UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, vs. ANDRES LEYVA, Defendant.	Case No. 3:09-cv-1565-JLS-WVG **FINAL JUDGMENT AS TO DEFENDANT ANDRES LEYVA**

The Securities and Exchange Commission having filed a Complaint and Defendant Andres Leyva 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 Final 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 Leyva is liable for disgorgement of $34,739.98, representing profits gained as a result of the conduct alleged in the complaint, prejudgment interest thereon in the amount of $1,369.73; and a civil penalty in the amount of $34,739.98 pursuant to Section 21A(a) of the Exchange Act, 15 U.S.C. § 78u-1(a), for a total of $70,849.69. Leyva shall satisfy this obligation by paying $20,000.00 within ten (10) business days after entry of this Final Judgment, and by paying the remaining balance of $50,849.69 in four installments as follows: (1) $12,712.42 plus $13.48 in post-judgment interest, for a total payment of $12,725.90, within 90 days of entry of the Final Judgment; (2) $12,712.42 plus $26.96 in post-judgment interest, for a total payment of $12,739.38, within 180 days of entry of the Final Judgment; (3) $12,712.42 plus $40.44 in post-judgment interest, for a total payment of $12,752.86, within 270 days of entry of the Final Judgment; and (4) $12,712.43 plus $53.91 in post-judgment interest, for a total payment of $12,766.34, within 360 days of entry of the Final Judgment.

Leyva shall make each 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 Leyva 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 Final Judgment. Leyva shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

If Leyva fails to make any payment by the date agreed and/or in the amount agreed according to the schedule set forth above, all outstanding payments under this Final Judgment, including post-judgment interest, minus any payments made, shall become due and payable immediately without further application to the Court.

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 Final Judgment.

Dated: June 16, 2010

Janis L. Sammartino
THE HON. JANIS L. SAMMARTINO
UNITED STATES DISTRICT JUDGE