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**United States District Court**  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW R. OGILVIE,  
Plaintiff(s),  
v.  
SELECT PORTFOLIO SVCS.,  
Defendant(s).

No. C 12-01654 DMR

**ORDER DENYING MOTION AS MOOT**

Pending before the court is Defendants’ Motion to Expunge Notice of Pendency of Action, in which Defendants seek an order expunging a lis pendens recorded against the real property that is the subject of this action. [Docket NO. 53.] On October 31, 2012, Plaintiff filed a statement of non-opposition to the motion and represented that he had filed a withdrawal of the lis pendens in the Contra Costa Recorder’s office. [Docket No. 54.] Accordingly, Defendants’ Motion to Expunge is hereby denied as moot.

IT IS SO ORDERED.

Dated: November 2, 2012

