

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

KEVIN CLARKE, et al.

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

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Cause No. 1:24-cv-00614-DAE

The Honorable David A. Ezra

**UNOPPOSED MOTION TO STRIKE ERRONEOUS FILING AT ECF NO. 112 FROM
DOCKET**

On December 20, 2024, undersigned counsel mistakenly filed ECF No. 112 while attempting to file a reply brief. (The correct reply briefs were filed and appear at ECF entries 111 and 113.) Defendant CFTC requests that the Court direct the Clerk of Court to strike the erroneous filing at ECF No. 112 from the docket. Plaintiffs do not oppose this motion.

Respectfully submitted,

/s/ Carlin R. Metzger

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CERTIFICATE OF SERVICE

I certify that on December 26, 2024, I caused the foregoing document to be served on the Clerk of the Court using the Court's CM/ECF system, which will send notice to all counsel of record in this case.

/s/ Carlin R. Metzger

Carlin R. Metzger,
Assistant General Counsel
U.S. COMMODITY FUTURES TRADING
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