IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

JOHN DOE,

Plaintiff,

v.

No. CV-08-1041 MCA/LFG

CITY OF ALBUQUERQUE,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Defendant City of Albuquerque hereby appeals to the United States Court of Appeals for the Tenth Circuit from the Memorandum Opinion and Order [Doc. 57] dated September 30, 2009 (Denying the City's Motion to Dismiss), the Memorandum Opinion and Order [Doc. 62] dated March 31, 2010 (Granting John Doe's Motion for Summary Judgment), and resulting Judgment [Doc. 63].

Respectfully submitted:

CITY OF ALBUQUERQUE Robert M. White City Attorney

/s/ Gregory S. Wheeler

Gregory S. Wheeler Peter H. Pierotti Assistant City Attorneys Attorneys for Defendant P.O. Box 2248 Albuquerque, New Mexico 87103 (505) 768-4500; fax 768-4440 I hereby certify that an electronic copy of the foregoing was sent via e-mail to the following counsel of record on April 28, 2010:

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