UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

BILLY CRAWFORD, JR.;	§	
JEAN CRAWFORD	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 4:19-CV-3003
	§	
DHI FUND, LP; LAKESIDE RESIDENTIAL	§	
COMMUNITY ASSOCIATION, INC.;	§	
HARRIS COUNTY; HARRIS COUNTY	§	
PRECINCT 4 CONSTABLE, MARK	§	
HERMAN	§	
	§	
Defendants.	§	

DEFENDANT HARRIS COUNTY'S NOTICE OF REMOVAL

Defendant Harris County files its Notice of Removal pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1446(a) and would respectfully show as follows:

INTRODUCTION

- Plaintiffs are Billy Crawford, Jr. and Jean Crawford. Defendants are DHI Fund, LP;
 Lakeside Residential Community Association, Inc.; Harris County; and Harris County Precinct 4
 Constable, Harris Herman.
- 2. On May 28, 2019, Plaintiffs filed their Original Petition Application for Temporary Restraining Order and Request for Temporary Injunction under Cause No. 2019-36659 in the 61st Judicial District Court of Harris County, Texas. Plaintiffs' live complaint alleges causes of action under 42 U.S.C. § 1983 and Texas law.
- 3. Plaintiffs served Harris County with a copy of the Citation/First Amended Original Petition and Application for Temporary Restraining Order and Request for Temporary Injunction on July 15, 2019.

BASES FOR REMOVAL

- 4. Removal is proper because Plaintiffs' suit involves a federal-question claim over which the Court has original jurisdiction and state-law claims over which the Court has supplemental jurisdiction. 28 U.S.C. §§ 1331, 1367(a), 1441(a), 1441(c); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005). Specifically, Plaintiffs allega a federal-queestion claim arising under 42 U.S.C. § 1983, and claims arising under Texas law that are so related to claims in the action with the Court's original jurisdiction that they form part of the same case or controversy. 28 U.S.C. § 1367(a). Thus, the entire action is removable.
- 5. Counsel for the other Defendants in this case have indicated that they are not opposed to this removal (Mr. Keith Wolfhoh for Defendant DHI Fund, LP; Mr. James R. Young for Lakeside Residential Community Association, Inc.; Mr. Cameron A. Hatzel for Defendant Harris County Precinct 4 Constable, Mark Herman).
- 6. Harris County attaches to this notice a civil cover sheet (**Exhibit A**), a list of counsel (**Exhibit B**), and an index of matters filed upon removal, which includes copies of all pleadings, process, orders, and other filings in the state-court suit, Cause No. 2019-35046, (**Exhibit C**). *See* 28 U.S.C. § 1446(a); S.D. Tex. LR81.
- 7. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district.
- 8. Harris County will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

JURY DEMAND

9. Plaintiffs demanded a jury in the state-court suit.

10. Harris County asserts its right under the Seventh Amendment to the U.S. Constitution and demand, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

CONCLUSION

11. Harris County seeks to remove this action from state court based on the Court's original and supplemental jurisdiction over Plaintiff's claims.

For these reasons, Defendant, Harris County, respectfully asks the Court to remove the suit to the United States District Court for the Southern District of Texas, Houston Division.

Date: August 12, 2019

Respectfully submitted,

/s/ Cameron A. Hatzel

CAMERON A. HATZEL

Assistant County Attorney Texas Bar No. 24074373 Federal ID No. 1128943 **Attorney in Charge**

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Of Counsel:

Vince Ryan Harris County Attorney

Counsel for Defendant Harris County

CERTIFICATE OF SERVICE

I certify that on August 12, 2019, I filed a true and correct copy of the foregoing instrument and Exhibits A-C on the Court's CM/ECF system, and served a copy to all parties of record via certified mail, return receipt requested.

/s/ Cameron A. Hatzel
CAMERON A. HATZEL **Assistant County Attorney**