

**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.

**DEFENDANT UNITED STATES OF AMERICA'S
RESPONSE TO PLAINTIFF'S MOTION FOR
INJUNCTIVE AND/OR DECLARATORY RELIEF**

Defendant United States of America (United States) hereby responds to Plaintiff's Motion for Injunctive and/or Declaratory Relief (Doc. 18) as follows:

1. The United States understands Plaintiff's Motion as not seeking relief from the United States. Based on this understanding, the United States takes no position on Plaintiff's Motion.

2. However, the United States opposes the proposed order attached to Plaintiff's Motion, as it purports to find violations of federal law without due process and to establish other unsupported findings and findings that are contrary to fact.

DATED this 1st day of February, 2008.

Respectfully Submitted,

TROY A. EID
United States Attorney

s/Marc A. Bonora

Marc A. Bonora

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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 February 1, 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, 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