

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-80316-CIV-PAINE

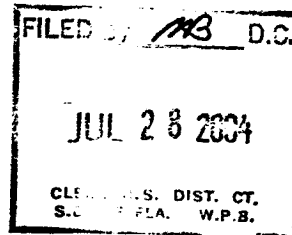
WILLIAM A. CABANA

Plaintiff, pro se

vs.

SHARON ANN MAYO, f/k/a,
SHARON ANN CABANA, former wife,
and Third Party Defendants

Defendants



PLAINTIFF'S APPLICATION FOR DEFAULT
(Clerk's Entry of Default)

"...it is clear that among the decisions that an individual may make without unjustified government interference are personal decisions relating to marriage..." Carey v. Population Serv. Int'l, 431 U.S. 678, 684-685 (1977)

Plaintiff applies and moves the Clerk of the Southern District of the Eleventh Circuit Court to Enter Default against all Defendants pursuant to Federal Rule of Civil Procedure Rule 55 and Local Rule 7.1 A (d) for failure to comply with Federal Rules of Civil Procedure Rule 55 (a) and Rule 12 (a) (1), i.e. failure to timely file an answer or reply.

1. April 6, 2004 Plaintiff removed Florida Fifteenth Circuit Court case Number 71-C-4137-FD to this court based on federal question subject matter jurisdiction.

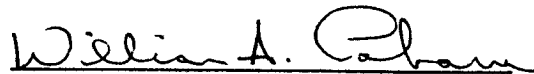
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2. April 6, 2004 Plaintiff named third party defendants to the removed state action.
3. April 6, 2004 Plaintiff Filed a Notice of Removal and paid the appropriate fees to this court.
4. April 6, 2004 Plaintiff delivered via U.S. Mail a Notice of Removal and a Notice of Filing Notice of Removal with accompanying copy of the complaint herein to
 - a. Renick and Kamber, Attorney for Defendant Sharon Ann Mayo,
 - b. to the Clerk of the Florida Fifteenth Circuit Court in West Palm Beach
 - c. and noticed the third party Defendants with the Notice of Removal and a copy of the complaint herein. (Exhibit A original return receipts U.S. Postal Service)
 - d. and The Florida Attorney General pursuant to Local Rule 24.1 and Fl. Statutes § 86.091.
5. April 7, 2004 Plaintiff attended a hearing before the Fifteenth Circuit Court Magistrate Judge Judith Fanelli who acknowledged removal of this case to Federal court. Defendant Sharon Ann Mayo f/k/a/ Sharon Ann Cabana and her counsel Renick and Kamber were in attendance at that hearing. Defendant and her counsel acknowledged removal of the action to this court.
6. May 4, 2004 Plaintiff renoticed Third Party defendants with a Notice of Removal and a copy of the complaint entered in this court. (Exhibits B and D)

7. May 19, 2004 Plaintiff again Noticed Renick and Kamber, Attorney for Defendant Sharon Ann Mayo, f/k/a Sharon Ann Cabana of the Notice of Removal with an accompanying copy of the complaint.
8. None of the defendants nor the Attorney General has answered or replied. None have challenged the unconstitutional claims of the Florida permanent alimony statute (§ 61.08).

WHEREFORE for the above stated reasons the Plaintiff requests the Clerk to enter Default.

Respectfully submitted,



WILLIAM A. CABANA, pro se
1050 Capri Isles Blvd., Apt F-105
Venice, FL 34292
Telephone: 941-480-1395
Fax: None
Email: bcabana2@comcast.net

Dated: July 27, 2004

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2004, I caused a true and accurate copy of the foregoing to be sent by U.S. Mail to,

Attorney For Sharon Ann Mayo:
Attorney Name: Renick & Kamber
1530 N. Federal Highway
Lake Worth, FL 33460
Phone: (561) 582-6644
[FIRST CLASS MAIL]

The Honorable Edward Fine, Chief Judge
Fifteenth Judicial Circuit Court
Room 5.2502
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, Fl. 33401
[FIRST CLASS MAIL]

The Honorable Sandra McSorley
Fifteenth Judicial Circuit Court
Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, Florida 33401
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James Zingale, Executive Director
Florida Department of Revenue
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