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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARVIND GUPTA,
Plaintiff,
v.
THOMAS E. PEREZ, Secretary of Labor (in
his official capacity); and WIPRO
LIMITED,
Defendants.

Case No. [5:14-cv-01102-HRL](#)

**ORDER DENYING MOTION TO
REOPEN CASE AND FOR RELIEF
FROM TRANSFER ORDER**

Re: Dkt. No. 36

Pursuant to 28 U.S.C. § 1404(a), this court granted defendants' motion to transfer this action to the District of New Jersey. The case proceeded there, and the record presented indicates that the matter was fully litigated on the merits. The New Jersey District Court denied Gupta's motion for summary judgment and granted defendants' motions for summary judgment, see Gupta v. Perez, 101 F. Supp.3d 437 (D.N.J. 2015), and subsequently denied Gupta's motion for reconsideration, see Gupta v. Perez, No. 14-4054 (FLW), 2015 WL 5098173 (D.N.J., Aug. 31, 2015). On appeal, the Third Circuit affirmed. See Gupta v. Sec'y U.S. Dep't of Labor, Nos. 15-3194, 16-1305, 2016 WL 2587279 (3d Cir., May 5, 2016).

Gupta now moves this court for an order reopening this case and for relief from the transfer order, arguing that the order transferring the matter to New Jersey was erroneous. Defendants oppose the motion. The matter is deemed suitable for determination without oral argument, and

1 the September 6, 2016 hearing is vacated. Civ. L.R. 7-1(b). Upon consideration of the moving
2 and responding papers, Gupta’s motion is denied.

3 Once the case was docketed in New Jersey, this court lost all jurisdiction of the matter.
4 See Benjamin v. Bixby, No. 1:08-cv-1025 AWI DLB, 2009 WL 2588870 at *1 (E.D. Cal., Aug.
5 18, 2009) (stating that “the Ninth Circuit has adopted the rule that a § 1404 transfer ‘ends the
6 jurisdiction of both the transferor court and the corresponding appellate court when the motion is
7 granted and the papers are entered in the transferee court’s records.’”) (quoting Lou v. Belzberg,
8 834 F.2d 730, 733 (9th Cir.1987)); see also Chrysler Credit Corp. v. Country Chrysler, Inc., 928
9 F.2d 1509, 1516-17 (10th Cir. 1991) (“Once the files in a case are transferred physically to the
10 court in the transferee district, the transferor court loses all jurisdiction over the case, including the
11 power to review the transfer.”). Although “the Ninth Circuit has recognized exceptions to this rule
12 for its own appellate review,” this court is unaware of any such exceptions for district courts.
13 Benjamin, 2009 WL 2588870 at *1. Gupta’s citation to the Ninth Circuit’s decision in Terenkian
14 therefore is unavailing. See Terenkian v. Republic of Iraq, 694 F.3d 1122, 1129 (9th Cir. 2012)
15 (concluding that a district court’s transfer order does not divest an appellate court of jurisdiction
16 over an interlocutory, but immediately appealable, and timely appealed district court decision). In
17 any event, at the time this court issued its transfer order, Gupta did not challenge that order in any
18 way, seek mandamus relief, or move to have the case transferred back to this district. Indeed, the
19 docket indicates that he proceeded to fully litigate the matter in New Jersey.¹

20 Gupta argues that this case should not have been transferred, asserting that the New Jersey
21 District Court concluded, sua sponte, that it lacked jurisdiction to hear his case. See Chrysler
22 Credit Corp., 928 F.2d at 1517 n.6 (noting that “the mere transfer of the record cannot ratify an
23 otherwise invalid transfer.”). On the record presented, however, this court finds no merit in
24 Gupta’s assertion.

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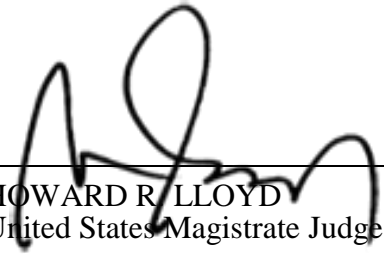
27 ¹ Gupta apparently did move the New Jersey District Court to reopen the case and to transfer the
28 matter back to this district---but only after the Third Circuit issued its decision on appeal. The
New Jersey District Court denied Gupta’s motion. Case No. 3:14-cv-04054-FLW-DEA, Dkts. 95-
98. He filed the instant motion with this court the very next day.

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Based on the foregoing, Gupta's motion is denied.

SO ORDERED.

Dated: August 31, 2016



HOWARD R. LLOYD
United States Magistrate Judge

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5:14-cv-01102-HRL Notice has been electronically mailed to:

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