

UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LEONARD SHELTON,	)	CASE NO.:
	)	
Plaintiff,	)	JUDGE
	)	
vs.	)	
	)	<b><u>NOTICE OF REMOVAL</u></b>
MICHAEL STEWART, et al.,	)	
	)	
Defendants.	)	
	)	

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO:

1. On March 19, 2010, Plaintiff Leonard Shelton commenced an action in the Cuyahoga County Court of Common Pleas, Ohio, bearing Case No. CV-10-721640 entitled “Leonard Shelton v. Michael Stewart, et al.,” praying judgment against Defendants. Said action is predicated on alleged violations of Plaintiff’s rights of Equal Protection and Due Process under the U.S. Constitution and is brought pursuant to 42 U.S.C. §1983 and 42 U.S.C. §1985. Said action is wholly of a civil nature of which this Court has original jurisdiction under the provisions of Title 28, United States Code, Sections 1343(a)(3) and/or 1331, and is one which may be removed to this Court pursuant to the provisions of Title 28 United States Code Section 1441(a) and (b), as being a civil action involving a claim or claims over which this Court has original jurisdiction and involving a claim or right arising under the Constitution, treaties or laws of the United States, all of which more fully appears in the Plaintiff’s Complaint, a copy of which is attached hereto and incorporated herein by reference.

2. Said action also contains certain pendent state law claims over which this Court has jurisdiction under the provisions of 28 United States Code Section 1367.

3. A copy of the Summons and Complaint in the case aforesaid was served upon Defendants Michael Stewart, City of Lakewood and City of Lakewood Police Department on April 12, 2010 and Kenneth Kulczycki on April 13, 2010 under and by virtue of Rule 4.3 of the Ohio Rules of Civil Procedure.

4. Defendants attach hereto, and file herewith, a copy of the Summons and Complaint served as aforesaid, as well as copies of all other process, pleadings and orders served upon them.

5. All Defendants join in this Notice of Removal.

WHEREFORE, Defendants pray that the case presently pending in the Cuyahoga County Court of Common Pleas against them be removed to this Court and proceed herein according to law.

Respectfully submitted,

MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A.

*s/Tami Z. Hannon*

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*Counsel for Defendants Michael Stewart, Kenneth Kulczycki, City of Lakewood and City of Lakewood Police Department*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2010, a copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A copy of the foregoing Notice of Removal was served April 28, 2010, by depositing same in first-class United States mail, postage prepaid, to the following:

Kristi L. Haude, Esq.  
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1200 Fifth Third Center  
600 Superior Avenue, East  
Cleveland, OH 44114-2654  
*Counsel for Plaintiff*

**s/Tami Z. Hannon**

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TAMI Z. HANNON (0079812)

*Counsel for Defendants Michael Stewart, Kenneth Kulczycki, City of Lakewood and City of Lakewood Police Department*