

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02453-WJM-MEH

LISA KAY BRUMFIEL,

Plaintiff,

v.

U.S. BANK, N.A. trustee, for Merrill Lynch/ First Franklin Mortgage Loan Trust,
Mortgage Loan Asset Backed Certificates, Series 2007 FF1,
SELECTED PORTFOLIO SERVICING INC.,
BANK OF AMERICA N.A., and
JOHN DOES 1-100,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on October 21, 2014.

Before the Court is Plaintiff's Motion to Accept and Consolidate Under Rule 42 [filed October 17, 2014; docket #22]. Plaintiff requests that this Court "accept" the forcible entry and detainer case filed against her in Arapahoe County Court, Colorado and consolidate it with the quiet title action she filed in this Court. The only avenue available for Plaintiff to have the detainer case removed to this Court is to comply with the relevant statutory requirements. Pursuant to 28 U.S.C. § 1441(a),

any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

28 U.S.C. § 1441(a). In addition, 28 U.S.C. § 1446(b)(1) provides that a notice of removal must be filed within thirty days after the defendant or defendants are served with the complaint in a state court case. See *id.* § 1446(b)(1). Plaintiff never filed an actual notice of removal under 28 U.S.C. § 1441(a). Thus, Plaintiff's motion is **denied without prejudice** with leave to refile upon proper notice of removal.