Office of the Secretary US Securities and Exchange Commission 100 F Street, NE Mail Stop 1090 Washington, DC 20549 Attn: Ms. Jill Peterson

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## Re: SEC Matter 3-177767 Order Requesting Continuance of Proceeding

In response to the commissions May 11, 2017 request as to why McBarron Capital, LLC (McBarron) should be permitted a hearing into this matter in opposition to FINRA's motion to dismiss, is set forth below.

## <u>Overview</u>

- McBarron upon receipt of FINRA's notice of intent to cancel its FINRA membership on November 1, 2016 filed a request for a hearing with the FINRA Office of Hearing Officers, within the permitted time limit.
- 2) The above request for a hearing was rejected by FINRA.
- 3) On December 5, 2016 FINRA issued an order instructing McBarron to a file a hearing request conforming to Rules 9553(e) and 9559.
- 4) McBarron, who was without legal representation in this matter requested a 30 day extension in the above referenced due date, for the purpose of seeking legal counsel.
- 5) This request was also rejected by FINRA.
- 6) On December 6, 2016 McBarron sent an email to the FINRA Office of Hearing Officers, providing an affirmative defense.
- 7) FINRA again rejected a request for a hearing as the response did not meet the requirements of rule 9553 (e) as it did not set forth a permissible defense.

## Cause for continuance of hearing

1) McBarron made a good faith effort to provide FINRA with all requested filings in regard to this matter.

- 2) FINRA through its failure to grant McBarron an extension in time, in which to properly reply to this matter, denied McBarron the right to seek legal representation in this matter.
- 3) McBarron's purpose for requesting a hearing was to enter in to an arrangement with FINRA as to the payment of monies due, given McBarron's financial condition at the time of its voluntary withdrawal.
- 4) The published statement on McBarron's broker check page shown in capital red letters that the firm has been EXPELLED, was accomplished by FINRA by denying McBarron's due process in way of a hearing, and therefore amounts to slander.

Regards, James Cra