

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNION PACIFIC RAILROAD)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-06-094-KEW
)	
THE UNITED STATES OF AMERICA,)	
ex rel. THE U.S. ARMY CORPS)	
OF ENGINEERS,)	
)	
Defendant.)	

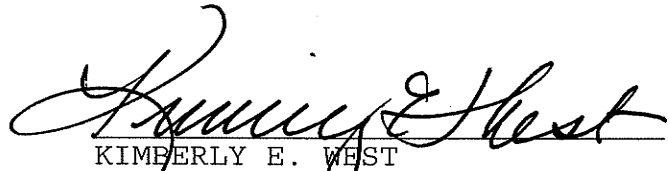
OPINION AND ORDER

This matter comes before the Court on Plaintiff's Motion to Transfer to the Court of Federal Claims filed March 2, 2010 (Docket Entry #156). This case was originally commenced on March 6, 2006. On August 26, 2008, this Court found for Plaintiff. The judgment was reversed, however, in the opinion issued by the Tenth Circuit Court of Appeals on January 5, 2010. The court based its decision, *inter alia*, upon a finding that the claims asserted by Plaintiff were based in contract rather than tort and the amount sought exceeded \$10,000.00. As a result, the court found the action could only be brought under the jurisdiction of the Court of Federal Claims. Based upon this finding and Defendant's lack of objection, this Court finds it appropriate that this action be transferred to the Court of Federal Claims for further disposition in accordance with 28 U.S.C. § 1631.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Transfer to the Court of Federal Claims filed March 2, 2010 (Docket Entry #156)

is hereby **GRANTED**. Accordingly, this action is hereby **TRANSFERRED**
to the Court of Federal Claims for further disposition.

IT IS SO ORDERED this 24th day of March, 2010.


KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE