

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

NORTHWEST FARM CREDIT SERVICES, FLCA,
Plaintiff-Appellee,

v.

GARY HIRSCH,
Defendant-Appellant.

2013-1685

Appeal from the United States District Court for the District of Oregon in No. 1:11-CV-03156-PA, Senior Judge Owen M. Panner.

Before RADER, *Chief Judge*, and LOURIE and TARANTO,
Circuit Judges.

RADER, *Chief Judge.*

ORDER

The parties were directed to show cause why this appeal should not be transferred to the United States Court of Appeals for the Ninth Circuit. Northwest Farm Credit Services, FLCA responded and argued that the petition should be transferred. Gary Hirsch did not respond.

This appeal involves an action by Northwest Farm Credit Services (“Northwest”) against Gary Hirsch seeking ejectment, quiet title, and an injunction against Hirsch’s trespass on Northwest’s property. The United States District Court for the District of Oregon entered judgment on Northwest’s behalf and ordered Hirsch to vacate Northwest’s property. Hirsch filed a notice of appeal, seeking review by the Ninth Circuit. The Ninth Circuit dismissed that appeal for failure to prosecute. Hirsch then filed a motion to set aside the judgment as void under Federal Rule of Civil Procedure 60(b)(4). The district court denied that motion. In that order, the district court discussed, *inter alia*, its previous denial of Hirsch’s motion to transfer the case to the Court of Federal Claims. Hirsch now appeals the district court’s denial of his Rule 60(b)(4) motion, seeking review by this court.

This appeal is outside of this court’s limited jurisdiction. 28 U.S.C. § 1295. Pursuant to 28 § U.S.C. § 1631, this court is authorized to transfer a case to a court in which the appeal could have been brought at the time it was filed or noticed, here the United States Court of Appeals for the Ninth Circuit.

Accordingly,

IT IS ORDERED THAT:

(1) The appeal, and Hirsch’s motion for leave to proceed *in forma pauperis*, are transferred to the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1631.

(2) Any other pending motions are denied without prejudice as moot.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court

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