

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2592/April 27, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16104

In the Matter of :
: :
MICHAEL LEE MENDENHALL : ORDER

The Securities and Exchange Commission (Commission) instituted this proceeding on September 12, 2014, as a follow-on proceeding based on *People v. Mendenhall*, No. 2011CR10094 (Colo. Dist. Ct. Apr. 20, 2012), *appeal pending*, No. 12CA1171 (Colo. App.), in which Michael Lee Mendenhall (Mendenhall) was convicted of securities fraud and theft under Colorado state law. The Division of Enforcement (Division) filed a motion for summary disposition on December 12, 2014, pursuant to 17 C.F.R. § 201.250(a), in accordance with leave granted. *Michael Lee Mendenhall*, Admin. Proc. Rulings Release No. 1952, 2014 SEC LEXIS 4054 (A.L.J. Oct. 28, 2014). On January 21, 2015, Mendenhall filed a motion for a 120-day extension of time to respond to the Division’s motion for summary disposition. He was granted a four-week extension, until February 13, 2015. *See Michael Lee Mendenhall*, Admin. Proc. Rulings Release No. 2244, 2015 SEC LEXIS 246 (A.L.J. Jan. 22, 2015) (January 22 Order). No response was received, and an Initial Decision barring Mendenhall from the securities industry was issued on February 18, 2015. *Michael Lee Mendenhall*, Initial Decision Release No. 743, 2015 SEC LEXIS 563 (A.L.J. Feb. 18, 2015) (ID).

By mistake, neither the January 22 Order nor the ID was mailed to Mendenhall at his current address until February 23, 2015. As a result, on March 19, 2015, the Commission issued an Order Vacating Initial Decision and Remanding for Further Proceedings. *See Michael Lee Mendenhall*, Exchange Act Release No. 74532, 2015 SEC LEXIS 1071 (Mar. 19, 2015). The Commission noted that “[u]nder the unusual circumstances of this case . . . Mendenhall should be afforded an opportunity to present facts and legal arguments in response to the Division’s motion for summary disposition.” *Id.* at *4. Moreover, the Commission explained that “the interests of justice would be served, and the disposition of this matter expedited, by vacating the February 18 initial decision and directing that the law judge set a briefing schedule for the Division’s motion for summary disposition.” *Id.* Accordingly, the undersigned ordered that Mendenhall may file an opposition to the Division’s motion for summary disposition by May 1, 2015, and the Division, a reply by May 15, 2015. *Michael Lee Mendenhall*, Admin. Proc. Rulings Release No. 2449, 2015 SEC LEXIS 1030 (A.L.J. Mar. 20, 2015).

This Order addresses Mendenhall's letters (1) dated March 18, 2015, received March 25, 2015 (March letter), and (2) dated April 16, 2015, received April 24, 2015 (April letter), in which he describes logistical problems associated with his incarceration. In the March letter he makes various arguments concerning his culpability; he also states that a ruling on his appeal of *People v. Mendenhall* is expected within ninety days and urges the undersigned to delay ruling until that time. In the April letter he renews his request for a 120-day extension. Consistent with 17 C.F.R. § 201.161, the due date for Mendenhall's opposition will be postponed to July 1, 2105, and for the Division's reply, to July 15, 2015. This will exceed the 120-day extension he originally requested in January 2015.

Mendenhall also complains that Commission correspondence has been directed to him at "Colorado State Penitentiary," rather than "Colorado Territorial Correctional Facility." Accordingly, the Commission's records have been corrected as follows:

Michael Lee Mendenhall
DOC # 157626
Colorado ~~State Penitentiary~~ Territorial Correctional Facility
P.O. Box 1010
Cañon City, CO 81215.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge