

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IN RE CAPITAL ONE FINANCIAL CORPORATION,  
CAPITAL ONE, N.A., CAPITAL ONE BANK (USA),  
N.A., PROSPERITY BANCSHARES, INC.,  
PROSPERITY BANK, PATRIOT BANCSHARES,  
INC., PATRIOT BANK, LEGACY TEXAS GROUP,  
INC., AND LEGACY TEXAS BANK,  
*Petitioners.***

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Miscellaneous Docket No. 123

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On Petition for Writ of Mandamus to the United States District Court for the Eastern District of Texas in case no. 11-CV-0092, Magistrate Judge John D. Love.

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ON PETITION

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**ORDER**

The petitioners submit a petition for a writ of mandamus to direct the United States District Court for the Eastern District of Texas to vacate its January 30, 2012 order and to direct the district court to (1) transfer of the case to the United States District Court for the Southern District of Texas, Houston Division, and (2) sever and

transfer claims against Capital One Financial Corporation et al. to the United States District Court for the Eastern District of Virginia, Richmond Division.

Upon consideration thereof,

IT IS ORDERED THAT:

DataTreasury Corporation is directed to respond no later than April 26, 2012.

FOR THE COURT

APR 09 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: John G. Flaim, Esq.  
Richard P. Stitt, Esq.  
Lance Lee, Esq.  
Nelson J. Roach, Esq.  
Clerk, United States District Court for the Eastern  
District of Texas

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

APR 09 2012

JAN HORBALY  
CLERK