

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Civil Action No. 11-cv-02432-BNB  
(Removal from Colorado Supreme Court Case No. 2011-SA-200)

**SEP 20 2011**

LEROY W. BAKER, #82907,

**GREGORY C. LANGHAM**  
CLERK

Plaintiff,

v.

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

Defendants.

---

ORDER FOR SUMMARY REMAND

---

Plaintiff, Leroy W. Baker, filed *pro se* a document titled "Removal of Cases from State to Federal Court Pursuant to: 28 U.S.C. § 1441 throu [sic] 1446 + F.R.C.P. Ru [sic] 81." 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 Colorado Supreme Court.

The Court has reviewed the Notice of Removal and finds that it is deficient. Mr. Baker seeks to remove Case No. 2011-SA-200, a habeas corpus action filed by Mr. Baker in the Colorado Supreme Court. 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 Colorado Supreme Court. Accordingly, it is

ORDERED that this action is remanded summarily to the Colorado Supreme Court. It is

FURTHER ORDERED that the Clerk of this Court shall mail a certified copy of this order to the clerk of the Colorado Supreme Court. It is

FURTHER ORDERED that all pending motions are denied as moot.

DATED at Denver, Colorado, this 20<sup>th</sup> day of September, 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-02432-BNB

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

Christopher T Ryan  
Colorado Supreme Court  
101 W Colfax Ave Suite 800  
Denver, CO 80202

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on September 20, 2011.

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_



Deputy Clerk