

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN DOE,

Plaintiff,

v.

No. CV-08-1041 MCA/LFG

CITY OF ALBUQUERQUE,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Defendant City of Albuquerque hereby appeals to the United States Court of Appeals for the Tenth Circuit from the Memorandum Opinion and Order [Doc. 57] dated September 30, 2009 (Denying the City's Motion to Dismiss), the Memorandum Opinion and Order [Doc. 62] dated March 31, 2010 (Granting John Doe's Motion for Summary Judgment), and resulting Judgment [Doc. 63].

Respectfully submitted:

CITY OF ALBUQUERQUE
Robert M. White
City Attorney

/s/ Gregory S. Wheeler
Gregory S. Wheeler
Peter H. Pierotti
Assistant City Attorneys
Attorneys for Defendant
P.O. Box 2248
Albuquerque, New Mexico 87103
(505) 768-4500; fax 768-4440

I hereby certify that an electronic copy of the foregoing was sent via e-mail to the following counsel of record on April 28, 2010:

Brendan Egan Esq.
1215 Paseo de Peralta
Santa Fe, NM 87504
bkegan@rothsteinlaw.com

John Bienvenu, Esq.
1215 Paseo de Peralta
Santa Fe, NM 87504
jbienvenu@rothsteinlaw.com

George Bach, Esq.
300 Central Ave. SW, Ste 2000E
Albuquerque, NM 87102
george@bachandgarcia.com

Maureen A. Saunders
meaux1.sanderswestbrook@comcast.net

Philip B. David
Co-Legal Director for the ACLU-NM
814 Marquette Ave. NW
Albuquerque, NM 87102
davisp@swcp.com

/s/

Gregory S. Wheeler