

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 November 6, 2014.

Plaintiff has filed a letter to the Court titled “Clarification of the Notice of Removal in State Court to Federal Court” [filed October 27, 2014; docket #37]. The Court construes Plaintiff’s letter as a motion to clarify the status of the notice of removal, filed on October 21, 2014 [docket ## 30-31]. The Court **grants** the motion as follows.

The Court does not construe Plaintiff’s October 21, 2014 or October 30, 2014 filings as proper notices of removal. (Docket ## 31, 34.) “Under 28 U.S.C. § 1446(d) removal is effected by the defendant’s taking three procedural steps: filing a notice of removal in federal court, giving prompt written notice to adverse parties and filing a copy of the notice in state court.” *Browning v. American Family Mut. Ins. Co.*, 396 Fed. App’x. 496, 505 (10th Cir. 2010). At the very least, Plaintiff has not filed a “Notice of Removal” in this Court. Further, the filing does not comply with 28 U.S.C. § 1446(a), which requires submitting to this Court “a copy of all process, pleadings, and orders served upon [defendants]” from the state court action.

Additionally, any future filings by the Plaintiff must comply with Fed. R. Civ. P. (6)(b)(1), which states that “[a] request for a court order must be made by motion.” Any filings that do not comply with this rule may be stricken from the record without further review of the Court.

Defendants are reminded that “[a] motion shall not be included in a response or reply to the original motion.” D.C. Colo. LCivR 7.1(d). Thus, to the extent Defendants’ response to Plaintiff’s motion [docket #41, ¶¶ 11-12] seeks relief from this Court, Defendants must file a motion in a separate document.