

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01924-DME-KMT

KENNETH L. SMITH,

Plaintiff,

v.

HONS. MICHAEL L. BENDER,  
NATHAN B. COATS,  
GREGORY J. HOBBS, JR.,  
REBECCA LOVE KOURLIS,  
ALEX J. MARTINEZ,  
MARY J. MULLARKEY, and  
NANCY E. RICE, in their individual capacities only,  
HON. JOHN W. SUTHERS, and  
FRIEDRICK C. HAINES, in their individual capacities only,  
JOHN DOES 1-99, and  
THE UNITED STATES OF AMERICA,

Defendants.

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**DEFENDANT UNITED STATES OF AMERICA'S NOTICE OF  
NON-OPPOSITION TO PLAINTIFF'S MOTION FOR THE  
TAKING OF JUDICIAL NOTICE (DOC. 24)**

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COMES NOW Defendant United States of America, and sets forth its position of non-opposition to the judicial notice sought by Plaintiff in his Motion for the Taking of Judicial Notice (Doc. 24) as follows:

1. On or about January 26, 2008, Plaintiff e-mailed undersigned counsel for Defendant United States of America pursuant to D.C.COLO.LCivR 7.1(A) to confer on whether the United States would oppose Plaintiff's forthcoming motion for judicial notice of certain rules,

decision(s), and documents.

2. Undersigned counsel did not have an opportunity to reply to Plaintiff's e-mail before Plaintiff filed his Motion (Doc. 24).

3. To the extent Plaintiff seeks judicial notice of the rules, decision(s), and documents set forth in his Motion, the United States does not oppose Plaintiff's Motion.

4. The United States's non-opposition to judicial notice extends only to that relief, and does not indicate the United States' agreement with the characterization and argument regarding said rules, decision(s), or documents, as may be set forth in Plaintiff's Motion.

DATED this 30th day of January, 2008.

Respectfully Submitted,

TROY A. EID  
United States Attorney

s/Marc A. Bonora  
**Marc A. Bonora**  
Assistant United States Attorney  
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Denver, Colorado 80202  
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Counsel for the United States

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on January 30, 2008, 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 address:

Christine K. Wilkinson  
[christine.wilkinson@state.co.us](mailto:christine.wilkinson@state.co.us), [steve.morrow@state.co.us](mailto:steve.morrow@state.co.us)

and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participant(s) in the manner (mail, hand delivery, etc.) indicated by the nonparticipant's name:

Kenneth L. Smith  
23636 Genesee Village Road  
Golden, CO 80401

s/ Marc A. Bonora  
For the United States Attorney's Office