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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOYD, et al.,

No. C-04-05459 MMC (EDL)

Plaintiffs,

**ORDER DENYING PLAINTIFF'S
MOTION FOR ORDER HOLDING
DEFENDANT IN CONTEMPT**

v.

CITY AND COUNTY OF SAN FRANCISCO,
et al.,

Defendants.

On October 24, 2008, Plaintiff filed a Motion for Order Holding Defendant in Contempt, but did not notice the motion for a hearing date and did not move to shorten time to hear the motion. Also on October 24, 2008, Defendants filed a Release of Abstract of Judgment. The Release appears to render the matter moot and in any event to be inconsistent with the requirement of clear and convincing evidence of willful disobedience or bad faith for imposing the sanction sought by Plaintiff. Therefore, Plaintiff's improperly noticed motion is denied.

IT IS SO ORDERED.

Dated: October 27, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

United States District Court
For the Northern District of California