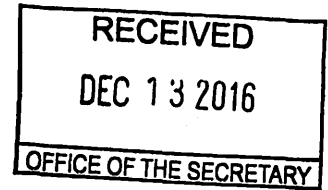


HARD COPY

**UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION**



**ADMINISTRATIVE PROCEEDING
File No. 3-17645**

In the Matter of

GARY C. SNISKY

Respondent.

**RESPONSE TO MOTION TO
EXTEND STAY**

The Division of Enforcement hereby responds to Respondent Gary Snisky's Motion to Extend Stay. Mr. Snisky's request for a stay should be denied.

Mr. Snisky's argument appears to be that this administrative proceeding should be stayed pending his motion to vacate the injunction against him in *SEC v. Snisky*, Case No. 13-cv-03149-LTB (D. Colo.) and that the injunction against him should be vacated because he was never properly served in that case.¹ As a basis for his argument that he was never properly served, Mr. Snisky appears to claim that he could not have been served with the summons and complaint because he was incarcerated at the time of service. As the attached Certificate of Service shows, however, Mr. Snisky was served with the summons and complaint by a United States Marshal while he was in custody. Mr. Snisky's claimed basis for vacating the injunction against him is without merit.

Because there is no merit to his argument that the injunction against him should be vacated, Mr. Snisky has failed to demonstrate any likelihood that he will be successful in that

¹ Although Mr. Snisky includes a "Motion for Relief of a Final Judgment" in his filing, no such motion has been docketed in *SEC v. Snisky*.

endeavor. As a result, there is no reason to stay this proceeding. Under Rule 161 of the Commission's Rules of Practice, such requests are strongly disfavored. The request to stay this case should be denied.

Dated: December 12, 2016.

Respectfully Submitted,



Polly Atkinson
Division of Enforcement
Securities and Exchange Commission
Denver Regional Office
1961 Stout Street, Ste. 1700
Denver, CO 80294


CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Division of Enforcement's Response to Motion to Extend Stay was served on the following on this 12th day of December, 2016, in the manner indicated below:

Securities and Exchange Commission
Brent Fields, Secretary
100 F Street, N.E.
Mail Stop 1090
Washington, D.C. 20549
(By Facsimile and original and three copies by UPS)

Hon. Judge Brenda P. Murray
Chief Administrative Law Judge
100 F Street, N.E.
Mail Stop 2557
Washington, D.C. 20549
(By Email)

Gary C. Snisky
Inmate No. [REDACTED]
[REDACTED]
P.O. Box [REDACTED]
Joint Base MDL, NJ [REDACTED]


Nicole Nesvig
Senior Trial Paralegal

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF U.S. Securities and Exchange Commission	COURT CASE NUMBER 13-cv-03149-LTB
DEFENDANT Gary C. Snisky	TYPE OF PROCESS service of civil summons and complaint

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

Gary C. Snisky
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
currently in the custody of the U.S. Marshals

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Nicole L. Nesvig U.S. Securities and Exchange Commission 1801 California Street, Ste. 1500 Denver, CO 80202	Number of process to be served with this Form 285 1
	Number of parties to be served in this case 1
	Check for service on U.S.A.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
NOV 27 2013

JEFFREY R. GODWELL
CLERK

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EFFECTIVE SERVICE (Include Business and Alternate Addresses. All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Mr. Snisky is currently being held on a criminal matter in the U.S. District Court for the District of Colorado. He is set for a bail/bond hearing sometime on 11/26/2013. We would like to have him served prior to or at the hearing.

[Handwritten signature]

Signature of Attorney other Originator requesting service on behalf of: PLAINTIFF DEFENDANT

TELEPHONE NUMBER: 303.844.1000
DATE: 11/25/2013

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin 13	District to Serve 13	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 11/25/13
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only different than shown above)
USMS Cellblock
ARAJ U.S. Courthouse
Denver, CO

Date: 11/26/13 Time: 1:45 am pm

Signature of U.S. Marshal or Deputy
[Signature]

Service Fee 65.00	Total Mileage Charges including endeavors —	Forwarding Fee	Total Charges 65.00	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS:

- PRINT 5 COPIES:**
1. CLERK OF THE COURT
 2. USMS RECORD
 3. NOTICE OF SERVICE
 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

