

FILED

2007 OCT -3 AM 10:19

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY VR
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JOHN A. NIETO,

Defendant.

C.A. No. -

A07CA 820LY

**AGREED ORDER OF JUDGMENT OF PERMANENT INJUNCTION
AND OTHER RELIEF AS TO JOHN A. NIETO**

The Securities and Exchange Commission having filed a Complaint and Defendant John A. Nieto having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$16,677.10, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$2,059.48, and a civil penalty in the amount of \$16,677.10, pursuant to Section 21(A) of the Exchange Act. Defendant shall satisfy his total financial obligation of \$35,413.68 within 10 days of the entry of this Judgment. Defendant shall make payment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying John A. Nieto as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Judgment. The Defendant shall simultaneously forward a copy of his payments to: Will Fergus, Securities and Exchange

Commission, 801 Cherry Street, 19th Floor, Fort Worth, TX 76102.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

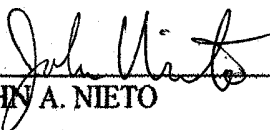
V.

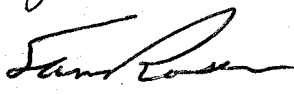
There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Agreed ^{Order} ~~Final Judgment~~ immediately and without further notice.

Dated: October 3, 2007


UNITED STATES DISTRICT JUDGE

Agreed as to form:


JOHN A. NIETO


SAMUEL ROSEN, ESQ.
Counsel for John A. Nieto