

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Malik Al-Shabazz,	)	
aka Billy Lee Lisenby, Jr.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	NOTICE OF REMOVAL
Michael Rasar,	)	
Tahira Thomas,	)	
Shanda Priester,	)	Case Number _____
	)	(state court case number 2021-CP-06-00079)
Defendants.	)	
_____	)	

Pursuant to 28 United States Code §1441(a), §1446, and §1331, Defendants<sup>1</sup> hereby invoke the jurisdiction of the United States District Court for the District of South Carolina, and state the following grounds for removal:

1. Plaintiff filed this action in the Court of Common Pleas for Barnwell County. Plaintiff invokes the First and Fifteenth Amendments to the United States Constitution, 42 USC 1973 (52 USC 10301), 52 USC 10101 in the Complaint. Plaintiff dated his Complaint March 4, 2021, and asserts service upon the defendants on March 4, 2021, but the Complaint was filed in the state court on March 30, 2021; therefore, service on the defendants could not be made before March 30, 2021, and this removal is timely. Upon information and belief, no defendant has been properly served. Nonetheless, in the interests of judicial economy and expedience, Defendants hereby waive further service efforts and will respond to the Complaint when this action is assigned a case number.

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<sup>1</sup> Defendant Priester's correct name is Shonda Priester. It is misspelled in the Complaint.

2. This action presents a claim and issue of federal law, in that the plaintiff alleges a violation of the First and Fifteenth Amendments to the United States Constitution, 42 USC 1973 (52 USC 10301), and 52 USC 10101. Plaintiff seeks monetary damages, actual and punitive, and injunctive relief in the form of a Court-mandated policy and procedure within Barnwell County Detention Center, termination of Defendants' employment, and notification by the Court of the United States Department of Justice, South Carolina Governor, and South Carolina Attorney General of what he alleges are violations of law.

3. This notice is filed with this Court within thirty (30) days of March 30, 2021, the date service was first legally allowed. No defendant has yet been properly served and none has responded to the Complaint.

4. Based on the allegations of the Complaint, the plaintiff is an individual citizen of South Carolina, and resident of Chesterfield County. The defendants are individual employees of the Barnwell County Sheriff, working at the Barnwell County Detention Center.

5. This Court has original jurisdiction of this action based upon the federal question presented by Plaintiff in the Complaint.

6. Venue is properly in the Aiken Division, as the case was initially filed in Barnwell County, and the Complaint alleges events occurring within Barnwell County.

7. Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by, without conceding that the plaintiff has stated a claim upon which relief may be granted, and without conceding that the plaintiff has made proper service upon any defendant.

8. The attorney of record for Defendants signs this Notice of Removal pursuant to Rule 11, FRCP.

WHEREFORE, Defendants pray this Court accept this Notice of Removal which is being filed, and that this Court take jurisdiction of the above-captioned action, and that all further proceedings in this action in the Court of Common Pleas for Barnwell County, State of South Carolina, bearing Civil Action Number 2021-CP-06-00079, be stayed.

Respectfully submitted,

April 16, 2021

Bamberg, South Carolina

*s/Norma A. T. Jett*

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ATTORNEY FOR DEFENDANTS