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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. HUNT,
Plaintiff,
v.
D. FIELDS,
Defendant.

No. 2:09-cv-03525-KJM-AC

ORDER

Currently pending before the court is defendant D. Fields’ motion to quash the writ of execution (ECF No. 137) entered against him by this court on January 6, 2015 (ECF No. 134).

Plaintiff Michael Hunt filed a civil rights action on December 11, 2009 against defendant Fields alleging violations of plaintiff’s First Amendment rights to file inmate grievances and pursue civil litigation. ECF No. 1. After a trial, plaintiff received a judgment in his favor, and was awarded \$1,000. ECF No. 120. On February 20, 2014, plaintiff filed a “Bill of Costs” for \$400.00 to account for other expenses to which he was entitled. ECF No. 122. On June 24, 2014, the Clerk of the Court issued a notice that the costs of \$400.00 against defendant Fields are included in the judgment. ECF No. 129. On July 17, 2014, a check for the judgment was placed in plaintiff’s Inmate Trust Account. ECF No. 130. The amount did not include the \$400. *Id.* Plaintiff sought a writ of execution of the money judgment for the remaining \$400, and defendant did not oppose. *Id.* This court issued the writ. ECF No. 134. Now, defendant claims

1 a check in the amount of \$400.00 was deposited into Plaintiff's trust account on October 21,
2 2014. He seeks the writ be quashed. Defendant has submitted an Inmate Statement Report
3 showing the \$400 deposited into plaintiff's account on October 21, 2014. Ex. A, ECF No. 137-1.
4 Plaintiff has not filed an opposition or objected to the authenticity of this report.

5 Because this is an action in the aid of a judgment or execution, California state law
6 applies. Fed. R. Civ. P. 69(a)(1). Payment of a judgment satisfies [a writ of execution]. . . and
7 extinguishes it." *Brochier v. Brochier*, 17 Cal. 2d 822, 825-26 (1941). "[W]hen the judgment [is]
8 fully satisfied, there [is] no reason to continue any . . . levy in effect." *Moreno v. Mihelis*, 207
9 Cal. App. 2d 449, 451 (1962). Here, as the judgment has been satisfied, the motion to quash the
10 writ is GRANTED.

11 IT IS SO ORDERED.

12 Dated: February 11, 2015.

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16 UNITED STATES DISTRICT JUDGE
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