

1 papers attached include a statement that on May 8, 2007 defendants were hand-served a summons and  
 2 “unlawful detainer/eviction” papers. The papers also include a mailed notice, dated May 4, 2007,  
 3 concerning the unlawful detainer papers. Thus defendants were apparently on notice of the pendency  
 4 of the Marin County action for over 30 days prior to filing this action, making the removal untimely  
 5 under 28 U.S.C. 1446.

6 Defendants also seek to proceed *in forma pauperis*, but their Application to Proceed In Forma  
 7 Pauperis states that defendant Norlin Merritt earns a monthly salary of \$10,000 gross and \$4,000 net and  
 8 that defendants have a net bank account balance of \$2000. They do not appear to be unable to pay the  
 9 Court’s filing fee (\$350). The application is therefore DENIED.

10 The Court advises defendants that if they wish to try to proceed with this action in this Court,  
 11 they must serve a copy of all papers on plaintiffs, and must also file a copy of the Notice of Removal  
 12 in state court where the action is pending. *See generally* 28 U.S.C. § 1446.

13  
 14 **IT IS SO ORDERED.**

15 Dated: June 15, 2007



16 SUSAN ILLSTON  
 17 United States District Judge

United States District Court  
 For the Northern District of California

18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28