

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

AMERICAN PENSION SERVICES, INC., a
Utah Corporation and CURTIS L. DeYOUNG,
an individual,

Defendants.

**ORDER DENYING WITHOUT
PREJUDICE MOTION FOR CIVIL
PENALTIES**

Case No.: 2:14-cv-00309-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

On June 21, 2016, Plaintiff Securities and Exchange Commission filed a Motion for Civil Monetary Penalties against Defendant Curtis L. DeYoung.¹ After briefing on that Motion concluded, DeYoung pled guilty on September 12, 2016, to two criminal counts related to the subject matter underlying this civil suit. The Commission then filed on September 30, 2016 a Notice regarding its Motion for Civil Monetary Penalties, informing the court and parties that its counsel had “elected, subject to consideration and approval by the Commission in Washington, D.C. to forego a claim for civil penalties against DeYoung.”² The Commission’s counsel estimated that the consideration and approval of this decision would “take approximately ten weeks,” and that when “the Commission has made a decision on the recommendation, the parties will file the appropriate documentation with the Court.”³

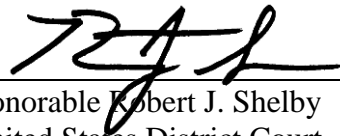
¹ Dkt. 772.

² Dkt. 815 at 2.

³ *Id.*

Having received no filing from the Commission over twenty-one weeks later, the court will now DENY the Motion for Civil Penalties⁴ without prejudice to refile, should the Commission later decide to pursue the relief initially requested.

SO ORDERED this 27th day of February, 2017.



Honorable Robert J. Shelby
United States District Court

⁴ Dkt. 772.