

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 3632/February 22, 2016

ADMINISTRATIVE PROCEEDING

File No. 3-15764

In the Matter of

GARY L. MCDUFF

ORDER FOLLOWING PREHEARING
CONFERENCE

On October 2, 2015, I denied the Division of Enforcement's summary disposition motion. *Gary L. McDuff*, Admin. Proc. Rulings Release No. 3190, 2015 SEC LEXIS 4040, at *24-25. On January 11, 2016, I denied Respondent Gary L. McDuff's summary disposition motion and directed that this matter proceed to a hearing. *Gary L. McDuff*, Admin. Proc. Rulings Release No. 3482, 2016 SEC LEXIS 82, at *5. As McDuff is currently incarcerated at FCI Beaumont Low, the parties both submitted letters regarding the logistics of holding a hearing.

Both parties attended a telephonic prehearing conference on February 18, and the issue of hearing logistics was discussed. The parties agreed that, due to the institution's policies and procedures, it would be extremely difficult to hold the hearing at FCI Beaumont Low. McDuff did not consent to the Division's suggestion to instead hold the hearing via video teleconferencing. The Division raised the option of obtaining a writ of habeas corpus for McDuff and transferring him to a federal detention center with facilities capable of holding a live hearing. McDuff suggested the possibility of obtaining a furlough from prison in order to attend the hearing. Both parties indicated that they required more time to determine the feasibility of their suggestions.

Accordingly, the parties are ORDERED to file status reports on their efforts by March 25, 2016.

Cameron Elliot
Administrative Law Judge