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OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA

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IN THE MATTER OF	a mamma anala - Amma mandalahat - aguara dari				
TIMOTHY W. CARNAHAN,	ADMINISTRATIVE PROCEEDING designed				
AND CYIOS CORPORATION	File No. 3-16386 ewhich "Hep-to-Bolk althog" wonth accathe Judge Carol Fox Foclak				
RESPONDENTS					

NOTICE OF MOTION FOR RECONSIDERATION FOR CERTIFICATION FOR INTERLOCUTORY REVIEW, IN ALTERNATIVE, DISMISS THIS CASE

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October, 25th, 2018 or as soon thereafter as the matter may be heard, before the administrative proceeding THE RESPONDENTS shall move and hereby move this Court for reconsideration and vacatur of the Release No. AP-6223/October 18, 2018 order ("Order"), for certification for interlocutory review of the Order, in alternative, dismiss this order pursuant to Rules 111, 161, 300 & 400 of the Securities and Exchange Commission's Rules of

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Practice, 17 C.F.R. § 201.100.

INITIAL STATEMENT

the Statements of the Statements of Statement Respondents implore Judge Foelak to reconsider the recent Order for interlocutory review in with the spirit of the station Te. perman alternative, dismiss this order and case, instead of pushing for the original Order dated October the suiter ingo secondance Table 1st, 2018. The SEC has tolled the time to "remand" and bring forth alleged violations against the THE PERSON AND A DESCRIPTION OF A DESCRI respondents; in alternate, this would violate 5 year Statue of limitations. Any violations have " the Softed N been vacated and as such would be new which "Equitable Tolling" would not allow. The State to Supreme Court reaffirmed in Gabelli, statutes of limitations "provide security and stability to the alleste Solopisti aceros, sor y nor the 12" human affairs" and it "would be utterly repugnant to the genius of our laws if actions for discover and and The Suprem Cours recited whey reason femoria, 2 "Fixed Late in her penalties could be brought at any distance of time."

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The factoring Court of the process of Charles, the Science Court and Court Court 144 104 105 is an interface of a set of the Court 140 Court 160 - American type area of and theory of the science of the loss of charles action processors the sportfour courts statement of Procefore, is the processor provide Equilable Folling," and therefore the case which was vacance and should be used in provide equilable Folling," and therefore the case which was vacance and should be used in provide equilable Folling," and therefore the case which was vacance and should be used in provide equilable Folling," and therefore the case which was vacance and should be used in provide equilable Folling," and therefore the case which was vacance and should be used in provide equilable Folling," and therefore the case which was vacance and should be used in provide equilable Folling," and therefore the case which was vacance and about the used in provide equilable Folling," and the respondence is with upon the case of is a construction of Sing data the SEC Community is some a colory in 2013 of the adation where it is a construction of the second of the SEC Community of the spirit with the law is a state of the Second to construct one comparishes and it is spirit with the law is a state of the Second to construct one comparishes and it is spirit with the law is a state of the Second to construct one comparishes and it is spirit with the law is a state of the second to be block of a second and a state of the spirit second provide of the formulation of the second to be block of a second and a second provide provide of the formulation of the second to be block of a second and a second and a second provide provide of the formulation of the second to block of a second and a second and a second provide provide of the formulation of the second to block of a second and a second provide provide provide of the formulation of the second provide to block of a second and a second provide provide provide of th

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SEC enforcement actions are subject to a five-year statute of limitations, which provides that "an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when Televis set to to to Rule 154. 5 This net complete with the claim first accrued." 28 U.S.C. § 2462. 1 C PRE Gabelli v. Securities and Exchange Commission, No. 11-1274, the United States Supreme Court Participation of the second second of the second clarified that the 5-year statute of limitations applicable to SEC enforcement actions that seek Sand Street or financial penalties begins to accrue when the alleged violation occurs, not when the SEC discovers the violation. The Supreme Court recited policy reason favoring a "Fixed Date" when exposure to government enforcement efforts must end. The Supreme Court further explained in American Pipe & Construction Co. v. Utah 414 U.S. 538 and further in a recent case CHINA AGRITECH, INC. v. RESH - American Pipe does not permit the maintenance of a follow-on class action past expiration of the statute of limitations. The respondents make the argument that "remanding" a case due to the SEC wrong doing and mishan does not permit "Equitable Tolling" and therefore, the case which was vacated and remanded is a most point because time has tolled. The respondents wish upon the Judge to reference the statement "Why didn't the SEC Commission issue a ruling in 2016 after all the briefs where filed and zero stays were in place?". The delays are not in spirit with the laws and ruling of the Supreme Court, moreover, the respondent have been extremely prejudiced by the Wine Clark (1.6) V 100 SEC lack of action, especially due being a small business.

¹Paul Weiss - February 28, 2013 U.S. Supreme Court Clarifies Scope of 5-Year Statute of Limitations in SEC Enforcement Proceedings

CONCLUSION

For the foregoing reasons, Respondents respectfully request that Your Honor grant this motion for reconsideration, vacate the Order, and in its place for certification for interforming review of the Order, in alternative, dismise this case.

Rule 164(c) Certification: This brief complies with the limitations set forth in Rule 154(c).

Timeliness:

The Order was received October 18th, 2018 so under rule 470 Reconsideration is filed within 10

days after the order, this motion is filed timely.

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Date: October 25th, 2018 Respondents submitted, Respectfully,

Timothy Carnahan

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Timothy Canahan, CEO and President of CYIOS



Service List

In accordance with Rule 150 of the Commission's Rules of Practice, I hereby certify that a true and correct copy of the foregoing **Reply to the Division of Enforcement's** Summary Disposition was served on the persons listed below October 25th, 2018 via United States Postal Service or email where indicated:

Honorable Brenda P. Murray Chief Administrative Law Judge SEC 100 F Street, N.E. Washington, DC 20549-2557 via USPS

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Carol Fox Foela Administrative Law Judge Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549-2557 ALJ@sec.gov

Chris Davis Timothy McCole 801 Fort Worth Regional Office Securities and Exchange Commission 801 Cherry Street, Suite 1900 Fort Worth TX 76 102 DavisCa@SEC.GOV

Timothy W. Carnahan President and CEO and Chairman CYIOS Corporation carnahan@cyios.com

CYIOS Corporation c/o Timothy W. Carnahan, President, CEO and Chairman carnahan@cyios.com

Respectfully Timothy W. Canaha

CASE: ap-3-16386	N 61	N 181
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Timothy Carnahan	·			
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