

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4711/March 27, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17645

In the Matter of

GARY C. SNISKY

ORDER ON MOTION

This administrative proceeding began with an order instituting proceedings (OIP) issued on October 27, 2016. The proceeding is based on *SEC v. Snisky*, No. 13-cv-3149 (D. Colo. Aug. 12, 2016), in which Respondent is alleged to have been permanently enjoined from violating the registration and antifraud provisions of the federal securities laws. OIP at 1. Respondent Gary C. Snisky filed an answer on November 21, 2016.

At a December 14, 2016, prehearing conference, I denied two motions that Snisky filed and explained that they appeared to be directed to the district court. I also ordered a procedural schedule for the Division of Enforcement to file a motion for summary disposition on February 13, 2017, with Respondent's opposition due March 20, 2017. *Gary C. Snisky*, Admin. Proc. Rulings Release No. 4478, 2016 SEC LEXIS 4758 (ALJ Dec. 22, 2016). The Division filed its motion for summary disposition on the due date. On March 20, 2017, the Division received from Snisky a two-page handwritten motion requesting a thirty-day extension of the due date for his opposition, which I caused to be filed with the Office of the Secretary. Snisky explains that he seeks more time to file because library and computer resources at the Fort Dix Federal Correctional Institution where he is confined are currently inaccessible due to a "lockdown." Snisky also states that he plans to point out, among other things, alleged factual errors in *United States v. Snisky*, No. 13-cr-473 (D. Colo. Feb. 5, 2015). Snisky argues that summary judgment is inappropriate because factual errors occurred in the district court, including errors in the restitution ordered and "other facts disputed from the plea agreement itself."

Order

Snisky has had over one month to respond to the Division's summary disposition motion already, and two additional months before that to begin preparing his defense. Therefore, I will not grant him an additional thirty days to respond at this time. Instead, I GRANT Respondent's motion in part—his opposition is now due April 10, 2017. If he finds that he still needs additional time, he must file a motion for extension by serving the Division and submitting the

original and three copies of the motion to the Office of Secretary as provided in Rules of Practice 151 and 152.¹ 17 C.F.R. §§ 201.151, .152. The Division's reply to Snisky's opposition, if any, is due April 26, 2017.

I also remind Respondent that in the order following the prehearing conference, I explained to him that he cannot attack facts he pled guilty to in district court in this administrative proceeding. *Gary C. Snisky*, 2016 SEC LEXIS 4758, at *2-4. His opposition papers should comply with that ruling.

Brenda P. Murray
Chief Administrative Law Judge

¹ The mailing address of the Office of the Secretary is 100 F Street, NE, Mail Stop 1090, Washington, D.C. 20549.