

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00520-BNB
(Removal from Delta County, Colorado, County Court, Case No. 09C757)

JOHN MOORE,

Plaintiff,

v.

DONAR ALLIANCE,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR 23 2010

GREGORY C. LANGHAM
CLERK

ORDER FOR SUMMARY REMAND

Plaintiff, John Moore, has submitted to this Court *pro se* a notice of removal (document no. 3), and three motions and affidavits for leave to proceed pursuant to 28 U.S.C. § 1915 (document nos. 1, 6, and 7). Mr. Moore has been granted leave to proceed pursuant to § 1915.

The Court must construe Mr. Moore's filings liberally because he 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). However, the Court should not be the *pro se* litigant's advocate. *Hall*, 935 F.2d at 1110. For the reasons stated below, the Court will remand this action summarily to the Delta County, Colorado, county court.

Plaintiff seeks to remove to this Court Case No. 09CV757, a civil case filed in the County Court of Delta County. The Court has reviewed the notice of removal and finds that it is deficient for two reasons. Only defendants may remove an action from state court. *See* 28 U.S.C. § 1446(a). Plaintiff also fails to set forth in the notice of removal

“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.” *Id.* Therefore, this action will be remanded summarily to the County Court of Delta County. Accordingly, it is

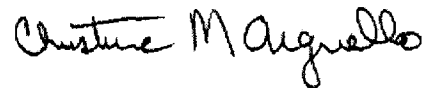
ORDERED that this action is remanded summarily to the Delta County, Colorado, county court. It is

FURTHER ORDERED that the clerk of this Court shall mail a certified copy of this order to the clerk of the County Court of Delta County. It is

FURTHER ORDERED that any pending motions are denied as moot.

DATED at Denver, Colorado, this 22nd day of March, 2010.

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge, for
ZITA LEESON WEINSHIENK
Senior Judge, United States District Court

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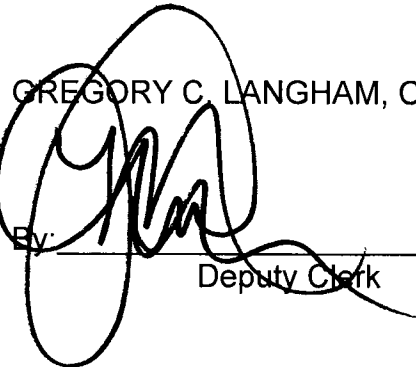
CERTIFICATE OF MAILING

Civil Action No.10-cv-00520-BNB

John Moore
140 SE Frontier Ct.
Cedaredge, CO 81413

County Court of Delta County - **CERTIFIED**
501 Palmer St. Suite 338
Delta, CO 81416

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/22/10

GREGORY C. LANGHAM, CLERK

By: _____
Deputy Clerk