

IN THE SUPREME COURT OF THE UNITED STATES

No. 12-1000

SECURITIES AND EXCHANGE COMMISSION, PETITIONER

v.

DOUGLAS J. BARTEK AND NANCY A. RICHARDSON

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

MOTION TO DISMISS BY PETITIONER

Pursuant to Rule 46.2(a) of the Rules of this Court, the Solicitor General, on behalf of the Securities and Exchange Commission, respectfully moves to dismiss the petition for a writ of certiorari in light of this Court's recent decision in Gabelli v. SEC, No. 11-1274 (Feb. 27, 2013). All fees due to the Clerk have been paid, and petitioner has assumed all the costs in this Court.

Respectfully submitted.

DONALD B. VERRILLI, JR.
Solicitor General
Counsel of Record

MARCH 2013