

# EXHIBIT 8



**WILLIAM LEONARD PICKARD, Plaintiff, v. DEPARTMENT OF JUSTICE,  
Defendant.**

**No. C 10-05253 LB**

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA, OAKLAND DIVISION**

*2011 U.S. Dist. LEXIS 74127*

**July 8, 2011, Decided**

**July 8, 2011, Filed**

**SUBSEQUENT HISTORY:** Related proceeding at *Pickard v. DOJ*, 653 F.3d 782, 2011 U.S. App. LEXIS 15397 (9th Cir. Cal., July 27, 2011)

**PRIOR HISTORY:** *Pickard v. DOJ*, 2011 U.S. Dist. LEXIS 61802 (N.D. Cal., June 7, 2011)

**COUNSEL:** [\*1] William Leonard Pickard, Plaintiff, Pro se, Tucson, AZ.

For Department of Justice, Defendant: Neill Tai Tseng, LEAD ATTORNEY, United States Attorney's Office, San Francisco, CA.

**JUDGES:** LAUREL BEELER, United States Magistrate Judge.

**OPINION BY:** LAUREL BEELER

**OPINION**

**AMENDED ORDER TRANSFERRING CASE TO DISTRICT OF ARIZONA AND DENYING MOTION FOR RECONSIDERATION**

The court previously transferred this FOIA case to the Eastern District of Virginia because venue was improper here. See 6/7/11 Order, ECF No. 38, at 2, 5

(holding that venue was proper in the Eastern District of Virginia and the District of Arizona).<sup>1</sup> On June 15, 2011, Plaintiff William Pickard timely asked the court to reconsider its ruling that venue was improper here. Motion for Reconsideration, ECF No. 39. In the alternative, he asked to transfer the case to the District of Arizona. The government does not object to transfer to the District of Arizona instead of the Eastern District of Virginia. Response, ECF No. 41. Accordingly, the court amends its prior order to transfer the case to the District of Arizona instead (and to this extent only, grants Mr. Pickard's motion for reconsideration).

1 Citations are to the Electronic Case File ("ECF") with pin cites [\*2] to the electronic page number at the top of the document, not the pages at the bottom.

2 Under the "mailbox rule," Mr. Pickard filed his motion for reconsideration on June 15, 2011 because that is when he placed the motion in institutional mail. See, e.g., *Houston v. Lack*, 487 U.S. 266, 270-71, 108 S. Ct. 2379, 101 L. Ed. 2d 245 (1988); *Stillman v. Lamarque*, 319 F.3d 1199, 1201 (9th Cir. 2003); Proof of Service, ECF No. 39-1 at 2.

Mr. Pickard also asked for certification of an interlocutory appeal only if the court denied his motion to transfer the case to the District of Arizona instead of the

Eastern District of Virginia. The court thus denies the motion for certification as moot. The court otherwise denies Mr. Pickard's motion for reconsideration, having already considered and rejected the general arguments in its prior order at ECF No. 38.

This disposes of ECF No. 39.

**IT IS SO ORDERED.**

Dated: July 8, 2011

/s/ Laurel Beeler

LAUREL BEELER

United States Magistrate Judge