

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICONI,
Plaintiff,

v.

WEST HAVEN et al.,
Defendants.

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CIVIL ACTION NO.
3:10-cv-1786 (SRU)

VACATUR OF NOTICE

On November 18, 2010, this court issued a notice to counsel of the defendants' untimely removal. The court deemed the removal untimely because the defendants filed a notice of removal thirty-one days after the defendants' receipt of the initial pleading or summons. Under 28 U.S.C. § 1446(b), a notice of removal of a civil action must be filed with the court within thirty days of defendant's receipt of the initial pleading or summons.

The Notice of Removal was filed with this court on November 12, 2010. Because November 11, 2010, was a federal holiday, the defendants' notice was not untimely. *See* Fed. R. Civ. P. 6(1)(c). Accordingly, the court is vacating its notice of untimeliness.

It is so ordered.

Dated at Bridgeport, Connecticut this 19th day of November, 2010.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge