

United States Court of Appeals
for the Ninth Circuit

Brian P. Carr
Plaintiff-Appellant

versus

Sam Reed et al
Defendants-Respondents

Case No. 07-35962

Motion for Portland as
Place of Hearing

Plaintiff, Brian P. Carr, pro se, in compliance with [FRAP 27](#), respectfully requests that the Court assign Portland, OR as the Place of Hearing. While '*Cases are generally heard in the administrative units where they arise*', '*Appeals... may be heard at any session of the court in the circuit, as designated by the Court.*' (Circuit Rule 34-1).

Of the three individuals who would be expected to appear at the hearing (the plaintiff and the two counsel representing the defendants-respondents), two are located in the Portland metropolitan area (Mr. Carr and Mr. Veljacic) while only one is located in the Seattle area (Mr. Clark). Further, none of the defendants-respondents are located in the Seattle metropolitan area and the average travel distance for defendants-respondents would be 78 miles to the Portland court house and 98 miles to the Seattle court house. While this is hardly the compelling justification required for a change in the place of hearing, no panel has been assigned at this time and the court may assign this case initially to any panel (they are all legally equal). While it is possible that no hearing will be necessary and the assignment to a Portland panel will be moot, this will not be known for certain until the panel reviews the matter. At that time it would be too late to justify a change of the place

of hearing on this basis.

Mr. Carr inquired of opposing counsel as to their response to this request that Portland, OR be assigned for the initial venue for this matter, but to date Mr. Carr has not received any response.

CONCLUSION

For the reasons set forth above, plaintiff respectfully requests that the court assign Portland, OR as the Place of Hearing.

Respectfully submitted, January 11, 2008 (Vancouver, WA).

Signature of Plaintiff-Appellant
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

CERTIFICATION

I hereby certify that on January 11, 2008, a true and accurate copy of this motion was served on the defendants-respondents by mailing with the United States Postal Service using First Class Mail. A copy was mailed to each counsel for the defendants-respondents at:

Bernard F. Veljacic, WSBA #28702
Attorney for Defendants
Clark County Prosecuting Attorney, Civil Division
PO Box 5000
Vancouver WA 98666-5000

and

William G. Clark, WSBA #9234
Attorney for Defendants
Assistant Attorney General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188

All claims about the locations of counsel, defendants-respondents, and plaintiff-appellant are based on the addresses listed in the record in this matter.

On November 27, 2007, I inquired via email to opposing counsel as to their response to this request that Portland, OR be assigned for the initial venue for this matter, but to date I have not received any response.

Signature of Plaintiff-Appellant
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
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