

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

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STATE OF NEW MEXICO, <i>ex rel.</i> ,)
MARCO WHITE, MARK MITCHELL,)
and LESLIE LAKIND,)
)
Plaintiffs,) Case No.
)
)
	v.)
)
COUY GRIFFIN,)
)
Defendant.)
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**NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW MEXICO**

Defendant Couy Griffin, through his counsel, hereby notifies the Court of removal of the above-captioned action to the United States District Court for the District of New Mexico.

On March 21, 2022, a Complaint was filed in the First Judicial District Court, Santa Fe County, State of New Mexico. The matter was docketed as case number D-101-CV-2022-00473. The Plaintiffs are the State of New Mexico, *ex rel.*, Marco White, Mark Mitchell, and Leslie Lakind. The Complaint names Couy Griffin as the Defendant.

In accordance with 28 U.S.C. § 1446 and D.N.M.LR-Civ 81.1, Griffin attaches hereto as Exhibit 1 copies of the pleadings served upon the Defendant, along with copies of records filed with the court in D-101-CV-2022-00473. Griffin was served with a copy of the Complaint and Summons on or about March 26, 2022.

The Complaint asserts claims under Federal law and New Mexico State law.

The Complaint is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. § 1331 and which is removable by Griffin under the provisions of § 1446. Plaintiffs’

claim is for “quo warranto” relief, an action that Plaintiffs claim may be brought “when any person shall unlawfully hold. . .any public office” in the State, NMSA 1978 § 44-3-4(A), or “when any public officer, civil or military, shall have done or suffered an act which, by the provision of law, shall work a forfeiture of his office.” § 44-3-4(B). The gravamen of the Complaint is that Griffin has allegedly violated these New Mexico State statutes by operation of Section Three of the Fourteenth Amendment to the United States Constitution, known as the Disqualification Clause. Exh 1, Compl., pp. 2-3, 24-32. There is no more quintessential federal question than the interpretation of the United States Constitution. Thus, this Court has original jurisdiction over the matter under § 1331.

To the extent the Complaint raises any ancillary questions under New Mexico State law, the Court may exercise its supplemental jurisdiction over them, as they necessarily form a part of the same case or controversy as Plaintiffs’ central Disqualification Clause claim arising under Federal law. 28 U.S.C. § 1367(a).

This Notice of Removal was filed with this Court within thirty days after service of the Complaint on Griffin. Upon filing of this Notice, Plaintiffs were given written notice of the filing as required by 28 U.S.C. § 1446(d). A copy of this Notice will also be shortly filed with the clerk of the First Judicial District Court, Santa Fe County, State of New Mexico.

WHEREFORE, Defendant Griffin prays that the above-captioned action be removed from the First Judicial District Court, Santa Fe County, State of New Mexico, to this Court.

Dated: April 17, 2022

Respectfully submitted,

/s/ Nicholas D. Smith
Nicholas D. Smith (Va. Bar No. 79745)
7 East 20th Street
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Phone: (917) 902-3869

Certificate of Service

I hereby certify that on the 17th day of April, 2022, I filed the foregoing filing with the Clerk of Court using the CM/ECF system, and counsel of record were served by electronic means.

/s/ Nicholas D. Smith
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