

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**LOS ALAMOS STUDY GROUP,**

Plaintiff,

v.

Case No. 1:11-CV-0946-RHS/WDS

**UNITED STATES DEPARTMENT OF  
ENERGY; STEPHEN CHU**, in his capacity as  
Secretary, Department of Energy;  
**NATIONAL NUCLEAR SECURITY  
ADMINISTRATION; THOMAS PAUL  
D'AGOSTINO**, in his capacity  
as Administrator, National Nuclear  
Security Administration,

Defendants.

**ORDER DENYING FEDERAL DEFENDANTS'  
UNOPPOSED MOTION TO TRANSFER RELATED CASE**

THIS MATTER comes before the Court on Federal Defendants' Unopposed Motion to Transfer Related Case (Doc. 5). The court has considered the motion as well as all of the pleadings on file in the above-captioned cause as well as 10-CV-0760 and concludes that the motion is not well-taken and should be denied.

Plaintiffs request that this Court transfer this cause to the Court of the Honorable Judith C. Herrera who is the assigned trial judge in Los Alamos Study Group v. U.S. Dep't. of Energy, Cause No. 1:10-CV-0760-JH-ACT. Judge Herrera's case has been decided and is presently now on appeal before the Tenth Circuit Court of Appeals. Jurisdiction does not lie with the trial court, Judge Herrera's trial assignment has been completed and the case is concluded pending a remand from the Tenth Circuit. It does not serve the interests of justice nor concepts of judicial economy to "transfer" the above pending case until and at such time as it may be remanded for

further action by Judge Herrera.

IT IS THEREFORE ORDERED that Federal Defendants' Unopposed Motion to Transfer Related Case be and the same hereby is denied.

*Robert Hayes Scott*

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ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE