

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.

**STATE DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION
FOR RELIEF PURSUANT TO 28 U.S.C. §292**

DEFENDANTS, Hons. Michael L. Bender, Nathan B. Coats, Gregory J. Hobbs, Jr., Rebecca Love Kourlis, Alex J. Martinez, Mary J. Mullarkey, Nancy E. Rice, John W. Suthers, and Friedrich C. Haines (together referred to as "State Defendants"), through their attorney, the Colorado Attorney General, respectfully submit this Response in Opposition to Plaintiff's Motion for Relief Pursuant to 28 U.S.C. §292:

1. Plaintiff has requested that the judges in this district recuse themselves and that this case be transferred out of the district. The State Defendants object to this request.

2. Plaintiff has not established that there is good cause to warrant the recusal of the judges in this district. Plaintiff has not established that there is good cause to transfer this matter to another district.

WHEREFORE, the State Defendants oppose transfer or recusal as requested in Plaintiff's Motion for Relief Pursuant to 28 U.S.C. §292 (dkt. #19).

Respectfully submitted this 18th day of February 2008,

JOHN W. SUTHERS
Attorney General

s/Christine K. Wilkinson

CHRISTINE K. WILKINSON*

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that I have mailed or served the document of paper to the following non CM/ECF participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

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s/ Christine K. Wilkinson