

**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

RAMONA A. STINSON;

Petitioner,

vs.

MICHAEL J. ASTRUE;

Respondent.

Case No.: CV-08-00037-C-REB

**MEMORANDUM DECISION AND  
ORDER RE: MOTION FOR  
DISMISSAL DUE TO MOOTNESS**

**(Docket No. 31)**

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Currently pending before the Court is Petitioner's Motion for Dismissal Due to Mootness (Docket No. 31). Having carefully reviewed the record and otherwise being fully advised, the Court enters the following Memorandum Decision and Order:

**DISCUSSION**

According to Petitioner, on July 23, 2009, Respondent issued a "fully favorable hearing decision awarding disability benefits to [P]etitioner covering the entire period at issue regarding [P]etitioner's claim." *See* Mot. for Dismissal, p. 1 (Docket No. 31) (attaching decision and August 15, 2009 award notice as Docket No. 31, Att. 1)). In light of this circumstance, Petitioner requests dismissal of the above-entitled action "due to mootness, in that all matters at issue have been fully decided in [P]etitioner's favor." *See id.* at p. 2.

Any response to Petitioner's Motion for Dismissal Due to Mootness was due on or before October 13, 2009 (*see* text to Docket No. 31). Respondent submits no response and, further, does not oppose Petitioner's dismissal efforts.

**MEMORANDUM DECISION AND ORDER - 1**

**ORDER**

Based upon the foregoing, it is HEREBY ORDERED THAT Petitioner's Motion for Dismissal Due to Mootness (Docket No. 31) is GRANTED. Petitioner's claims are therefore dismissed consistent with FRCP 41(a)(2).



DATED: **October 15, 2009**

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

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Honorable Ronald E. Bush  
U. S. Magistrate Judge