

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02659-BNB

(Removal from Adams County District Court, Dean Carbajal v. Thomas Joseph Farrell,  
Case No. 09CV0613)

DEAN CARBAJAL,

Plaintiff,

v.

THOMAS JOSEPH FARRELL

Defendant.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

DEC 10 2009

GREGORY C. LANGHAM  
CLERK

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ORDER FOR SUMMARY REMAND

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Plaintiff Dean Carbajal, acting *pro se*, has submitted to this Court a Notice of Removal. The Court must construe the Notice liberally because Mr. Carbajal is representing himself. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). Although Mr. Carbajal has failed to submit a properly certified Motion and Affidavit to Proceed Pursuant to 28 U.S.C. § 1915, the Court will not require Mr. Carbajal to cure this deficiency and instead will remand the action summarily to the Adams County District Court.

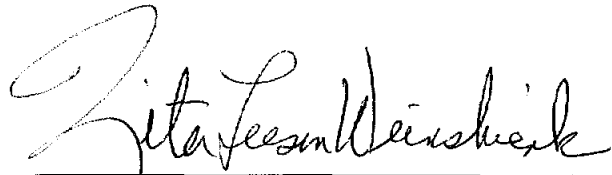
Mr. Carbajal apparently seeks the removal to this Court of Case No. 09CV0613, a civil case filed in the Adams County District Court. The Court has reviewed the Notice of removal and finds that it is deficient. Mr. Carbajal is a plaintiff in Case No. 09CV0613. Only a defendant in a state court action may remove the action from state court to a federal district court. *See* 28 U.S.C. § 1446(a). Accordingly, it is

ORDERED that this action is remanded summarily to the Adams County District. It is

FURTHER ORDERED that the Clerk of this Court shall mail a certified copy of this Order to the Clerk of the Adams County District Court at 1100 Judicial Center Drive, Brighton, Colorado 80601.

DATED at Denver, Colorado, this 9 day of December, 2009.

BY THE COURT:



ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-02659-BNB

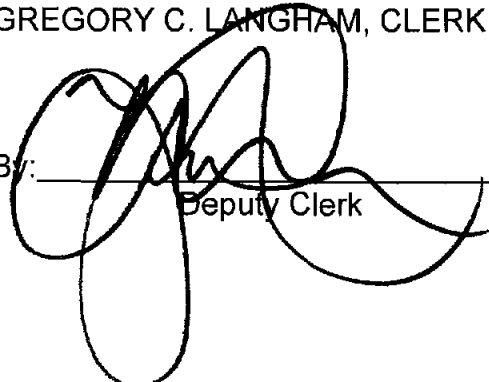
Dean Carbajal  
P.O. Box 46075  
Denver, CO 80205

Adams County District Court - **CERTIFIED**  
1110 Judicial Center Drive  
Brighton, CO 80601

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 12/10/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk