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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Susana Brown,

No. CV-09-2011-PHX-LOA

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Plaintiff,

**ORDER**

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vs.

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U.S. Housing & Urban Development; City  
of Phoenix Housing Dept.; Mathew  
Henson Apts.,

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Defendants.

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In reviewing this file to independently determine whether the court has jurisdiction, it appears that the Government has not fully complied with 28 U.S.C. § 1446(a), the federal statute addressing removal procedure.

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A review of the Maricopa County Superior Court website for this case, <http://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseInfo.asp>, exhibit 1, reveals that an Answer was filed in state court on September 11, 2009 but not docketed until September 24, 2009, the day before removal of the entire case to this District Court. (docket # 1) The Court has independently confirmed that the Answer filed on September 11, 2009 was that of Defendants City of Phoenix Housing Department and Matthew Henson Apartments.

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While the Government's stated basis for removal on the merits is pursuant to 28 U.S.C. §§ 1442(a)(1) and 2679(d)(2), nevertheless, the Government is required to comply

1 with the statutory procedure for removing a case to federal court. Title 28 U.S.C. § 1446(a)  
2 provides as follows:

3 (a) A defendant or defendants desiring to remove any civil action or  
4 criminal prosecution from a State court shall file in the district court of  
5 the United States for the district and division within which such action  
6 is pending a notice of removal signed pursuant to Rule 11 of the  
7 Federal Rules of Civil Procedure and containing a short and plain  
statement of the grounds for removal, *together with a copy of all  
process, pleadings, and orders served upon such defendant or  
defendants in such action.*

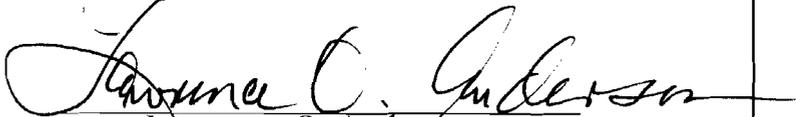
8 28 U.S.C. § 1446(a) (emphasis added). The state court's September 27, 2009 entry, entitled  
9 simply "Notice," is likely the Government's Notice of Removal.

10 The Court will direct counsel for the Government to promptly file an amended  
11 list of the state court filings, filed before September 25, 2009, and true and complete copies  
12 thereof, required by 28 U.S.C. § 1446(a) not already provided as an exhibit to its Notice of  
13 Removal.

14 On the Court's own motion,

15 **IT IS ORDERED** that counsel for the Government shall promptly file an  
16 amended list of the required state court filings, filed before September 25, 2009, and true  
17 and complete copies thereof, including the Answer filed on September 11, 2009 of  
18 Defendants City of Phoenix Housing Department and Matthew Henson Apartments; the  
19 affidavits of service of process, purportedly docketed on September 16, 2009; and any other  
20 documents required by 28 U.S.C. § 1446(a) not already provided as an exhibit to its Notice  
21 of Removal.

22 DATED this 13<sup>th</sup> day of October, 2009.

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25 Lawrence O. Anderson  
26 United States Magistrate Judge  
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## The Judicial Branch of Arizona, Maricopa County

### Civil Court Case Information - Case History

#### Case Information

**Case Number:** CV2009-026619      **Judge:** Arbitration 01 | Trujillo  
**File Date:** 8/20/2009      **Location:** Downtown  
**Case Type:** Civil

#### Party Information

Party Name	Relationship	Sex	Attorney
Susana Brown	Plaintiff	Female	Pro Per
U S Housing & Urban Development	Defendant		Pro Per
City Of Phoenix Housing Dept	Defendant		Sharon Hay
Mathew Henson Apts	Defendant		Sharon Hay

#### Case Documents

Filing Date	Description	Docket Da
10/9/2009	324 - ME: Notice Of Appointment Of Arbitrator	10/9/2009
10/5/2009	OAA - Order Requiring Judgment Debtor To	10/9/2009
<b>NOTE: WAIVED</b>		
9/27/2009	NOT - Notice	9/28/2009
<b>NOTE: Notice of Errata REGARDING THE CASE NUMBER LISTED ON DEFENDANT MATHEW HENSON APARTMENT</b>		
9/11/2009	ANS - Answer	9/24/2009
<b>NOTE: PAID</b>		
9/11/2009	CAA - Cert Of Agreement/Arbitration	9/17/2009
9/9/2009	CAN - Credit Memo Appearance Fee Paid	9/16/2009
9/9/2009	NAR - Notice Of Appearance	9/16/2009
9/3/2009	AFS - Affidavit Of Service	9/16/2009
9/3/2009	AFS - Affidavit Of Service	9/16/2009
9/3/2009	AFS - Affidavit Of Service	9/16/2009
8/20/2009	COM - Complaint	8/24/2009
8/20/2009	ADW - Application Deferral/Waiver	8/24/2009
8/20/2009	ODF - Order Deferring Court Fees	8/24/2009
8/20/2009	ASA - Affidavit in Support of Application for Deferral or Waiver of Service Process Costs	8/24/2009

#### Exhibit 1

8/20/2009 CCS - Certificate Arbitration - Subject To

8/24/2009

**Case Calendar**

There are no calendar events on file

**Judgments**

There are no judgments on file