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 Southern District of New York
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JUDGE KARAS

11 CIV 5197

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 CLAUDETTE PEARSON,

Plaintiff,

v.

HUD.GOV.COM,

Defendant.
 -----X

NOTICE OF REMOVAL

11 Civ.

Westchester County
 Index No.: 12392/11

2011 JUN 16 PM 4:28
 C.D. OF N.Y.

Defendant the United States Department of Housing and Urban Development (“HUD”), by its attorney, Preet Bharara, United States Attorney for the Southern District of New York, hereby removes this action pursuant to 28 U.S.C. § 1442(a) to the United States District Court for the Southern District of New York. The grounds for removal are as follows:

1. On or about June 22, 2011, Plaintiff Claudette Pearson filed a *pro se* Notice of Petition and Request for Judicial Intervention (Index No. 12392/11) against defendant HUD.gov.com in the Supreme Court of the State of New York, County of Westchester (the “State Court Papers”). A copy of the Notice of Petition and Request for Judicial Intervention is

attached hereto as Exhibit A. (In accordance with Fed. R. Civ. P. Rule 5.2, references in the State Court Papers to Plaintiff's personal information has been redacted.)

2. On or about July 18, 2011, a copy of the State Court Papers was received by HUD at its office in Dallas, Texas.¹

3. The *pro se* State Court Papers do not allege with specificity Plaintiff's claims against HUD. Plaintiff is seeking monetary damages from HUD "to clear off bad matters" and has checked boxes indicating tort and commercial claims. *See* Ex. A. Therefore, Plaintiff's claims may be construed as claims under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 1402(b), 2401(b) and 2671-2680, and jurisdiction in this Court is proper under 28 U.S.C. § 1331.

4. HUD is an agency of the United States of America for the purposes of 28 U.S.C. § 1442(a), and the FTCA, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), 2671-2680.

4. Accordingly, this action may be removed from the State Court to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1442(a).

5. Removal pursuant to 28 U.S.C. § 1442(a)(1) is timely under 28 U.S.C. § 1446(b). Section 1446(b) authorizes removal within thirty days of proper service of process in an action. *See Whitaker v. American Telecarting, Inc.*, 261 F.3d 196, 202 (2d Cir. 2001) (holding that "the commencement of the removal period [can] only be triggered by formal service of process . . .").

6. The submission of this notice of removal is solely for the special purpose of removing this action to the appropriate federal court and is not a general appearance by HUD. This Office makes a limited appearance on behalf of HUD solely for the purpose of removal of

¹ Upon information and belief, however, the Attorney General of the United States and the U.S. Attorney's Office for the Southern District of New York were never served. *See* Fed. R. Civ. P. 4(i).

this action. This submission does not constitute a waiver of any defense available to HUD, including any defense under Rule 12 of the Federal Rules of Civil Procedure.

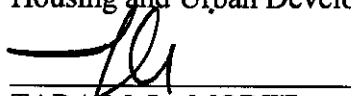
Dated: New York, New York

August 16, 2011

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States Department of
Housing and Urban Development

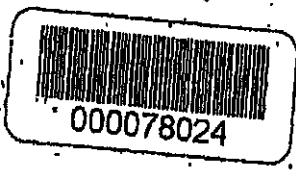
By:



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EXHIBIT A

[Print in black ink to fill in the spaces next to the instructions]



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of the Application of

Claudette Pearson [Redacted] Index No. 12392-11
[Fill in name(s)] Petitioner(s)

NOTICE OF PETITION

-against-

Hud. Gov. Com.
[Fill in name(s)] Respondent(s)

PLEASE TAKE NOTICE that upon the verified petition(s) of

Claudette Pearson, [your name(s)], sworn to on
June 22nd, 2011, [date the Verified Petition was signed by a notary
public], and the attached exhibits, petitioner(s) will request this Court, at
9:30 AM on the 25 day of June, 2011, [return date] at the
Courthouse, at 111 Dr. Martin Luther King Jr. Blvd., White Plains, N. Y.,
Courtroom _____, (or an IAS Part to be assigned) for a judgment pursuant to

Civil Practice Law and Rules Article 4, granting the following relief to the
petitioner(s): [describe what you are asking the Court to do] Grant

Pres clothing in amount of \$200.00
clothes worn Section 1 Section 2 open
allow a fair trial Law Sec Law Sec
law again study and continue for we
the people USA. (self personal and for such other and
further relief as this Court may deem just and proper.

Dated: June 22nd, New York
_____, 2011

[Date petition signed]

Respectfully submitted,

Claudette Pearson
41 Ehrbar Ave
Mt. Vernon NY 10552
Apt B

Petitioner (s)

[Your name, address, telephone no.]

To: Respondent(s)

Hud. Gov. Com
525 Grigon Street
Dallas Texas

[Name, address and telephone no.]

FILED

JUN 22 2011

TIMOTHY C. IDONI
COUNTY CLERK
COUNTY OF WESTCHESTER

related # 26128-09 + 4382-10

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Supreme COURT, COUNTY OF WESTCHESTER

Index No: 12392-11 Date Index Issued:

For Se
6/28/11
000078026
Judge Assigned

CAPTION: Enter the complete case title, title for judicial intervention, and the name of the party required to file a caption rider sheet.

Chauvette Pearson
41 Ehrbar Ave
Mt-Vernon NY 10552

NOG
RJI Date
FILED
JUN 22 2011
TIMOTHY C. IDONI
COUNTY CLERK

Plaintiff(s) / Defendant(s)
Hud.gov.com
525 Grubb Street
Dallas Texas 75210

JUN 23 2011
COUNTY OF WESTCHESTER
CHIEF CLERK
WESTCHESTER SUPREME
AND COUNTY COURTS

NATURE OF ACTION OR PROCEEDING: Check One box only and specify where indicated.

MATRIMONIAL

Contested
 Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum.

COMMERCIAL

Business Entity (including corporations, partnerships, LLCs, etc.)
 Contract
 Insurance (where insurer is a party, except arbitration)
 UCC (including sales, negotiable instruments)
 Other Commercial: _____ (specify)

TORTS

Asbestos
 Breast Implant
 Environmental: Lead water (Gifted asking for parts) (specify)
 Medical, Dental, or Podiatric Malpractice
 Motor Vehicle
 Products Liability: _____ (specify)
 Other Negligence: Housing and clothing (specify)
 Other Professional Malpractice: _____ (specify)
 Other Tort: U.S.A. Living Westchester (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

REAL PROPERTY: How many properties does the action/proceeding include?

Condemnation
 Foreclosure
Property Address: _____ Alabama _____
Street Address City State Zip
NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.
 Tax Certiorari - Section: _____ Block: _____ Lot: _____
 Other Real Property: _____ (specify)

OTHER MATTERS

Certificate of Incorporation/Dissolution [see NOTE under Commercial]
 Emergency Medical Treatment
 Habeas Corpus
 Local Court Appeal
 Mechanic's Lien
 Name Change
 Pistol Permit Revocation Hearing
 Sale or Finance of Religious/Not-for-Profit Property
 Other: Need home back passport and general info (specify)

SPECIAL PROCEEDINGS

CPLR Article 75 (Arbitration) [see NOTE under Commercial]
 CPLR Article 78 (Body or Officer)
 Election Law
 MHL Article 9.80 (Kendra's Law)
 MHL Article 10 (Sex Offender Confinement-Initial)
 MHL Article 10 (Sex Offender Confinement-Review)
 MHL Article 81 (Guardianship)
 Other Mental Hygiene: Unimpaired Depressive
 Other Special Proceeding: Don't need help to live (specify)

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND fill in the additional information where indicated.

Has a summons and complaint or summons w/notice been filed? YES NO
If yes, date filed: _____
Is this action/proceeding being filed post-judgment? YES NO
If yes, judgment date: _____

Poor Quality

Instructions: This affidavit must be used for service of a Summons and Complaint, a Summons with Notice, a Notice of Petition and Verified Petition, an Order to Show Cause and Verified Petition or Subpoena. Print to fill in the spaces next to the instructions.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

Claudette Perron
[Fill in names(s)] Plaintiff(s)/Petitioner(s)

Index No.
12-392-11

- against -

Hud. Gov. Com.
[Fill in names(s)] Defendant(s)/Respondent(s)

AFFIDAVIT OF SERVICE
OF INITIATING PAPERS

STATE OF NEW YORK
COUNTY OF _____ ss: -----X

I, Claudette Perron (self), [name of person who served papers], being duly sworn, depose and say:

~~I am over 18 years of age and am not a party to this case.~~

I reside at 41 Ehrbar Ave, Mt. Vernon, NY 10552, Apt B Basement [your address].

On June 22nd, 2011, [date of service], at 10:00 [time of day] AM/PM, I served the attached papers Hud. Gov. Com [identify the papers served].
575 Griffin St Dallas Texas on the defendant in this case. The address of the place where the papers were served is 575 Griffin St. Dallas Texas [state location where papers were served].

I served the papers in the manner indicated below: [check the right box]

1) **Individual** By delivering a true copy of each to the defendant personally. I knew the person served to be the person named in those papers because _____ [How did you know defendant? Fill out description of person below].

2) **Corporation** Hud. Gov. Com [name of business], a domestic corporation, by delivering a true copy of each to John White (USA 872) [Identify person served. Fill out description of person below], who is John White (USA 872) [identify his/her job title]. I knew the corporation to be that listed in the papers served and I knew the title of person named above and that he she was authorized to accept service.

Service [Identify person served. Fill out description of person below.] 0/10

a person of suitable age and discretion, at the actual place of business, dwelling house, or usual place of abode in the state, and mailing, as indicated below.

Mailing

(Use with 3)

I also enclosed a copy of the above papers in a postpaid, sealed envelope properly addressed to defendant's last known residence or actual place of business, located at 525 ^{Why} ~~525~~ ~~Street~~ ~~do this again~~ [address], and I deposited the envelope in a post office depository under the exclusive care and custody of the United States Postal Service within New York State.

Description

(Use with 1, 2, or 3)

The individual I served had the following characteristics: [Check the right boxes]:

Sex	Height	Weight	Age
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Under 5"	<input type="checkbox"/> Under 100 lbs.	<input type="checkbox"/> 21-34 years
<input type="checkbox"/> Female	<input type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 lbs.	<input checked="" type="checkbox"/> 35-50 years
	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.	<input type="checkbox"/> 51-61 years
	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.	<input type="checkbox"/> Over 61 yrs.
	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.	

Color of skin [describe]: Complexion Ind Chinese
Color of hair [describe]: Black ^{people} ^{of white}
Other identifying features, if any [describe]: See white eyes, low, awaiting complexity ^{see (AW)}

Military Service

I asked the person to whom I spoke whether the defendant was in the military of the United States or New York State in any capacity and was told that he/she was not. Defendant did not wear a military uniform. I state upon information and belief that the defendant is not in the military service of the United States or New York State. The basis for my belief is the conversation(s) and observation(s) described above.

Sworn to before me this 7th day of July, 20011

Claudette Pearson
[Sign your name before a Notary]

[Signature]
Notary Public Lisa Thorpe-Frale
Commissioner of Deeds
in and for the City of Mount Vernon
Commission Expires December 31, 2011

Claudette Pearson
[Print your name] 6/02

P.T.O

Poor payour ~~88kmj~~ \$1. million
Oblow. to clear off bad math
X Claudette Pearson

RECEIVED U.S.C. 6AC

2011 JUL 29 10 46 31

OFFICE OF
REGIONAL COUNSEL

2011 JUL 29 PM 2:33

RCVD USHUD NY/NJ