

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

Maritza Meszaros Reyes,)	C/A No.: 3:12-cv-298-JFA
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Harry Lee Langford Jeffcoat,)	
)	
Respondent.)	
_____)	

This matter comes before the court on Respondent’s Amended Motion to Dismiss, or in the Alternative, Motion for Judgment on the Pleadings. (ECF No. 18). The parties to this case are involved in a child custody dispute. However, this court is not called on to decide which parent should have custody of the children—rather, it is this court’s duty to determine whether the courts of Venezuela or the courts of the United States should decide the underlying child custody dispute. In his motion, the respondent has called into question this court’s jurisdiction over this matter. After thoroughly reviewing the parties’ briefs on this motion and after hearing argument by both sides on this motion, this court denies Respondent’s motion.

This court believes that the instant matter is properly before it based on the jurisdiction conferred to federal courts in 42 U.S.C. § 11603 over actions arising under the Hague Convention. This court is not persuaded by Respondent’s arguments that this court lacks jurisdiction because Petitioner has United States green card. As required by the International Child Abduction Remedies Act, the petitioner in this case has properly

commenced judicial proceedings under the Hague Convention by filing her petition in a federal court where the children were located at the time of the filing. *See* 42 U.S.C. § 11603(b). Because federal courts have been given jurisdiction of actions, such as this one, arising under the Hague Convention, this court has jurisdiction over this case.

This court hereby denies Respondent's Motion to Dismiss, or in the Alternative, Motion for Judgment on the Pleadings. (ECF No. 18). Additionally, the original Motion to Dismiss filed by Respondent is moot. (ECF No. 15).

IT IS SO ORDERED.

April 17, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge