

**24-1189**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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IN RE ERIC S. SMITH,

Petitioner.

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On Petition for a Writ of Mandamus  
to the Securities and Exchange Commission

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**THE SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO THE  
PETITION FOR A WRIT OF MANDAMUS, WHICH IS NOW MOOT**

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The Securities and Exchange Commission hereby files this response to Eric S. Smith's petition for a writ of mandamus. *See* Dk. 7-1 (Aug. 5, 2024) (ordering the Commission to respond to the petition). On August 19, 2024, the Commission issued a decision in Mr. Smith's proceeding. *See Eric S. Smith*, Exchange Act Release No. 34-100762, 2024 WL 3875989 (Aug. 19, 2024). The petition for a writ of mandamus therefore should be dismissed as moot. *See, e.g., In re Leonard Nyamusevya*, No. 23-3497, 2024 WL 1151692 (6th Cir. Feb. 8, 2024).

September 4, 2024

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I certify that this brief complies with the type-volume limitation of Fed. R. App. P. 21(d) because, according to the word processing program with which it was prepared (Word 2016), this brief contains 95 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f), and this brief complies with Fed. R. App. P. 32(a)(5) and (6) because it was prepared using 14-point Georgia Pro typeface.

/s/ Dominick V. Freda

September 3, 2024

**CERTIFICATE OF SERVICE**

I certify that on September 3, 2024, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Sixth Circuit by using the Court's CM/ECF system. I further certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Dominick V. Freda

September 3, 2024