

cv-11-144
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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
MAR 08 2011
at 8 o'clock and 50 min. 9A M.
SUE BEITIA, CLERK

Attorneys for Defendants
Neil Abercrombie, in his official capacity as the
Governor of the State of Hawaii, Jodie
Maesaka-Hirata in her official capacity as
Interim Director of the Hawaii Department of
Public Safety, and Corrections Corporation of
America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RICHARD KAPELA DAVIS,
MICHAEL HUGHES, DAMIEN
KAAHU, ROBERT A. HOLBRON,
JAMES KANE, III, and ELLINGTON
KEAWE,

Plaintiffs,

vs.

NEIL ABERCROMBIE, in his official
capacity as the Governor of the State of
Hawaii; JODIE MAESAKA-HIRATA,
in her official capacity as Interim
Director of the Hawaii Department of
Public Safety, CORRECTIONS

CIVIL NO. **CV11 00144 LEK BMK**
(Declaratory and Injunctive Relief
and Other Civil Action)

DEFENDANTS' NOTICE OF
REMOVAL; DECLARATION OF
APRIL LURIA; EXHIBIT "A";
CERTIFICATE OF SERVICE

CORPORATION OF AMERICA,
Defendants.

DEFENDANTS' NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Pursuant to 28 USC §§ 1441 and 1446 and Rules 11 and 81(c) of the Federal Rules of Civil Procedure, Defendants Neil Abercrombie, in his official capacity as the Governor of the State of Hawaii, Jodie Maesaka-Hirata, in her official capacity as Interim Director of the Hawaii Department of Public Safety, and Corrections Corporation of America, (collectively "Defendants") through counsel, hereby notice the removal of the above-captioned case from the Circuit Court of the First Circuit, State of Hawai'i, filed under Civil No. 11-1-0266-02 RMB, to this Court and in support thereof asserts:

1. On or about February 7, 2011, Plaintiffs Richard Kapela Davis, Michael Hughes, Damien Kaahu, Robert A. Holbron, James Kane III, and Ellington Keawe, (collectively "Plaintiffs") filed a Complaint against the above named Defendants in the Circuit Court of the First Circuit, State of Hawai'i, captioned *Richard Kapela Davis, Michael Hughes, Damien Kaahu, Robert A. Holbron, James Kane III, and Ellington Keawe vs. Neil Abercrombie, in his official capacity as Governor of the State of Hawaii, Jodie Maesaka-Hirata, in her*

official capacity as Interim Director of the Hawaii Department of Public Safety, Corrections Corporation of America, Civil No. 11-1-0266-02 RMB, (the “State Action”). A copy of the Complaint is attached as Exhibit “A.”

2. The State Action, alleges among other claims, the deprivation of constitutional rights in violation of 42 U.S.C. § 1983 and the First and Fourteenth Amendments of the United States Constitution and is brought pursuant to the same.

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331. This action may be removed pursuant to 28 U.S.C. § 1441(b) because it is based on allegations of violations of the United States Constitution and 42 U.S.C. § 1983.

4. Defendants consent to removal.

5. This Notice of Removal is being filed within thirty (30) days after initial receipt of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

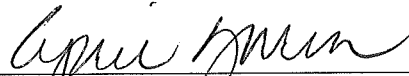
6. An Answer and/or other response to Plaintiffs’ Complaint will be timely filed in the United States District Court pursuant to Rule 81(c) of the Federal Rules of Civil Procedure.

7. Promptly after filing this Notice of Removal, a Notice of Filing Notice of Removal will be filed in the Circuit Court of the First Circuit, State of Hawai‘i on behalf of Defendants.

WHEREFORE, Defendants respectfully requests that the State Action
be removed to this Court.

MAR -7 2011

Dated: Honolulu, Hawai'i, _____



APRIL LURIA

Attorneys for Defendants

*Neil Abercrombie, in his official
capacity as the Governor of the State of
Hawaii, Jodie Maesaka-Hirata in her
official capacity as Interim Director of
the Hawaii Department of Public Safety,
and Corrections Corporation of
America*