

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13cv _____

A JUST CAUSE, a non-profit organization,

Plaintiff,

v.

DARLENE M. MARTINEZ,

Defendant.

NOTICE OF REMOVAL

Defendant Darlene M. Martinez, through undersigned counsel, hereby gives notice of the removal of the above-captioned action, pursuant to 28 U.S.C. §§ 1441(a), 1442(a)(1), and 1446(a). The grounds for removal are as follows:

1. On or about July 31, 2013, Plaintiff initiated this matter in the District Court for the 2nd Judicial District, Denver County, Colorado, by filing a complaint.

2. This action may be removed pursuant to 28 U.S.C. § 1442(a) because Defendant Darlene M. Martinez is employed full time as an official court reporter with the United States District Court, and was acting under color of office and in the performance of her duties during the alleged incident in the complaint.

3. Copies of all pleadings and orders that the United States has received or obtained with respect to this action are attached to this Notice of Removal in compliance with 28 U.S.C. § 1446(a).

4. In compliance with D.C.COLO.LCivR 81.1, the United States will promptly file with this Court any other pleadings, motions and papers from the state court file once it receives a copy of those documents.

WHEREFORE, notice is given that the action now pending in the District Court for Denver County, Colorado, Case No. 2013cv33380, has been removed to this Court.

DATED: August 22, 2013.

JOHN F. WALSH
United States Attorney

s/Michael C. Johnson
MICHAEL C. JOHNSON
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2013, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following e-mail addresses:

none

I also certify that I provided the foregoing pleading via first-class mail, postage prepaid, to:

A Just Cause
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s/ Annette Dolce
Annette Dolce
U.S. Attorney's Office