

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

FEB 10 2010

GREGORY C. LANGHAM  
CLERK

Civil Action No. 10-cv-00230-BNB

(Removal from Mesa County District Court, People of the State of Colorado v. Lora J. Krista, Case Nos. 7-m-3265 and 8-m-163)

PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

LORA J. KRISTA,

Defendant.

---

ORDER FOR SUMMARY REMAND

---

Defendant, Lora J. Krista, has submitted to this Court a *pro se* Notice of Removal and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. Although the Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 is not properly notarized, the Court will not require Defendant to cure this deficiency, and instead will remand the action summarily to the Mesa County District Court.

Defendant seeks the removal to this Court of Case Nos. 7-m-3265 and 8-m-163, which appear to be state court cases filed in the Twenty-first Judicial District in Mesa County, Colorado. Defendant does not indicate whether these cases are criminal or civil in nature. The Court must construe liberally the notice of removal because Defendant is representing herself. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).


The Court has reviewed the notice of removal and finds that it is deficient because Defendant fails to set forth "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." 28 U.S.C. § 1446(a). Defendant does not demonstrate that the Mesa county court action properly may be removed to this Court. Therefore, this action will be summarily remanded to the Twenty-first Judicial District Court. Accordingly, it is

ORDERED that this action is remanded summarily to the Twenty-first Judicial District Court in Mesa County, Colorado. It is

FURTHER ORDERED that the Clerk of this Court shall mail a certified copy of this order to the clerk of the Twenty-first Judicial District Court in Mesa County, Colorado.

DATED at Denver, Colorado, this 10 day of February, 2010.

BY THE COURT:

  
CHRISTINE M. ARGUELLO  
United States District Judge, for  
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. 10-cv-00230-BNB

Lora J. Krista  
P.O. Box 84  
Elbert, CO 80106

Twenty-first Judicial District Court - **CERTIFIED**  
125 N. Spruce  
Grand Junction, CO 81505

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 2/10/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk