The court may not act as counsel by offering legal advice or assistance to the litigant. *In re Webb*, 212 B.R. 320 (8th Cir. BAP 1997). *See also, Wakefield v. Railroad Retirement Board*, 131 F. 3d 967 (11th Cir. 1997). Additionally, a party's *pro se* status does not excuse compliance with the Bankruptcy Code or rules of procedure. *In re Simmons*, 256 B.R. 578 (D. Md. 2001). Realizing that *pro se* litigants lack familiarity with bankruptcy law and procedure, however, the court liberally construes *pro se* pleadings to permit consideration of the relief sought within the applicable legal and procedural limitations. *See, Kilgo v. Ricks*, 983 F. 2d 189 (11th Cir. 1993).

Debtor's mentions of the bankruptcy case appear to relate to an intent to appeal an order entered August 12, 2005, which grants relief from the stay to the Atlanta Housing Authority. To the extent that Debtor may have intended to appeal the order entered August 12, 2005, her pleadings, which were received by the Clerk August 29, 2005, were not timely filed¹ or properly served.

To the extent that Debtor seeks reconsideration of the order entered August 12, 2005, Debtor has presented insufficient grounds to support such reconsideration. Motions for reconsideration cannot be used to relitigate issues already decided, to pad the record for an appeal or to substitute for an appeal. *Kellogg v. Schreiber*, 197 F. 3d 1116 (11th Cir. 1999); *In re McDaniel*, 217 B.R. 348 (Bankr. N.D. Ga. 1998)(J. Drake); *In re Oak Brook Apartments of Henrico County, Ltd.*, 126 B.R. 535 (Bankr. S.D. Ohio 1991). Such a motion is frivolous if it raises no manifest errors of law or misapprehensions of fact to support why the court should change the original order. *Magnus Electric v. Masco Corp.*, 871 F. 2d 626 (7th Cir. 1989). *Unioil v. E.F. Hutton & Co.*, 809 F. 2d 548 (9th Cir. 1986).


Additionally, on October 24, 2005, Debtor filed a pleading which was docketed as a motion to proceed with an appeal *in forma pauperis*. To the extent that it is intended as such, however, Debtor has failed to properly file a notice of appeal. Accordingly, it is hereby

ORDERED that the copies of documents delivered by Debtor and attached to this order are construed as a motion for reconsideration and a notice of appeal. The motion for reconsideration is *denied* as untimely filed and lacking legal support. The notice of appeal is *stricken* as untimely filed. It is further

¹ See Bankruptcy Rule 8002, which provides a ten day period for filing a notice of appeal.

ORDERED that the motion filed October 25, 2005, to proceed *in forma pauperis* is denied.

IT IS SO ORDERED, this the 17th day of November, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE

AUG 29 2005

W. Yvonne Evans, Clerk

By: _____
Deputy Clerk

USCA
Eleventh Circuit 56 Forsyth St NW
Atlanta, Ga 30303
ATTN - Circuit Clerk

Clerk,

Please forward Notice of Appeal
to U.S. District Court, Bankruptcy Division
2211 U.S. Courthouse
75 Spring Street, SW
Atlanta, GA 30303 - 3361

CA# - 05-93978 mhm
CA# - 1:05-CV-1769 RWS

I waive hearings and ask to
proceed on the ~~proceedings~~ pleadings.
AHA is private owned not governed by
HUD. But HUD is federal agency. Bank Division
for Public Housing and registered
addresses.

Therry L. Dean
Pro Se

To get a trial
I have to win
appeal.

582 Techwood Dr NW
Atlanta, GA 30313
Apr 811
(706) 845-9505

8/28/05

APPENDIX OF FORMS *JK*

Form 1. ~~Notice of Appeal to a Court of Appeals From a Judgment or Order of a District Court~~

United States District Court for the Northern

District of Georgia

File Number 05-93978-mhm
chapter 7

JK
Sherry L. Stenson, Debtor

v.

Atlanta Housing Authority,
C.D., Defendant
JK

Notice of Appeal

Order 1

Notice is hereby given that Sherry L Stenson, Plaintiff (here name all parties taking the appeal), (plaintiffs) (defendants) in the above named case,* hereby appeal to the United States Court of Appeals for the 11th Circuit (from the final judgment) (from an order (describing it)) entered in this action on the 1st day of August, 05. (Margaret H. Murphy)

8/12/05
entered on
docket.

(s) Sherry L Stenson
Attorney for Pro Se

Address: 582 Techwood Dr NW Apt 811
Atlanta, GA 30313
8/24/05

Contested
matter.

Motion for
Relief of
Automatic
Stay (Public
Housing
residents -
disabled -
w/ trust
program)

Order 2

C.A. - 1:05 - CV - 1769 - RWS
dated 8/23/05

Richard W. Story
These activities provoke violent
behavior. I asked for Risk
management.

* See Rule 3(c) for permissible ways of identifying appellants.

(As amended Apr. 22, 1993, eff. Dec. 1, 1993; Mar. 27, 2003, eff. Dec. 1, 2003.)

Rev.: 12/03

ANA is private owned not governed
by HUD. But HUD is Federal agency.
Bank Division for Public Housing and
registered addresses.
TO GET A TRIAL I HAVE TO WIN APPEAL.

Sherry L Stenson
9/28/05

Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis

United States District Court for the Northern District of Georgia

sls
A. B., Plaintiff

Sherry L. Stenson, Debtor
v.
Atlanta Housing Authority,
C. D., Defendant sls Defendant,

Case No. 05-93978-mhm
chapter 7

Instructions: Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: 8/25/05

Signed: Sherry L. Stenson

My issues on appeal are:

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Interests and dividends	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Child support	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Retirement (such as Social Security, pensions, annuities, insurance)	\$ <u>579</u>	\$ _____	\$ <u>579</u>	\$ _____
Disability (such as Social Security, insurance payments)	\$ <u>same</u>	\$ _____	\$ <u>same</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ _____	\$ _____	\$ _____	\$ _____
Other (specify): <u>Food stamps</u>	\$ <u>77</u>	\$ _____	\$ <u>77</u>	\$ _____
Total monthly income:	\$ <u>656</u>	\$ _____	\$ <u>656</u>	\$ _____

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
SBC, NYRO	26 Federal Plaza, NY	1982-1985	2500\$
SBA, DC	District of Columbia	1982	500\$
Coldwell Banker Realty	Silver Spring MD	1985	200\$

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A			

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
0		\$	\$
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other Real Estate (Value)	Motor Vehicle #1 (Value)
0	0	Make & Year: 0
		Model:
		Registration #:
Other Assets (Value)	Other Assets (Value)	Motor Vehicle #2 (Value)
0	0	Make & Year: 0
		Model:
		Registration #:

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
Atlanta Housing Authority	25,000	
FBI C	15,000	

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>self</u>		<u>48</u>
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ _____	\$ _____
Are real-estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>N/A</u>	\$ _____	\$ _____
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>rent</u>	\$ <u>164</u>	\$ _____
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>40</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>50</u>	\$ _____
Food	\$ <u>50</u>	\$ _____
Clothing	\$ <u>50</u>	\$ _____
Laundry and dry-cleaning	\$ <u>50</u>	\$ _____
Medical and dental expenses	\$ <u>50</u>	\$ _____
Transportation (not including motor vehicle payments)	\$ <u>50</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc. <u>(comcast)</u>	\$ <u>50</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)	\$ _____	\$ _____
Homeowner's or renter's	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: <u>Saving for car insurance</u>	\$ <u>50</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ <u>0</u>	\$ _____
Installment payments <u>SAVING</u>	\$ <u>200</u>	\$ _____
Motor Vehicle	\$ _____	\$ _____
Credit card (name): _____	\$ _____	\$ _____
Department store (name): _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement) <u>CASH</u>	\$ <u>50</u>	\$ _____
Other (specify): <u>SAVE for emergency moving</u>	\$ _____	\$ _____
Total monthly expenses	\$ <u>850</u>	\$ _____

Harassment means to move 147
work permit man to on value. (7)

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much: \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid – or will you be paying – anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

*I need transportation
and moving expenses
emergency.*

13. State the address of your legal residence. *Sherry L Stenson*
582 Tedwood Dr NW Apt 811
Atlanta, GA 30313

Your daytime phone number:

(706) 845-7505 *Cora B. Stenson, parent*

Your age:

48

Your years of schooling:

12+

Your Social Security number:

258-98-6030

Sherry L Stenson
8/25/05

Sherry L Stenson
8/25/05

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Received in U.S. Bankruptcy Court
Atlanta, Georgia

Sherry L. Stenson,
Plaintiff

AUG 29 2005

CA # 1:05-CV-176

W. Yvonne Evans, Clerk

By:

Deputy Clerk

CA # 05-93978

Atlanta Housing Authority,
ATA R/H (Roosevelt
Defendant House)

ch 7
Bankruptcy
mhm

Motion for Reconsideration, Rethearing and for New
Trial on 2 orders, Renewal of Motions for Summary
Judgment by Default on the Pleadings - Defendant
has failed to answer Plaintiff's Complaint,
Notices of Appeal, Motion for Emergency Arbitration
for Moving Expenses and Transportation.

CA # 05-93978

order dated 8/24/05

ch 7 Bankruptcy
mhm

CA # 1:05-CV-1769

order dated 8/23/05 rs

The orders do not show judicial decisionmaking
and Law analysis. Seems either to be an egregious
error almost arising to wilful, wanton misconduct,
or is in fact intentional duress. The injury is
irreparable harm. There is no other available remedy
at LAW. I ask for injunctive relief and immediate
review of the aforesaid orders. Also, affirm this
is actually of the court. I incorporate the
record at court, HUD, ATA R/H and all parties.

Sherry L. Stenson

Sherry L Stenson, Pro Se
SS # 258-98-6030.

582 Techwood Dr NW Apt 811
Atlanta, GA 30313

SERVICE CERTIFICATE

Mailed to : Chestwood + Passino 2920 Clairmont Rd
August 29, 05, Suite 220 Atlanta, GA and R/H
Sherry L Stenson

#1811 Sherry L. Hanson
Sherry L. Hanson

PROOF

Affidavits

+ waive
appearance at
any noticed
depositions

① Ira Ross

① eviction knock [knew paid]
+ radios [knew ch 7]

- what were you going
to do there?

② locked stairs [throw out
physically]

- Asked to open - claustrophobia

③ mopping

④

② Clarence

① pest control

③ Sabrina White

① 1 + 2

② photos

③ housekeeping problems

④ fake bills

⑤ Interrogatory Qs

⑥ my file (rent payment history
Full Accounting - rent

⑦ rented out my apt

⑧ how eviction action decided [knew rent paid]

⑨ ms glove

⑩ Corporate responsibility (TOLD) - OWNER

⑪ risk management

⑫ How eviction action decided

⑬ What is Public Housing

⑤ Stephanie Stephens

① C R

② R mgmt procedures

⑦ HUD, Admin

① What is Public
Housing

② rules

⑥ Cheatwood + Passmore

① CR

② RMP

③ steps taken before filing
eviction action

- K
- rent
paid

- br/k

Punitive

D's

- Intimid

ACT

INTENT

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

CIVIL DIVISION
IN THE UNITED STATES COURT OF APPEALS
11th Circuit

Sherry L Stenson,
Plaintiff
(Counterclaim)

USA, NO. #

CA. No. -1-05-CV-1769
AWS

v.
Atlanta Housing Authority
dba Roosevelt House, (CRH)
Defendant

CA. NO. 05-93978 mhm
CHM
Bankruptcy

Response to Motion to Remand,
Protective Order, Brief
and Notice of APPEAL to USCA

And before that, And before that...
And below that, And below that...

Plaintiff moves for denial and for
arbitration of settlement of insurance
claim - Emergency - need moving expenses
and transportation.

I. The jurisdiction amount is beyond
15000\$, takes the case to Federal Court
jurisdiction. I have numerous files
at Roosevelt House front office to document
witness protection program: why I get
social security check and food stamps.
Including photos taken by white, knight
and camp of my apartment. What handshakes
for

Should there be a court martial
proceeding? I (intelligence worker)
was supposed to be taken to a camp.
The provocations are for me to stand
on television and tell the general
public about the computer room and midtown.

II. USA Tax dollars subsidize RH even though it does business of AHA.

I am not a criminal. Failure to act when there is a duty is participating in the crime.

III. The case is a Federal Question. Due Process, 14th Amendment USA Charter - Fair Housing - Housing Discrimination - Extortion - Kingpin Act - RICB. Treason. Witness Protection Program. Modus Operandi - lockout a protected witness. Brown v. Board of Education (1954) USDC, DC. SEC v. Sundance Gold Mining, (1983) USDC, SDNY. SEC v. Dirks, (1983) USDC, SDNY.

When the courts fail and all checks and balances of due process and equal protection, there is no nation. Not one shall be falsely accused. They said was given hush money (incl free tours).

IV. Plaintiff owes no debt to claimant. I have a lease and am owed money. The building exits remain locked. Janitors don't clean. Public housing is zero rent. Law is self-help. One's civil rights is their property rights.

I am "from" beyond the city limits of tax maps. Joined USA. Received a work permit to work in the city.

I move for a speedy trial.

Exhibits I - XI.

I prefer to waive trial by jury and proceed on the pleadings. I waive further court appearance except by a lawyer. Can send affidavits

[NOTE - I was told, it must have been the clothes they were wearing: fabric & length
NEVER (NOT) NEED money.]

Sherry L Stenson
Sherry L Stenson

Sherry L Stenson, Pro Se
582 Techwood Dr NW
Apt 811
Atlanta, GA 30313
(706) 845-9585

Certificate of Service

I mailed a copy of this pleading to ATTA by their lawyer, and to USDC Bankruptcy Trustee, this 25th day of August, 2005.


Address: Cheatwood

Sherry L Stenson
Sherry L Stenson
2970 Clairmont Rd
Suite 220 Atlanta GA 30329


@ Sherry L Stenson
/05

appropriate state court forum.

IT IS SO ORDERED at Atlanta, Georgia, this 11th day of August, 2005.


Margaret H. Murphy
United States Bankruptcy Judge
Northern District of Georgia
Atlanta Division

ORDER PRESENTED BY:


David R. Passino
Attorney for Movant
State Bar No. 565848
2970 Clairmont Road
Suite 220
Atlanta, GA 30329
404-633-5114

NORTHERN
DISTRICT OF GEORGIA

IN THE UNITED STATES
COURT OF APPEALS
NOTICE OF APPEAL

11th Circuit
CA #

The appended order. My motions were
not scheduled. Also there is an issue of
debt. I DO NOT OWE any money.
Atlanta Housing Authority owes me money.
There is an insurance claim pending.

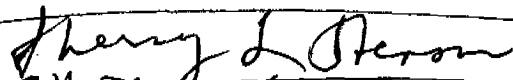
This ^{9th} ~~24th~~ day of August, 2005.

I have a lease.

Certificate of Service

Served to the
proposed Distribution

address: 1st this ~~24th~~ day of August, 2005,
Cheatwood & Passino 2970 Clairmont Rd
Suite 220 Atlanta, GA 30329.
32506009832011


SHERYL L STEARNS
582 Techwood Dr NW
Atlanta, GA 30313
In Forme Pauper's
Applicant



AUG 12 2005

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: SHERRY L. STENSON

CASE NO. 05-93978-mhm
CHAPTER 7

ATLANTA HOUSING AUTHORITY, d/b/a
THE ROOSEVELT HOUSE APARTMENTS,

Movant,

vs.

CONTESTED MATTER

SHERRY L. STENSON,

Debtor,

vs.

HARRY W. PETTIGREW,

Chapter 7 Trustee.

ORDER

Movant Atlanta Housing Authority d/b/a The Roosevelt House Apartments' Motion for Relief from Automatic Stay regularly came on for hearing on the 9th day of August, 2005 and the Debtor having appeared *pro se* and the Movant having appeared through counsel and the court having heard and considered the evidence and arguments presented and the entire record, and it appearing that all parties in interest have been properly served with said Motion and Notice of Assignment of Hearing; ~~and~~ accordingly, *it is hereby*

ORDERED that the Movant's Motion for Relief from Automatic Stay is **GRANTED**, and the automatic stay of 11 U.S.C. § 362 is modified so that Movant is authorized to pursue all available state law remedies to obtain possession of the subject property located at 582 Techwood Drive, NW, apt. 811, Atlanta, Georgia, including, but not limited to, prosecuting any dispossessionary action currently pending or instituting a new dispossessionary action in the

U.S. District Court

Exh # I

Northern District of Georgia

Notice of Electronic Filing

The following transaction was received from dcs entered on 7/15/2005 at 4:20 PM EDT and filed on 7/15/2005

Case Name: Atlanta Housing Authority v. Stenson

Case Number: 1:05-cv-1769

Filer:

Document Number: 6

Docket Text:

ORDER granting [1] Affidavit to proceed In Forma Pauperis filed by Sherry Stenson. The Clerk is directed to assign this case to a District Judge for a frivolity determination pursuant to 28 U.S.C. 1915(e). Signed by Judge Alan J. Baverman on 7/5/05. (dcs)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060868753 [Date=7/15/2005] [FileNumber=789257-0]
[15d3a291ca6ca19d00052fd2525b8e7583885fa7122e51d3fe8642106d4b76c134ab
231df5845ce37a0b6381116f811d3a806ba79fe81262bb50cb2aea2942e0]]

1:05-cv-1769 Notice will be electronically mailed to:

1:05-cv-1769 Notice will be delivered by other means to:

J. Steven Cheatwood
Fowler Hein Cheatwood Passino & Williams
2970 Clairmont Road
220 Park Central
Atlanta, GA 30329

Sherry Stenson
582 Centennial Olympic Park Drive, NW
#811
Atlanta, GA 30313

my papers were
filed at 11:30am
approx. per clerk's
watch. Hearing 2pm
at magistrate court, I
got out early that
day.
JVL
type-0

marked Exhibit #2.

On June 16, 2005, a default judgment was rendered against Defendant after she appeared for court ordered mediation but failed to remain in the courtroom for the trial of the case. A copy of the default judgment being attached hereto and marked Exhibit #3.

On June 16, 2005, at approximately 4:40 p.m., Defendant filed a petition in bankruptcy. An order was entered in the bankruptcy action filed by Defendant on August 12, 2005 granting Plaintiff relief from the automatic stay in bankruptcy. Attached hereto and marked Exhibit #4 is a true and correct copy of the order granting Plaintiff relief from the automatic stay in bankruptcy filed by Defendant.

II

ARGUMENT AND CITATION OF AUTHORITY

A. The Federal Court Lacks Jurisdiction.

1. A Defendant may generally remove an action from a state court to a federal court when the federal court has original jurisdiction over the action. 28 U.S.C., Section 1441(a)(b). Original jurisdiction arises when the complaint contains a federal question or there is a diversity among the parties. 28 U.S.C., Section 1331-1332.
2. In the within action, both parties are residents of the state of Georgia so the removal must be based on the presence of a federal question.
3. The "well-pleaded complaint" rule provides that federal jurisdiction exists only when a federal question is presented on the face of the Plaintiff's properly pleaded complaint. *Caterpillar, Inc. vs. Williams*, 482, U.S. 386, 392 (1987). It is not sufficient to create removal jurisdiction for a

was not resolved.

after cash removed to USDC jurisdiction

4. The case was impasse and at 3:25 p.m., the case was called for trial where a default judgment was rendered against Defendant based upon her failure to appear for trial. A true and correct copy of said default judgment being attached hereto marked Exhibit No. 3.

5. On June 16, 2005, at approximately 4:40 p.m., Defendant filed a Chapter 7 petition in the United States Bankruptcy Court for the Northern District of Georgia, case number 05-93978.

6. On August 12, 2005, an order was entered in the above-referenced bankruptcy case providing for relief from the automatic stay of bankruptcy, a true and correct copy of which is attached hereto and marked as Exhibit "4".

7. On July 15, 2005, while subject to the jurisdiction of the United States Bankruptcy Court, Defendant filed the within action in the United States District Court for the Northern District of Georgia, Atlanta Division, which stayed the trial court from allowing Plaintiff to execute the writ of possession pursuant to the order of the Magistrate Court on June 16, 2005 and pursuant to the order in the United States Bankruptcy Court entered on August 12, 2005.

8. The filing of the notice of removal is frivolous and filed solely to seek delay in the execution of a writ of possession pursuant to a default judgment obtained by Plaintiff after Defendant failed to appear for trial.

FEDERAL CASE

I : Debt
I paid rent,
I do not owe, I am

main
new
trust
not
court
- 88 an act
was
filed;
not
bankruptcy
court
- 88 an act
I don't have any

I need a lawyer
so help me
read
the
papers.

Rec'd 15
July 7 2005

owed rent,

Exhibit # 2 all

Defendant to raise a defense that creates a federal question. The removing Defendant has the burden of proving federal jurisdiction. Tapscott vs. MSD Deal Service Corporation, 77 Fed. 3rd 1353, 11356 (Eleventh Circuit. 1996).

4. There is no summary eviction procedure provided in the Federal Rules of Procedure or in any other statute governing statute procedure in a Federal court. Therefore, Plaintiff could not have filed a summary dispossessory action against Defendant for recovery of possession of the premises in a federal court for lack of subject matter jurisdiction and the removal was improper. Glen 6 Associates, Inc. vs. Gjon Dedaj and Julie Dedaj, 770 Fed. Supp. 225 (s.d. New York, 1991).

5. Defendant has attempted to remove an action where default judgment has been entered in a state court. The federal rules of civil procedure do not provide any authority for a federal court to set aside a default judgment entered in a state court where a litigant fails to appear at trial or as in the within action where the litigant appeared for court ordered mediation and chose not to remain in court for trial.

B. The court should strictly construe removal statutes in favor of the state court jurisdiction.

1. The Eleventh Circuit has held that the removal statute is construed narrowly and that any uncertainties must be resolved in favor of remand. Burns vs. Windsor Insurance Co. 31 Fed. 3rd, 1092 (Eleventh Circuit 1994). The court should "strictly construe removal statutes in favor of state court jurisdiction". Kuhn vs. Brunswick Corp. 871 Fed. Supp. 1444, 1446(nd GA 1994).

I had filed the USDC case then 1st - was the Federal court jurisdiction, but what went to check if I would happen gone to Federal court!

Mr. Shestern thought it was a ch. 13 [not ch. 17] at the magistrate on insurance claim amount at Fulton County

CONCLUSION

Defendant removed the within action without stating any authority under which the removal was made. There is no diversity and no Federal question presented. The court lacks subject matter jurisdiction over summary state court dispossessory proceedings and the Defendant has failed to otherwise prove Federal jurisdiction. For the foregoing reasons, Plaintiff requests the court to grant its motion to remand this case to the Magistrate Court of Fulton County.

This the 19th day of August, 2005.

→

/s/

J. Steven Cheatwood
Attorney for Plaintiff

2970 Clairmont Road
Park Central, Suite 220
Atlanta, Georgia 30329
404-633-5114

→

/s/

David R. Passino
Attorney for Plaintiff

2970 Clairmont Road
Park Central, Suite 220
Atlanta, Georgia 30329
404-633-5114

15,000.00\$ [with FDIC claim] to
documented
Furthermore: 25,000.00\$ recommended settlement,
IV.

Q: What happens in death penalty cases? Team Defense Law Project
Millard Farmer, Andrea Young
Roosevelt Cox (MIA)
Are nations able? Re-obituarys (Q-why do
80 many
go under?
crime?)
WANTED FOR MURDER (?)
check presumption dating: FASTIN (shows
poison for whiskeys example - diet
pill)
Y & I letters, OLD JLV

EXHIBIT # 11/

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing pleading upon the opposing party by placing a copy of same in the United States mail with sufficient postage affixed thereon to insure delivery to:

Sherry Stenson
582 Centennial Olympic Park Drive, Apt. #811
Atlanta, Georgia 30313

This the 19th day of August, 2005.



/s/ _____
J. Steven Cheatwood
Attorney for Plaintiff

2970 Clairmont Road
Park Central, Suite 220
Atlanta, Georgia 30329
404-633-5114



/s/ _____
David R. Passino
Attorney for Plaintiff

2970 Clairmont Road
Park Central, Suite 220
Atlanta, Georgia 30329
404-633-5114

Exhibit # 4

irrelevant, is oppressive, was served purely to annoy and create Plaintiff an undue burden and expense upon Plaintiff with questions such as:

→ Do you use the toilet? OMIT this question *SL*

What court reporter company do you employ?

Will the grand jury be called?

Have you ever been a grand juror?

Do you have a birth certificate?

[List all prior residents of the Roosevelt House?

Do you know former Senator Pat Schroeder of New York?

Q- What is
AHA's discovery
request?

WHEREFORE, Plaintiff prays that

- a. No discovery be had until a frivolity determination be made by the District Court;
- b. That no discovery be had until the trustee rejects or accepts any claim that Defendant may have;
- c. That no discovery be had until the court determines whether to remand the within action back to the Magistrate Court of Fulton County;
- d. That Plaintiff, a corporate Plaintiff, be protected from the undue burden and expense as well as the annoyance of responding to the discovery sought by

Defendant which has no relationship to any claim set forth by Defendant.

This the 19th day of August, 2005.

I am in forma pauperis and was taken to court without prior notice and with no debt owed. The administrative proceedings of AHA were not followed including the hardship petition hearing and grievance hearing on issue of maintenance (locked stairs, mopping and stolen mail.)
- KTB memo - Dan then calls to date.

2970 Clairmont Road
Park Central, Suite 220
Atlanta, Georgia 30329
404-633-5114

J. Steven Cheatwood
Attorney for Plaintiff



Atlanta Housing Authority

June 17, 2005

Exh # 17

RECEIVED
JUN 29 2005

Ms. Sherry Stenson
582 Centennial Olympic Park Dr., NW #811
Atlanta, GA 30313

Dear Ms. Stenson:

Per your request, please be advised that Risk Management handles claims for The Housing Authority of the City of Atlanta, Georgia (AHA) through coverage provided by Housing Authority Risk Retention Group with a FIVE MILLION DOLLARS AND ZERO CENT (\$5,000,000.00) per occurrence combined single limit under policy no. 11-0847-2004-00-000-0. The policy effective dates are 8/1/04-8/1/05.

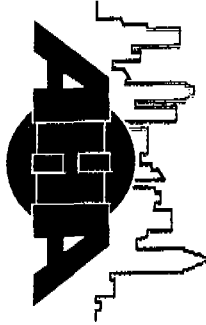
If you should have any questions, please contact me at (404) 817-7465.

Sincerely,
Stefanie Stephens
Stefanie Stephens
Risk Management Administrator

6/29

*Ms Marks,
Sherry L Stenson
v.
Atlanta Housing
Authority
my case was
removed to the USDC - 22nd FL
LTRB on
counterclaim)
Apt 811
Roosevelt House*

The Housing Authority of the City of Atlanta, Georgia

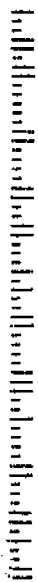


Atlanta Housing Authority

The Housing Authority of the City of Atlanta
230 John Wesley Dobbs Avenue, N.E.
Atlanta, Georgia 30303-2421

Ms. Sherry Stenson
582 Centennial Olympic Park Dr., NW #811
Atlanta, GA 30313

30313+2318 03



Exh # *VIM*



Exh # IX

U. S. Department of Housing and Urban Development
Southeast/Caribbean Office of Fair Housing
and Equal Opportunity
Five Points Plaza
40 Marietta Street.
Atlanta, Georgia 30303-2806

IDENTIFIED MAIL - RRR

Chwood Dr. NW

.1

, Ga. 30313

Mrs. Stenson:

CT: INQUIRY NUMBER: 190368

his letter acknowledges receipt of your correspondence
ing possible violations of the Fair Housing Act. Before we
itinue processing your complaint, we need to discuss these
s with you. Please contact me, within five days of your
of this letter, at 1/800-440-8091, ext. 2519. Also, we
ie following additional information:

The most recent date or the last date of the alleged
violation. 8/4/15 - loud knocks + use of key to open
had answered - had to put on clothes
daytime phone number (including area code) where you may be
reached. 706)845-9505 Cora B. Stenson

Name, address and phone number of the apartment /property in
question. Sherry L Stenson

House 582 Techwood Dr NW APT 811
Atlanta, GA 30313

Name, address and phone number of the person you feel

discriminated against you. Atlanta Housing Authority,
City of Atlanta Mr. Chetwood, Fulton County

X/ Identify your membership in a protected class under the Fair
Housing Act, such as race, color, sex, religion, familial

in or handicap. You did not state that
erent because of your membership in a

. You only stated that you have been on

the waiting list a long time. Although you have a

physical disability, what is the connection between your
disability and the waiting list? Handicap - Need use of

stair exits + entrances.

Elevators have been stalling.

I have an apartment (1 year
+ 6 mos approx.). My injuries

were aggravated by the

www.hud.gov • espanol.gov

1-800-440-8091

Sherry L Stenson
8/15/15

I was assaulted
+ handcuffed (by Publix -
really attempted robbery)
entire can go to shelter.



IMS Management Services LLC

Property Management Asset Management

Exhibit # 8

July 19, 2005

Sherry Stenson
582 Centennial Olympic Park Dr
Apt. 811
Atlanta, GA 30313

Dear Ms. Stenson

INVOICE

Refusal of Pest Control : _____

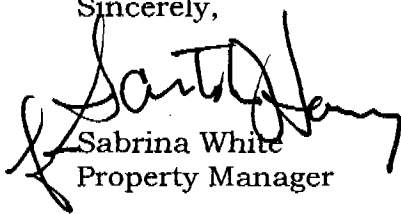
\$ 25.00

\$ 25.00

PLEASE MAKE YOUR CHECK/MONEY ORDER OUT TO **Roosevelt House** AND
REMIT PAYMENT WITHIN FOURTEEN (14) DAYS.

Thank you.

Sincerely,


Sabrina White
Property Manager

cc: Resident's File



582 Centennial Olympic Park Dr Atlanta, GA 30313
PH: (404) 249-1366

