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10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT  
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 13 SOUTHERN DIVISION

14	CAPTAIN PAMELA BARNETT, <i>et al.</i> ,	)	No. SACV 09-00082 DOC (ANx)
15	Plaintiffs,	)	
16	v.	)	DATE: January 25, 2009
17	BARACK H. OBAMA, <i>et al.</i>	)	TIME: 10:00 a.m.
18	Defendants.	)	CTRM: 9
19		)	Hon. David O. Carter

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 21 **OPPOSITION TO PLAINTIFFS' MOTION TO TRANSFER**  
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**OPPOSITION TO PLAINTIFFS' MOTION TO TRANSFER**

Plaintiffs' motion to transfer this civil action pursuant to 28 U.S.C. § 1404(a) is without merit and should be summarily denied.

Contrary to Plaintiffs' assertions, neither the undersigned counsel nor this Court have ever professed any belief that jurisdiction *is proper* in the District Court for the District of Columbia. Instead, because the D.C. District Court is the only conceivable court with jurisdiction, this Court found that jurisdiction *is not proper* in the Central District of California. See Order of this Court dated October 29, 2009, page 26.

Plaintiffs cannot twist a finding of lack of jurisdiction here into a finding that jurisdiction affirmatively exists elsewhere.

More fundamentally, Plaintiffs motion is untimely, as there is no longer any civil action pending before this Court. This action has been dismissed in its entirety; the Plaintiffs' motion for reconsideration has been denied; and this Court has clarified that Its October 29<sup>th</sup> Order dismissing the action was with prejudice. There is no longer any extant action before the Court which can be transferred.

In addition, Section 1404(a) requires that the transfer be "in the interest of justice." Even if there were a civil action pending before this Court capable of being transferred, which there is not, such a transfer would be contrary to the interest of justice. Among other procedural and substantive defects, the D.C. Quo Warranto statute requires the United States as a party or, *by leave of Court*, the Plaintiffs to take the place of the United States. The United States is not a party to this action, and

1 Plaintiffs have not been granted leave to take its place. See D.C.  
2 Code §§ 16-3501 to 16-3503.

3 Accordingly, this Court is respectfully requested to deny  
4 Plaintiffs' motion to transfer.

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Respectfully submitted,

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DATED: January 5, 2010

GEORGE S. CARDONA  
Acting United States Attorney

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*/s/ Roger E. West*

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ROGER E. WEST  
Assistant United States Attorney

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*/s/ David A. DeJute*

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