

# In the United States Court of Federal Claims

No. 03-2794C

(Filed: September 13, 2006)

FILED  
U.S. DISTRICT COURT  
DISTRICT OF ALASKA  
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\*\*\*\*\* \*  
 ACCEPTANCE INSURANCE \*  
 COMPANIES INC., \*  
  
 Plaintiff, \*  
  
 v. \*  
  
 THE UNITED STATES, \*  
  
 Defendant. \*  
 \*\*\*\*\* \*

*S. O'Dell 9/16/09*

## ORDER

On August 14, 2006, Plaintiff filed a motion pursuant to RCFC 59(e) to amend the Court's July 31, 2006 Opinion and Order, and to certify a jurisdictional issue for interlocutory appeal under 28 U.S.C. § 1292(d)(2). The jurisdictional issue is whether the Federal Crop Insurance Act ("FCIA"), 7 U.S.C. § 1506(d), requires Plaintiff's action to be brought in a United States District Court rather than in the United States Court of Federal Claims. The FCIA provides that "[t]he district courts of the United States, including the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the [Federal Crop Insurance Corporation]." *Id.* Defendant opposes the motion.

Under 28 U.S.C. § 1292(d)(2), the Court may certify a matter for interlocutory appeal if it finds that a controlling question of law exists, with respect to which there is a substantial ground for difference of opinion, and that an immediate appeal may materially advance the ultimate termination of the litigation. Upon full consideration of the parties' positions, the missing ingredient in this case is the requirement that there be "a substantial ground for difference of opinion." *Id.* The statute in question could not be any clearer that "all suits" involving the Federal Crop Insurance Corporation must be brought in a United States District Court. See *Tex. Peanut Farmers v. United States*, 409 F.3d 1370 (Fed. Cir. 2005).

Accordingly, Plaintiff's motion is DENIED. Concurrently with the issuance of this Order, the Court will issue a separate Order transferring this case to the United States District Court for the District of Nebraska.

IT IS SO ORDERED.

s/ Thomas C. Wheeler  
THOMAS C. WHEELER  
Judge

