

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2010-1073

RED RIVER HOLDINGS, LLC,

Appellant,

v.

Raymond E. Mabus, SECRETARY OF THE NAVY,

Appellee.

Appeal from the Armed Services Board of Contract Appeals in no. 56316,  
Administrative Judge David W. James, Jr.

ON MOTION

Before MAYER, LOURIE, and BRYSON, Circuit Judges.

BRYSON, Circuit Judge.

### ORDER

Red River Holdings, LLC moves without opposition to transfer this case, involving a decision of the Armed Services Board of Contract Appeals (ASBCA), to the United States District Court for the District of Maryland.

There is no dispute that this action arose out of a maritime contract. Thus, this court clearly lacks jurisdiction over Red River's appeal of the ASBCA decision. Dalton v. Southwest Marine, Inc., 120 F.3d 1249, 1250, 1252 (Fed. Cir. 1997) (transferring to a district court an appeal from an ASBCA decision involving a maritime contract). There is also no dispute that this action could have been brought in the District Court for the District of Maryland because Red River's principal place of business lies within that

district. See 28 U.S.C. § 1631 (whenever the "court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed").

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. This case is transferred to the United States District Court for the District of Maryland pursuant to 28 U.S.C. § 1631.
- (2) Each side shall bear its own costs for this appeal.

FOR THE COURT

MAY 03 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Marc J. Fink, Esq.  
Harold D. Lester, Jr., Esq.

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ISSUED AS A MANDATE: MAY 03 2010

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

MAY 03 2010

**JAN HORBALY**  
**CLERK**