

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4736 /April 6, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17856

In the Matter of

JOHN AUSTIN GIBSON, JR.

ORDER TO SHOW CAUSE

The Division of Enforcement filed a declaration and a memorandum of law addressing service of the order instituting proceedings (OIP) on John Austin Gibson, Jr. The Division's filings establish that Gibson was served with the OIP on March 4, 2017, by "sending a copy of the order addressed to the individual by U.S. Postal Service certified ... Mail and obtaining a confirmation of receipt." 17 C.F.R. § 201.141(a)(2)(i). Gibson's answer was due by March 27, 2017. OIP at 3; 17 C.F.R. §§ 201.160(b), .220(b). Gibson has not filed an answer, and he did not attend the prehearing conference held on March 31, 2017.

I ORDER Gibson to SHOW CAUSE by April 17, 2017, why the proceeding should not be determined against him by default for failing to file an answer, attend the prehearing conference, or otherwise defend the proceeding. OIP at 3; 17 C.F.R. §§ 201.155(a), .220(f), .221(f). The Division shall, by May 8, 2017, file an appropriate dispositive motion. The motion should include 1) a discussion of the relevant facts with citations to supporting evidence or documents; 2) a discussion of the relevant law addressing, among any other issues, whether the legal basis for this action is satisfied; and 3) whether and what sanctions are in the public interest. Supporting evidence must be sufficient for the required analysis. *See, e.g., Gary L. McDuff*, Exchange Act Release No. 74803, 2015 WL 1873119, at *2-3 (Apr. 23, 2015); *Ross Mandell*, Exchange Act Release No. 71668, 2014 WL 907416, at *2 (Mar. 7, 2014), *vacated in part*, Exchange Act Release No. 77935, 2016 WL 3030883 (May 26, 2016).

In addition to the required filing with the Office of the Secretary, the Division should email an electronic courtesy copy of all filings to alj@sec.gov in PDF text-searchable format. Exhibits should be sent as separate attachments, not a combined PDF.

James E. Grimes
Administrative Law Judge