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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 PETER C. TALLEY,

No. C 08-04529 SI

8 Plaintiff,

ORDER DENYING MOTION AS MOOT

9 v.

10 MICHAEL J. ASTRUE,

11 Defendant.
_____ /

12
13 Currently before the Court is plaintiff's motion to enforce judgment in aid of execution of
14 judgment and for sanctions. That motion is set for hearing on November 18, 2011. Plaintiff contends
15 that defendant refused to comply with this Court's June 2011 order awarding fees under 42 U.S.C.
16 § 406(b). Defendant responded to the motion on October 17, 2011, arguing that while payment of the
17 fees was delayed due to an oversight, all fees due have been paid as of October 13, 2011. As such,
18 defendant requests that the motion be denied.

19 Plaintiff's reply was due on October 24, 2011. No reply was filed, and on October 31, 2011, the
20 Court's courtroom deputy contacted the counsel for both parties inquiring whether the motion would
21 be withdrawn or whether plaintiff intended to keep the matter on for oral argument. As of this date,
22 plaintiff has not filed a reply or otherwise responded to the Court's inquiry as to the status.

23 Having reviewed the papers submitted, the Court DENIES the motion as moot. All outstanding
24 fees have apparently been paid. The Court will not impose sanctions on the government as the failure
25 to pay initially was due to an oversight.

26 **IT IS SO ORDERED.**

27 Dated: November 7, 2011

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SUSAN ILLSTON
United States District Judge