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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

STANDARD FEDERAL BANK, M.A.,	)	CV 05-8957 AHS (RZx)
)	
Plaintiff,	)	ORDER GRANTING DEFENDANT'S
	)	"MOTION TO DISMISS CASE,"
v.	)	"APPLICATION TO SET ASIDE
	)	RIGHT TO ATTACH ORDER, QUASH
JR RESOURCES LLC, et al.,	)	WRIT OF ATTACHMENT AND
	)	RELEASE ATTACHED PROPERTY,"
Defendants.	)	"MOTION TO QUASH SUBPOENAS
	)	AND MOTION TO DISMISS LEVY OF
	)	WRIT OF EXECUTION," AND
	)	"MOTION FOR CLAIM OF
	)	EXEMPTION"; ORDER DISMISSING
	)	ACTION

I.

PROCEDURAL BACKGROUND

On November 26, 2007, defendant filed "Motion to Dismiss Case," "Application to Set Aside Right to Attach Order, Quash Writ of Attachment and Release Attached Property," "Motion to Quash Subpoenas and Motion to Dismiss Levy of Writ of Execution," and "Motion for Claim of Exemption." On December 3, 2007, plaintiff filed opposition to all motions. On December 12, 2007, the Court took the matters under submission.

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II.

DISCUSSION

Defendant contends the Court lacks jurisdiction to enforce plaintiff's judgment because it is a state court judgment improperly registered under 28 U.S.C. § 1963. Under § 1963, a district court, upon proper registration by the prevailing party, may enforce a "judgment in an action for the recovery of money or property entered in any court of appeals, district court, bankruptcy court, or in the Court of International Trade." Registration of out-of-district judgments under § 1963, however, is limited to those courts expressly identified by the statute and does not include state court judgments. See Fox Painting Co. v. Nat'l Labor Relations Bd., 16 F.3d 115, 117 (6th Cir. 1994) ("Nothing in the language of section 1963 grants authority to a district court to register judgments of any courts other than other district courts or the Court of International Trade."); Atkinson v. Kestell, 954 F. Supp. 14, 15 n.2 (D.D.C. 1997) (holding that "[s]tate court judgments cannot be registered in" a district court under § 1963); Euro-American Coal Trading, Inc. v. James Taylor Mining, Inc., 431 F. Supp. 2d. 705, 708 (E.D. Ky. 2006) ("[T]he registration procedures of 28 U.S.C. § 1963 contain jurisdictional limitations that prohibit federal courts from registering state court judgments." (emphasis omitted)).

The Certification of Judgment for Registration in Another District provided by plaintiff indicates the judgment sought to be enforced was entered by the "United States District Court, State of Michigan, 46th District." (See Declaration of Kenneth J. Freed, Ex. 1.) This is a state, not federal, court. Plaintiff's counsel

1 has acknowledged as much, but maintains that "Judgment Debtor has
2 not suffered any prejudice as a result of [the] erroneous
3 registration of [the] judgment in the within Court." (Id., ¶ 3.)
4 In addition to its "harmless error" argument, plaintiff contends
5 defendant's motion is time barred under California Code of Civil
6 Procedure § 1710.40(b) and Federal Rule of Civil Procedure 60(b).
7 Plaintiff further contends that by previously filing a Claim of
8 Exemption and appearing at the hearing for the claim on January 25,
9 2006 and February 27, 2006, respectively, defendant consented to
10 personal jurisdiction over her by the Court.

11 The Court's subject matter jurisdiction over this action
12 is based solely on the registration of the out-of-district judgment
13 under § 1963. Because § 1963 does not provide for the registration
14 of state court judgments to begin with, "plaintiff's state court
15 judgment[] [is] not properly before this Court." Atkinson, 954 F.
16 Supp. at 15 n.2.

17 The arguments advanced by plaintiff are insufficient to
18 remedy the Court's lack of subject matter jurisdiction. Personal
19 jurisdiction is a distinct requirement from subject matter
20 jurisdiction and "subject matter jurisdiction, because it involves
21 the court's power to hear a case, can never be forfeited or
22 waived." Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)
23 (internal quotations omitted); see also Fed. R. Civ. P. 12(h)(3)
24 ("If the court determines at any time that it lacks subject-matter
25 jurisdiction, the court must dismiss the action.").

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III.

CONCLUSION

For the foregoing reasons, the Court grants defendant's "Motion to Dismiss Case," "Application to Set Aside Right to Attach Order, Quash Writ of Attachment and Release Attached Property," "Motion to Quash Subpoenas and Motion to Dismiss Levy of Writ of Execution," and "Motion for Claim of Exemption." This action is ordered dismissed.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order on all counsel and parties in this action.

DATED: January 10, 2008.

ALICEMARIE H. STOTLER

ALICEMARIE H. STOTLER
CHIEF U.S. DISTRICT JUDGE