

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 3909/June 9, 2016

ADMINISTRATIVE PROCEEDING

File No. 3-15764

In the Matter of

GARY L. MCDUFF

ORDER

The hearing in this proceeding is currently scheduled for June 15 through June 16, 2016, at FCI Beaumont, where Respondent Gary L. McDuff is currently incarcerated. *Gary L. McDuff*, Admin. Proc. Rulings Release No. 3787, 2016 SEC LEXIS 1405 (ALJ Apr. 18, 2016).

On June 7, this office received a motion, signed by McDuff, seeking to set aside a judgment in a related case in federal court. My office has forwarded a copy to the Office of the Secretary for inclusion in the record. If McDuff wishes for me to consider this document, he should be prepared at the hearing to explain its relevance to this current proceeding.

Also on June 7, a telephonic prehearing conference was held in this matter. During the conference, McDuff requested that certain members of the public be permitted to assist him at the hearing. I granted this request, to the extent that if those individuals were present at the hearing, I would permit them to assist McDuff in a limited capacity. *Gary L. McDuff*, Admin. Proc. Rulings Release No. 3900, 2016 SEC LEXIS 2022 (ALJ June 7, 2016). Also at McDuff's urging, I respectfully requested that FCI Beaumont staff permit McDuff to have preparatory assistance from other inmates and that the FCI Beaumont mailroom expedite delivery of boxes marked "special mail" to McDuff. *Id.*

On June 9, this office received a letter, addressed to Division of Enforcement counsel from Tina Hauck, counsel at FCI Beaumont, and responding to my June 7 order. Ms. Hauck explains that the individuals McDuff wishes assist him at the hearing have not been submitted for visitation approval. She further explains that the shipment of mail marked "special mail" sought by McDuff had been rejected in accordance with Bureau of Prison rules, and that any preparatory assistance given to McDuff by other inmates would be limited under prison rules.

I thank Ms. Hauck for her correspondence and assistance in preparing for this hearing and wish to clarify that my June 7 order did not request FCI Beaumont staff take any action that would violate their rules or procedures. In preparation for this hearing, McDuff has repeatedly asked that I make certain requests on his behalf upon FCI Beaumont staff. *See Gary L. McDuff*, Admin. Proc. Rulings Release No. 3777, 2016 SEC LEXIS 1347, at \*2 (ALJ Apr. 12, 2016). I have made it clear to McDuff on every occasion that I have no authority over the Bureau of

Prisons or FCI Beaumont staff, and that all of my requests would be subject to the rules governing FCI Beaumont.

---

Cameron Elliot  
Administrative Law Judge