

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00021-BNB

MICHAEL JAMES MARZONIE, JR.,
MARK ANDREW LARSON,
LARSON & LARIMER, P.C., and
EVAN SCOTT RAY,

Plaintiffs,

v.

BRAUCH ENTERPRISES II,
N. GAYLE BRAUCH, and
EARL BRAUCH,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 19 2010

GREGORY C. LANGHAM
CLERK

ORDER FOR SUMMARY REMAND

Defendants have filed *pro se* a "Notice of Removal" seeking to remove civil action number 09CV6194 to this Court from the District Court of Jefferson County, Colorado. The notice of removal was filed on January 6, 2010. On January 7, 2010, Defendant Earl Brauch filed a letter to the Court together with a number of exhibits that he contends are relevant to this action. Defendant Earl Brauch also has filed a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. The *in forma pauperis* motion will be granted. For the reasons stated below, the action will be remanded to state court.

The Court must construe the notice of removal and other papers filed by Defendants liberally because Defendants are not represented by an attorney. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110

(10th Cir. 1991). However, the Court should not act as an advocate for *pro se* litigants. **See Hall**, 935 F.2d at 1110.

Pursuant to 28 U.S.C. § 1446(a), a defendant or defendants desiring to remove a civil action from a state court must file a notice of removal that contains a short and plain statement of the grounds for removal together with a copy of all process, pleadings, and orders served upon the defendant or defendants in the state court. Defendants have failed to comply with § 1446(a) because they have not provided a short and plain statement of the grounds for removal and they have failed to provide copies of the state court process, pleadings, and orders. Even construing the notice of removal and other papers submitted to the Court liberally, the Court is unable to ascertain any legitimate basis for removal of this action to this Court. Therefore, civil action number 09CV6194 will be remanded summarily to the Jefferson County District Court pursuant to 28 U.S.C. § 1446(c)(4). Accordingly, it is

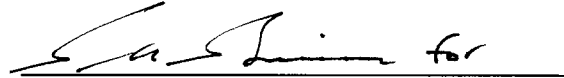
ORDERED that the motion seeking leave to proceed *in forma pauperis* filed by Defendant Earl Brauch on January 6, 2010, is granted. It is

FURTHER ORDERED that this action is remanded summarily to the Jefferson County District Court. It is

FURTHER ORDERED that the clerk of this Court shall mail a certified copy of this order to the clerk of the Jefferson County District Court.

DATED at Denver, Colorado, this 19th day of January, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Philip A. Brimmer for", written over a horizontal line.

PHILIP A. BRIMMER
United States District Judge, for
ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-00021-BNB

N. Gayle Brauch
11825 Carmel Drive
Lakewood, CO 80215

Michael James Marzonie, Jr.
4600 South Ulster Street
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Earl Brauch
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Mark Andrew Larson
4600 South Ulster Street
Suite 300
Denver, CO 80237

Jefferson County District Court - **CERTIFIED**
100 Jefferson County Pkwy
Golden, CO 80401

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 1/19/10

GREGORY C. LANGHAM, CLERK

By: 
Deputy Clerk