

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

DR. ORLY TAITZ, ESQ., ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:12cv280-HTW-LRA

DEMOCRAT PARTY OF MISSISSIPPI, ET AL.

DEFENDANTS

**MISSISSIPPI SECRETARY OF STATE'S RESPONSE
IN OPPOSITION TO PLAINTIFFS' "NOTICE OF AN IMPROPER
ATTEMPT BY THE DEFENDANT TO REMOVE THE CASE TO
FEDERAL COURT WHILE IT IS BEING CONSIDERED
BY THE SUPREME COURT OF MISSISSIPPI"**

Defendant Mississippi Secretary of State Delbert Hosemann files this Response in Opposition to Plaintiffs' "Notice of an Improper Attempt by the Defendant to Remove the Case to Federal Court while it is being Considered by the Supreme Court of Mississippi" [Docket No. 10] and states:

1. The Secretary of State submits that plaintiffs' "Notice of an Improper Attempt by the Defendant to Remove the Case to Federal Court while it is being Considered by the Supreme Court of Mississippi," if the Court treats the filing as a Motion or other request for affirmative relief, should be denied for the reasons set forth in the Secretary of State's separate Response in Opposition to Plaintiffs' "Demand for Immediate Termination of Unlawful Proceedings in Federal Court and for Sanctions Against the Secretary of State and Defendants Attorney."

2. The Secretary of State hereby incorporates his Response in Opposition to Plaintiffs' "Demand for Immediate Termination of Unlawful Proceedings in Federal Court and for Sanctions Against the Secretary of State and Defendants Attorney" by reference and submits

that plaintiffs' request for relief, if any, should be denied for the reasons stated therein. [*See* Docket No. 13].

FOR THESE REASONS, and those set forth in his separate Response to plaintiffs' "Demand for Immediate Termination of Unlawful Proceedings in Federal Court and for Sanctions Against the Secretary of State and Defendants Attorney" [Docket No. 13], the Secretary of State respectfully requests that the Court enter an order denying plaintiffs' "Notice of an Improper Attempt by the Defendant to Remove the Case to Federal Court while it is being Considered by the Supreme Court of Mississippi" [Docket No. 10].

THIS the 3rd day of May, 2012.

Respectfully submitted,

Delbert Hosemann, Mississippi
Secretary of State

BY: Jim Hood, Attorney General
State of Mississippi

BY: S/Justin L. Matheny
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been electronically filed with the Clerk of Court and thereby served on the following persons, and also separately served by electronic mail as indicated below:

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THIS the 3rd day of May, 2012.

S/Justin L. Matheny
Justin L. Matheny