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5   **UNITED STATES DISTRICT COURT**

6   **EASTERN DISTRICT OF CALIFORNIA**

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8 **HERMAN D. SHEAD,**   **CASE NO. 1:09-CV-006 AWI SKO**

9   **Plaintiff**

10   v.   **ORDER ON DEFENDANT'S EX PARTE**
                                             MOTION FOR WRIT OF EXECUTION
11 **C/O VANG et al.,**

12   **Defendants**   (Doc. No. 102)

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15   On December 10, 2013, Defendant Vang filed an application for a writ of execution.

16 Although the application does not indicate whether the application is directed to the Clerk of the

17 Court or to the undersigned, the proposed order that is attached to the application makes clear that

18 the application is directed to the undersigned.

19   Pursuant to Federal Rule of Civil Procedure 69, a money judgment is enforced through a

20 writ of execution, and the procedure on execution must accord with the procedure of the court in

21 which the district court is located. See Fed. R. Civ. Pro. 69(a); Credit Suis v. United States Dist.

22 Ct., 130 F.3d 1342, 1344 (9th Cir. 1997). California Code of Civil Procedure § 699.510 "sets the

23 parameters for the issuance of writs of execution." Xcentric Ventures, LLC v. Arden, 2010 U.S.

24 Dist. LEXIS 110599, *4 (N.D. Cal. Oct. 1, 2010). Pursuant to § 699.510(a), it is the Clerk of the

25 Court who issues writs of execution. See Cal. Code Civ. Pro. § 699.510(a); UA Local 342 Joint

26 Labor-Mgmt. Comm. v. Roeber's, Inc., 2013 U.S. Dist. LEXIS 160431, *3 (N.D. Cal. Nov. 8,

27 2013) (citing Cal. Code Civ. Pro. § 699.510(a)). California Code of Civil Procedure § 699.520

28 lists the required contents and information that a writ of execution must contain.

1   Here, Vang's application is not correctly directed to the Clerk, and the proposed order does

2   not comply with § 699.520. Becaues Vang's application and order do not comply with applicable

3   law, the Court will deny Vang's application. However, the denial will be without prejudice to

4   Vang filing an application and proposed writ that complies California law.

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6   Accordingly, IT IS HEREBY ORDERED that Defendant's ex parte application for a writ

7   of execution is DENIED without prejudice.

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IT IS SO ORDERED.

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Dated: December 12, 2013   _____

10   SENIOR DISTRICT JUDGE

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