

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

Administrative Proceedings Rulings
Release No. 6620 / July 2, 2019

Administrative Proceeding
File No. 3-16386

In the Matter of

**Traci J. Anderson, CPA,
Timothy W. Carnahan, and
CYIOS Corporation**

**Order Denying Respondents'
Motion to Vacate Prior Order,
Revoke Subpoena, and Dismiss
Proceeding**

Respondents Timothy W. Carnahan and CYIOS Corporation have moved to vacate my order issued June 24, 2019,¹ revoke an issued subpoena (which I construe as a motion to quash), and dismiss this proceeding. For the reasons that follow, I deny Respondents' motion.

Respondents argue that this proceeding is barred by the statute of limitations, so the proceeding should be dismissed and my previous order and an issued subpoena should be of no effect. Respondents have made this statute of limitations argument in multiple motions and it has been rejected each time.² In this motion, Respondents are essentially asking that I reconsider my denial of a motion to reconsider. Respondents again, however, have presented no reason for me to reconsider the issue and in any event

¹ *Anderson*, Admin. Proc. Rulings Release No. 6613, 2019 SEC LEXIS 1482 (ALJ June 24, 2019).

² *See Anderson*, Admin. Proc. Rulings Release No. 6549, 2019 SEC LEXIS 961, at *17 (ALJ Apr. 24, 2019) (“Respondents argue that the statute of limitation bars this action. Because [the previously-assigned ALJ] twice ruled on this argument, Respondents are essentially asking for reconsideration. But they offer no reason for me to reconsider these rulings and I decline to do so. They are free to raise this argument during the hearing and in briefing based on the evidence that is developed.” (footnotes omitted)).

have not demonstrated that theirs is an extraordinary situation or exceptional case.³ I decline to reconsider the statute of limitations issue and accordingly decline to grant the requested relief. As the statute of limitations argument is the only issue presented in the motion, Respondents have made no showing under Commission Rule of Practice 232(e)⁴ that the subpoena should be quashed. Accordingly, I will not quash the subpoena.

I DENY Respondents' motion and decline to vacate my previous order, revoke or quash the subpoena, or dismiss this proceeding.

James E. Grimes
Administrative Law Judge

³ Cf. *ZPR Inv. Mgmt., Inc.*, Advisers Act Release No. 4417, 2016 WL 3194778, at *3 (June 9, 2016) (explaining, under Commission Rule of Practice 470, 17 C.F.R. § 201.470, that the “‘extraordinary’ remedy” of reconsideration will not be granted when a party merely reiterates previously made arguments or cites previously available authority).

⁴ 17 C.F.R. § 201.232(e).