

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

STEVE DOUGLAS GARTIN,

Plaintiff,

v.

No. CIV-06-0350-WJ/LAM

THOMAS MILLER,
DENNIS HALL,
GARY CLYMAN,
DONALD L. ESTEP
MARLEEN LANGFIELD,
HON. MARGIE ENQUIST,
HON. JUDY ARCHULETA,
HON. TINA LOUISE OLSEN,
CRISSY SCHAUDT,
STATE OF COLORADO,
1ST JUDICIAL DISTRICT,

Defendant(s).

STATE OF COLORADO DEFENDANTS' REPLY ON
MOTION TO DISMISS OR FOR CHANGE OF VENUE

COME NOW Defendants Hon. Margie Enquist, Hon. Judy Archuleta, Hon. Tina Olsen, Chrissy Schaudt, Marleen Langfield, Gary Clyman, the State of Colorado, and the First Judicial District ("State Defendants"), by and through counsel, and pursuant to Fed.R.Civ.P. 12(b)(2) and (3) and 28 U.S.C. §1631 or 28 U.S.C. § 1404(a), submit this Reply on their Motion to Dismiss or for Change of Venue.

State Defendants' Motion to Dismiss or for Change of Venue was filed on May 18, 2006 and was served on Plaintiff on that same date by electronic mail and by First Class U.S. Mail. Plaintiff's response to the Motion to Dismiss or for Change of Venue was due no later than June


5, 2006 pursuant to D.N.M.LR-Civ. 7.6(a). Plaintiff filed an untimely response (titled "Reply") on June 13, 2006. In the untimely response, Plaintiff argues that this Court has diversity subject matter jurisdiction. Plaintiff, however, does not address the issue of personal jurisdiction over the Defendants in New Mexico.

As is set out in the State Defendants' Motion to Dismiss or for Change of Venue, Defendants have insufficient contacts with the State of New Mexico to support the exercise of personal jurisdiction over them, and the causes of action as alleged by Plaintiff do not arise out of any acts or omissions of Defendants occurring in New Mexico. Even assuming the Court had subject matter jurisdiction to grant political asylum and enjoin proceedings in the Colorado State Courts as requested by Plaintiff, there is no personal jurisdiction over the Defendants in New Mexico. Therefore, this case should be dismissed for want of jurisdiction or, in the alternative, transferred to the District of Colorado pursuant to 28 U.S.C. §1631 or 28 U.S.C. § 1404(a).

WHEREFORE, the State Defendants request this Court to order either dismissal of this action or that venue in this matter transferred to the United States District Court, District of Colorado.

Respectfully submitted,

BUTT THORNTON & BAEHR PC

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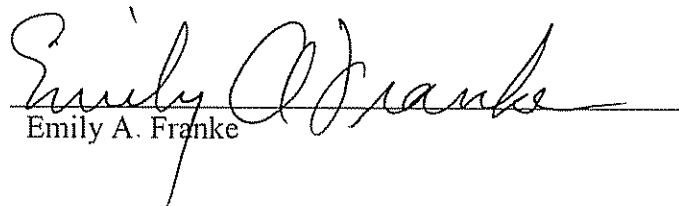
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Attorneys for Defendants Langfield, Clyman,
Enquist, Archuleta, Olsen, Schaudt, 1st Judicial
District, and State of Colorado

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within State Defendants' Reply to Plaintiff's Reply (sic) to Motion for Change of Venue upon all parties herein by e-mail and depositing same in the United States mail, first-class postage prepaid, this 19th day of June, 2006 addressed as follows:

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