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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

12 **Plaintiff,**

13 **v.**

14 _____
 15 **LOUIS G. BEARY, et al.,**

16 **Defendants.**
 17 _____

) **No. 06-5838-PJH**

) **EX PARTE APPLICATION TO**
) **REMOVE SETTLEMENT**
) **STATEMENT FROM DOCKET**
) **and ~~PROPOSED~~ ORDER**

18 The United States requests that the Settlement Conference Statement (Docket No. 173) be
 19 removed from the docket as it was filed in error.

20 Respectfully submitted,

21 DATED: September 23, 2009

/s/ Cynthia Stier
 CYNTHIA STIER
 Assistant United States Attorney

22 **SO ORDERED**

23 Dated: September 24, 2009

