

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOS ALAMOS STUDY GROUP,

Plaintiff,

v.

No. 10-CV-760 JCH/ACT

**UNITED STATES DEPARTMENT OF
ENERGY; THE HONORABLE STEPHEN
CHU, in his capacity as SECRETARY,
DEPARTMENT OF ENERGY;
NATIONAL NUCLEAR SECURITY
ADMINISTRATION; THE HONORABLE
THOMAS PAUL D'AGOSTINO, in his
capacity as ADMINISTRATOR,
NATIONAL NUCLEAR SECURITY ADMINISTRATION,**

Defendants.

ORDER


THIS MATTER comes before the Court on Defendants' *Unopposed Motion to Transfer Related Case*, filed November 10, 2011 [Doc. 73]. On May 23, 2011, the Court issued a Memorandum Opinion and Order granting Defendants' *Motion to Dismiss for Lack of Jurisdiction* [Doc. 55]. This ruling is currently on appeal before the Tenth Circuit Court of Appeals. On October 28, 2011, the Court issued a Memorandum Opinion and Order denying Plaintiff's *Motion for Injunction Pending Appeal* [Doc. 72]. At this time, the Court's trial assignment is complete, and this case has been concluded, pending a decision on Plaintiff's appeal.

Following the dismissal of its case in this Court and the issuance by Defendants of a Final Supplemental Environmental Impact Statement and Amended Record of Decision, Plaintiff

filed a new Complaint that contains similar claims to those made in this case. The new case will be referred to as "LASG II," while the case in this Court will be referred to as "LASG I." LASG II, assigned cause number 1:11-CV-0946-RHS/WDS, is currently pending in another court. Defendants filed their motion seeking to transfer LASG II to this Court in both LASG II [Doc. 5] and in this case [Doc. 73]. Defendants contend that this Court should hear LASG II because of its familiarity with the similar issues raised in LASG I.

On November 28, 2011, Magistrate Judge Scott issued an Order denying Defendants' Motion to Transfer LASG II to this Court, on the grounds that jurisdiction does not lie with this Court and that a transfer would not serve the interests of justice or the concept of judicial economy. *See* Doc. 8. Even in the absence of a ruling by the court in which LASG II currently resides, this Court would not have the ability to grant Defendant's motion, which would effectively seize a case from a colleague. This is especially clear in light of Magistrate Judge Scott's denial of Defendants' motion and his stated intention to maintain LASG II on his docket.

IT IS THEREFORE ORDERED that Defendants' *Unopposed Motion to Transfer Related Case* [Doc. 73] is DENIED.


UNITED STATES DISTRICT JUDGE