

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3884/May 31, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-16949

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In the Matter of

SANDIP SHAH

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PREHEARING ORDER

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The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on November 9, 2015, pursuant to Sections 15(b) and 21C of the Securities Exchange Act of 1934. A hearing had been scheduled to commence on May 17, 2016, but could not be held when it became clear that FCI Sheridan, in Sheridan, Oregon, where Respondent Sandip Shah is incarcerated, does not have the capability to accommodate a hearing.

The Division of Enforcement's May 19, 2016, Status Report<sup>1</sup> advised that Shah is eligible for release to a half-way house in November 2016, and a hearing in that location would not present the same logistical problems.<sup>2</sup> However, a November hearing would extend the length of the proceeding far beyond the applicable 300-day deadline for an initial decision in compliance with 17 C.F.R. § 201.360(b), as the Division acknowledges, and the undersigned declines to ask the Chief Administrative Law Judge to request the Commission to grant such a lengthy extension months before a hearing is even held. The Division is also exploring the possibility of modifying its request for sanctions and refers to the possibility of filing a motion of unspecified character with the Commission that would enable the possibility of resolving this matter by summary disposition pursuant to 17 C.F.R. § 201.250 (Rule 250); it requests a schedule calling for motions for summary disposition be filed by June 24, and oppositions, by July 8, 2016. The Division is granted leave, pursuant to Rule 250, to file a motion for summary disposition, according to the schedule it requests.

IT IS SO ORDERED.

/S/ Carol Fox Foelak  
Carol Fox Foelak  
Administrative Law Judge

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<sup>1</sup> The Division advised that the Status Report was one day late because of difficulty in obtaining information from FCI Sheridan. *See Sandip Shah*, Admin. Proc. Rulings Release No. 3824, 2016 SEC LEXIS 1619 (A.L.J. May 4, 2016).

<sup>2</sup> Consideration of an earlier hearing date based on a possible furlough would be purely speculative because of numerous factors bearing on furlough eligibility.