

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00710-BNB

(Removal from Crowley County District Court, State of Colorado, Marco A. Rocha v. CCA, et al., Case No. 2004CV112)

MARCO A. ROCHA,

Plaintiff,

v.

CCCF ADMINISTRATION,  
CCCF PERSONNEL,  
RICH WAUGH, and  
RICHARD SELMAN,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAR 31 2010

GREGORY C. LANGHAM  
CLERK

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ORDER FOR SUMMARY REMAND

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Plaintiff, Marco A. Rocha, acting *pro se*, has submitted to this Court a Notice of Removal. The Court must construe the Notice liberally because Mr. Rocha 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. Rocha 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. Rocha to cure this deficiency and instead will remand the action summarily to the Crowley County District Court.

Mr. Rocha apparently seeks the removal to this Court of Case No. 2004CV112, a civil case filed in the Crowley County District Court. This Court has reviewed the Notice of Removal and finds that it is deficient. Mr. Rocha is a plaintiff in Case No.

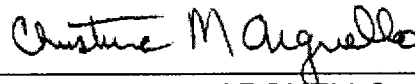
2004CV112. Only a defendant in a state court action may remove the action from state court to a federal district court. **See** 28 U.S.C. § 1446(a). Accordingly, it is

ORDERED that this action is remanded summarily to the Crowley County District Court in Ordway, Colorado. It is

FURTHER ORDERED that the Clerk of this Court shall mail a certified copy of this Order to the Clerk of the Crowley County District Court at 110 E. 6th Street, Ordway, Colorado 81063.

DATED: March 30, 2010.

BY THE COURT:



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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-00710-BNB

Marco A. Rocha  
Prisoner No. 67027  
Sterling Correctional Facility  
PO Box 6000  
Sterling, CO 80751

Crowley County District Court - **CERTIFIED**  
110 E. 6<sup>th</sup> Street  
Ordway, CO 81063

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/31/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk