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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                          |   |                                       |
|--------------------------|---|---------------------------------------|
| STEVEN THOMPSON, et al., | ) | Case No.: C 09-5385 PVT               |
| Plaintiffs,              | ) |                                       |
| v.                       | ) | <b>ORDER TRANSFERRING CASE TO THE</b> |
| WASHINGTON MUTUAL,       | ) | <b>DISTRICT OF COLUMBIA</b>           |
| Defendant.               | ) |                                       |

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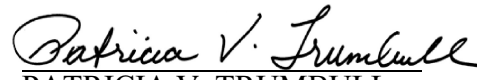
On April 15, 2010, this court issued an order to show cause why the case should not be transferred to either the Western District of Washington or the District of Columbia. Plaintiffs responded and expressed a preference for transfer to the District of Columbia. Plaintiffs have since amended their complaint to specifically name the Federal Deposit Insurance Corporation (“FDIC”) as a named Defendant. Based on the file herein,

IT IS HEREBY ORDERED that this case is hereby transferred to the United States District Court for the District of Columbia.

Transfer to the District of Columbia is warranted because under the Financial Institutions Reform and Recovery Enforcement Act of 1989 (“FIRREA”) Plaintiffs may sue the FDIC only in the district court for the district within which the depository institution’s principal place of business is located (in this case the Western District of Washington), or else the United States District Court for

1 the District of Columbia. *See*, 12 U.S.C. § 1821(d)(6)(A). Because this court lacks jurisdiction over  
2 Plaintiffs' claims, it must either dismiss the case, or transfer it to a court in which the action could  
3 have been brought at the time it was filed. *See* FED.R.CIV.PRO. 12(h)(3); and 28 U.S.C. § 1631. It  
4 appears from the complaint that, at the time this case was filed, it could have been brought in either  
5 the Western District of Washington or the District of Columbia. Thus, transfer to one of those courts  
6 rather than dismissal appears to be warranted. *See* 28 U.S.C. § 1631 ("Section 1631") (providing  
7 for transfer of an action to another district in the interest of justice when the action could have been  
8 brought in that district at the time it was filed).

9 Dated: 9/13/10

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11 PATRICIA V. TRUMBULL  
United States Magistrate Judge

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/s/ Donna Kirchner  
DONNA KIRCHNER  
Judicial Law Clerk