

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

FREDERICK R. HEEBE

*

CIVIL ACTION

*

VERSUS

*

NO. _____

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**HENRY L. MENCKEN1951,
a person presently unknown to Petitioner,
but who will be named as a Defendant in a
civil complaint when his identity is discovered**

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SECT. ____ MAG. ____

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NOTICE OF REMOVAL

Defendant, Salvador R. Perricone (“Perricone”), identified as Henry L. Mencken1951 in the above caption, hereby files this notice of removal of the above-described action to the United States District Court for the Eastern District of Louisiana from the Civil District Court for the Parish of Orleans where the action is now pending as provided by Title 28 U.S. Code Chapter 89 and states:

1.

The above entitled action was commenced in the Civil District Court for the Parish of Orleans, State of Louisiana, and is now pending in that court. Process was served on Perricone pursuant to the original petition. Plaintiff’s petition involves issues of federal law.

2.

This action was commenced against defendant in Civil District Court for the Parish of Orleans by plaintiff, and is of a civil nature alleging defamatory statements made against plaintiff by defendant, who, at the time the action was filed in state court, was an Assistant United States

Attorney. The United States District Court for the Eastern District has jurisdiction by reason of 28 U.S.C.A. §1331 and §1442(a)(1) in that the action is against an Assistant United States Attorney and arises under the laws of the United States.

3.

Defendant further alleges that the petition, the basis for removal, was served less than thirty (30) days before the filing of this notice of removal, and that the time has not elapsed within which he is allowed to file this notice of removal of action to this court pursuant to 28 U.S.C.A. §1446.

4.

A copy of all process, pleadings, and orders served upon defendant is filed with this notice.

5.

Defendant will give written notice of the filing of this notice as required by 28 U.S.C.A. § 1446(d).

6.

A copy of this notice will be filed with the clerk of the Civil District Court of the Parish of Orleans, State of Louisiana, as required by 28 U.S.C.A. § 1446(d).

WHEREFORE, defendant requests that this action proceed in this honorable court as an action properly removed to it.

Respectfully submitted,

**BERRIGAN, LITCHFIELD, SCHONEKAS,
MANN & TRAINA, LLC**

By: /s/ E. John Litchfield

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Counsel for Salvador R. Perricone

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon all counsel of record to this proceeding by ECF, facsimile, or mailing the same by first class United States mail, postage prepaid on this 10th day of April, 2012.

/s/ E. John Litchfield

E. JOHN LITCHFIELD