



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GORDON W. EPPERLY, et al,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al,

Defendants.

Civil Action No. 90-1103 (CRR)

FILED

JUN 11 1990

JAMES E. DAVEY, Clerk

ORDER

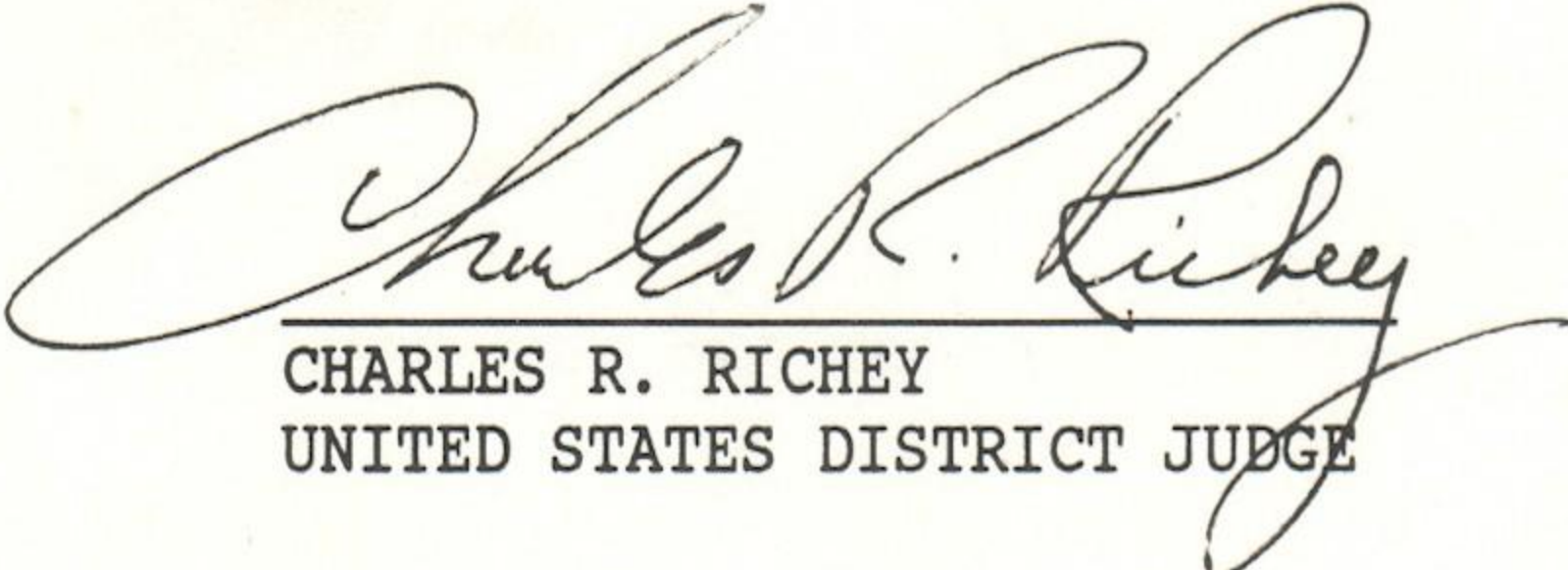
In response to this Court's May 14, 1990 Order transferring the above-captioned case to the United States District Court for the District of Alaska, the pro se plaintiffs have filed a "Writ of Error Coram Nobis." Because writs of error coram nobis have been abolished in federal court, see Fed. R. Civ. Proc. 60(b), the Court will construe the plaintiffs' submission as a motion for reconsideration of the Court's transfer order.

The plaintiffs apparently argue that this Court is an "Article III" or "judicial" court whereas the United States District Court for the District of Alaska, somehow a lesser court, is "only" an "Article I" or "legislative" tribunal. In a nutshell, the plaintiffs simply misunderstand the basis of district court jurisdiction and rely upon a non-existent distinction. Without digressing into a long, involved historical analysis of the federal judicial system, the Court will simply note that, while Congress established the district courts, Article III of the Constitution specifically authorized Congress to do so. Article III explicitly

states that "the judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. Art. III, § 1 (emphasis added). Congress having exercised its constitutional authority to establish them, district courts now exercise the Article III judicial power of this nation independently of the other two branches of government. See Northern Pipeline Constr. Co. v. Marathon Pipeline Co., 458 U.S. 50, 58-60 (1982).

Thus, for the purposes of this case, there is absolutely no distinction between the subject matter jurisdiction and authority exercised by this Court and the United States District Court for the District of Alaska. The judges of both courts operate under Article III, which "both defines the power and protects the independence of the Judicial Branch." Id. at 58. Any arguments that the plaintiffs intended to raise before this Court may be addressed to the Alaska District Court.

Accordingly, it is, by the Court, this 11th day of June, 1990, ORDERED that the plaintiffs' motion for reconsideration, captioned "Writ of Error Coram Nobis," shall be, and hereby is, DENIED.


CHARLES R. RICHEY
UNITED STATES DISTRICT JUDGE