

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

7

8

9

Eric J. Skinner,

)

No. CV-10-440-PHX-DGC

10

Plaintiff,

)

**ORDER**

11

vs.

)

12

Federal Deposit Insurance Corporation  
as Receiver for Washington Mutual

)

13

Bank, F.A.,

)

14

Defendant.

)

15

16

Plaintiff Eric J. Skinner filed the present action against the Federal Deposit Insurance Corporation (“FDIC”) in its capacity as Receiver for Washington Mutual Bank, F.A., which is insolvent. The FDIC has filed a motion to dismiss for lack of subject matter jurisdiction.

19

Post-administrative claims against the FDIC as receiver for a failed depository institution must be brought in “the district within which the depository institution’s principal place of business is located or . . . the District of Columbia.” 12 U.S.C. § 1821(d)(6)(A); *see Jaffe v. Capitol One*, No. 09 Civ. 4106(PGG), 2010 WL 691639, \*3 (S.D.N.Y. Mar. 1, 2010). Washington Mutual’s principal place of business is Seattle, Washington, and jurisdiction therefore is proper only in the Western District of Washington or the District of Columbia.

25

Plaintiff “acknowledges the correctness of Defendant’s motion,” but asks the Court to deny the motion and transfer this case to the Western District of Washington. Dkt. #6 at 1-2. The FDIC “does not oppose the transfer[.]” Dkt. #7 at 1. The Court will transfer this action to the Western District of Washington pursuant to 28 U.S.C. § 1404(a).

26

27

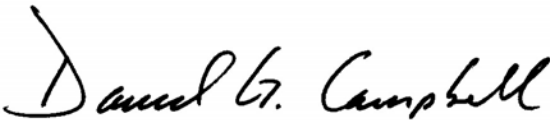
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS ORDERED:**

1. Defendant's motion to dismiss (Dkt. #5) is **denied**.
2. The Clerk is directed to transfer this action to the United States District Court for the Western District of Washington.

DATED this 8th day of April, 2010.



---

David G. Campbell  
United States District Judge