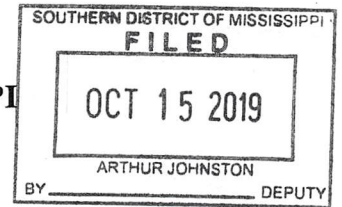


**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**



**BARBARA BEAVERS, MONICA
CABLE; LAURA KNIGHT; and
PAMELA A. MILLER**

APPELLANTS/PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:19cv 735-DPJ-FKB

CITY OF JACKSON, MISSISSIPPI

APPELLEE/DEFENDANT

NOTICE OF REMOVAL

COMES NOW, the City of Jackson, Mississippi ("City"), by and through the undersigned counsel, and pursuant to 28 U.S.C. §§ 1331 and 1441, and hereby files this Notice of Removal of this action from the Circuit Court of the First Judicial District of Hinds County, Mississippi, to the United States District Court of the Southern District of Mississippi, Jackson Division. In support thereof would show unto the Court the following:

1. Appellants/Plaintiffs, Barbara Beavers, Monica Cable, and Pamela A. Miller commenced this action on October 11, 2019 by filing their Notice of Appeal under § 11-51-75 of the Mississippi Code Annotated (1972), as amended, in the Circuit Court of the First Judicial District of Hinds County, Mississippi. Civil Action No. 19-700. See the Notice of Appeal attached hereto as composite "Exhibit A," and incorporated herein by reference. The City was served a copy of the Notice of Appeal, on or about October 11, 2019. See Tracking Request containing the Cover Sheet and Complaint received by the City, attached hereto as composite "Exhibit B," and incorporated herein by reference.

2. Appellants/Plaintiffs' Notice of Appeal asserts claims that are substantially founded and in the First Amendment of the United States Constitution. Appellants/Plaintiffs have asserted the Miss. Constitution is "...more protective of the individual's right to freedom of speech than is the First Amendment of the United States Constitution...." (See Paragraph 35 in the Notice of Appeal, Exhibit A).

3. The Appellants/Plaintiffs have also asserted that the Mississippi Constitution makes "...free speech worthy of **religious veneration**..." (See Paragraph 35 in the Notice of Appeal, Exhibit A), and have thus asserted a claim under the Establishment Clause and the Free Exercise Clause of the First Amendment to the United States Constitution.

4. The Appellants/Plaintiffs have also asserted that the Due Process and Equal Protection provisions of the Mississippi Constitution somehow supersede the Due Process and Equal Protection provisions of the United States Constitution, namely the Fifth and Fourteenth Amendments to the United States Constitution.

5. The Appellants/Plaintiffs have explicitly asserted in their Notice of Appeal (Exhibit A) that the rights afforded them by the Mississippi Constitution supersede the rights and limitation of rights given every citizen by the First, Fifth and Fourteenth Amendments to the United States Constitution; thus, asking the Circuit Court to make a determination under the Supremacy Clause, Article VI, Section 2, of the United States Constitution.

WHEREFORE, PREMISES CONSIDERED, the City of Jackson, Mississippi, Appellee/Defendants, respectfully request that this Court proceed with the handling of this case as if it had been originally filed herein, and that further proceedings in the Circuit Court of the First Judicial District of Hinds County, Mississippi, hereby be stayed. Finally,

the City of Jackson, Mississippi requests any and all other relief to which it may be entitled, including, but not limited, to attorneys' fees and court costs.

RESPECTFULLY SUBMITTED, this the 15th day of October, 2019.

CITY OF JACKSON, MISSISSIPPI

By: 

Timothy Howard, MSB #10687

City Attorney for the City of Jackson, Mississippi

LaShundra Jackson-Winters, MSB #101143

Deputy City Attorney

James Anderson, Jr., MSB #8425

Deputy City Attorney

OF COUNSEL:

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CERTIFICATE OF SERVICE

The undersigned certifies that she has this day transmitted via electronic filing and/or U.S. Mail, a true and correct copy of the foregoing to the following:

Zach Wallace
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Jackson, MS 39201
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So certified, this the 15th day of October, 2019.

By: 

Timothy Howard, MSB #10687
City Attorney for the City of Jackson, Mississippi
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James Anderson, Jr., MSB #8425
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