[¶5266**]** In the Matter of Michael R. Johnson, California Pacific Bank, San Francisco, California, Docket No. 99-119jj (8-21-01).

FDIC dismisses a proceeding when a Notice of Change in Director or Senior Officer was withdrawn as well as the appeal. There was nothing remaining for the Board to rule upon and the proceeding became moot.

[.1] Mootness—Notice of Change in Director or Senior Officer Withdrawn

In the Matter of
MICHAEL R. JOHNSON
CALIFORNIA PACIFIC BANK
SAN FRANCISCO, CALIFORNIA
(Insured State Nonmember Bank)
ORDER OF DISMISSAL

FDIC-99-119jj

On September 7, 1999, California Pacific Bank, San Francisco, California ("the Bank"), filed a Notice of Change in Director or Senior Officer with the San Francisco Regional Office of the Federal Deposit Insurance Corporation ("FDIC"), seeking approval under 12 U.S.C. §1831i for Michael R. Johnson ("Johnson") to serve as President and Senior Executive Officer of the Bank. On October 7, 1999, the Regional Director of the FDIC's San Francisco Office issued a Notice of Disapproval. Johnson and the Bank requested a review of this Notice, and on November 19, 1999, the Deputy Director of the FDIC's Division of Supervision issued a Notice of Denial of Request for Review of Notice of Disapproval and Notice of Hearing. Subsequently, a hearing was requested by the Bank and Johnson and held before a Presiding Officer ("PO"). On June 19, 2000, PO Richard A. White recommended to the Board of Directors of the FDIC ("Board") that Johnson be found qualified to be president of the Bank. On September 8, 2000, this matter was reopened and remanded to the PO by Order of the Executive Secretary for the purpose of taking evidence on limited issues. After completion of the hearing, but before the submission of post-hearing briefs, the Bank and Johnson withdrew the Notice of Change in director or Senior Officer in a letter dated April 3, 2001. The FDIC's Enforcement Counsel has not opposed the withdrawal.

[.1**]** Because both the Notice of Change in Director or Senior Officer that began this proceeding and the appeal of Johnson and the Bank have now been withdrawn, there is nothing remaining for the Board to rule upon, and this proceeding has become moot. For this reason, we have decided to dismiss this proceeding.

It is hereby ORDERED and DECREED that this proceeding is dismissed.

By direction of the Board of Directors.

Dated at Washington, D.C., this 21st day of August, 2001.