

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 22 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02110-BNB
(Removal from Logan County District Court, Colorado, Case Nos. 10-S-09, 10-CV-153,
10-S-34, 10-CV-154, 10-S-12, 10-CV-158, 2011-SA-200, 11-S-10, 11-CV-48 and 11-S-
24)

LEROY W. BAKER, #82907,

Plaintiff,

v.

TOM CLEMENTS, Dir., D.O.C., and
KEVIN MILYARD, Warden, Ster. Corr. Fac.,

Defendants.

ORDER FOR SUMMARY REMAND

Plaintiff, Leroy W. Baker, has filed *pro se* a document titled "Removal of Cases from State to Federal Court Pursuant to 28 U.S.C. § 1446." The Court must construe Mr. Baker'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 reason stated below, this action will be remanded summarily to the Logan County District Court.

The Court has reviewed the Notice of Removal and finds that it is deficient. Mr. Baker seeks to remove to this Court Case Nos. 10-S-09, 10-CV-153, 10-S-34, 10-CV-154, 10-S-12, 10-CV-158, 2011-SA-200, 11-S-10, 11-CV-48 and 11-S-24, ten civil actions filed by Mr. Baker in the Thirteenth Judicial District in Logan County, Colorado. Only a defendant in a state court action may remove an action from state court to the

federal district court. **See** 28 U.S.C. § 1446(a). Mr. Baker has also failed to provide “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). Therefore, this action will be remanded summarily to the Logan County District Court. Accordingly, it is

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

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 22nd day of August, 2011.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-02110-BNB

Leroy W Baker
Prisoner No. 82907
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

Clerk of the Court
Logan County Combined Courts
110 N Riverview Rd
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on August 22, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk