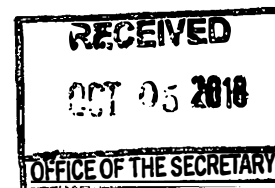


**HARD COPY**



**BEFORE THE  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC**

In the Matter of the Application of

Michael Patrick Nanto

For Review of Action Taken by

Financial Industry Regulatory Authority

File No. 3-18553

**FINRA'S MOTION TO DISMISS APPLICATION FOR REVIEW  
DUE TO APPLICANT'S FAILURE TO RESPOND TO A DISPOSITIVE MOTION**

On June 19, 2018, Michael Patrick Nanto ("Nanto") filed an application seeking the Commission's review of a FINRA action that barred him from associating in any capacity with any FINRA member because he failed to comply completely with a FINRA Rule 8210 request for documents and information.

On August 7, 2018, FINRA moved to dismiss Nanto's application because he failed to exhaust his administrative remedies. Nanto did not file a response to FINRA's motion.<sup>1</sup>

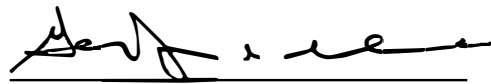
Accordingly, under Rule 155(a)(2) of the Commission's Rules of Practice, FINRA requests that the Commission dismiss Nanto's application for review. *See* 17 C.F.R. § 201.155(a)(2). His failure to respond to FINRA's dispositive motion within the time provided

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<sup>1</sup> Under Rule 154(b) of the Commission's Rules of Practice, Nanto's response to FINRA's motion to dismiss the application for review was due within five days after service of FINRA's motion. *See* 17 C.F.R. § 201.154(b). FINRA served its motion by FedEx and first-class mail, and, with immediate effect, by electronic mail. Nanto ostensibly acknowledged receiving service of FINRA's motion in a letter he wrote to the Commission's Secretary that is dated August 7, 2018, and provides the same physical and email addresses that FINRA used for service of its August 7, 2018 motion to dismiss.

under the Commission's Rules of Practice provides a resolute basis to dismiss this review proceeding.<sup>2</sup> *See Behnam Halali*, Exchange Act Release No. 79722, 2017 SEC LEXIS 31, at \*10 n.12 (Jan. 3, 2017) (finding applicant's failure to respond to FINRA's motion to dismiss due to applicant's failure to exhaust his administrative remedies provided "independent" reason to terminate the review proceeding).

Respectfully submitted,



Gary Dernelle  
Associate General Counsel  
FINRA  
1735 K Street, NW  
Washington, DC 20006  
(202) 728-8255

Date: October 5, 2018

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<sup>2</sup> On July 24, 2018, the Commission issued an order scheduling briefs in this matter. The Commission's order required that Nanto file a brief in support of his application by August 23, 2018. Nanto, however, did not file the brief ordered by the Commission. His failure to do so is, under Commission Rule of Practice 180(c), an additional reason to dismiss this review proceeding. *See* 17 C.F.R. § 201.180(c); *see also Robert D. Tucker*, Exchange Act Release No. 71972, 2014 SEC LEXIS 1370, at \*5 (Apr. 18, 2014) ("Given Tucker's failure to file a supporting brief in this matter and failure to respond to a dispositive motion by FINRA, it is appropriate that the review proceeding be dismissed.").

**CERTIFICATE OF SERVICE**

I, Gary J. Dernelle, certify that on this 5th day of October 2018, I caused the original and three (3) copies of FINRA's Motion to Dismiss Application for Review Due to Applicant's Failure to Respond to a Dispositive Motion, in the matter of the Application for Review of Michael Patrick Nanto, Administrative Proceeding No. 3-18553, to be served by messenger and fax on:

Brent J. Fields, Secretary  
Securities and Exchange Commission  
100 F St., NE  
Room 10915  
Washington, DC 20549-1090  
Fax: (202) 772-9324

On this date, I also caused one copy to be served via overnight FedEx, first-class mail, and electronic mail on:

Michael Patrick Nanto  
[REDACTED]  
Valley Center, CA [REDACTED]

and

Michael Patrick Nanto  
[REDACTED]  
Rapid City, SD [REDACTED]  
[REDACTED]@mnanto.com

Service was made on the Commission by messenger and the Applicant by FedEx, first-class mail, and electronic mail due to the distance between the offices of FINRA and Applicant.

Respectfully submitted,



---

Gary Dernelle  
Associate General Counsel  
FINRA  
1735 K Street, NW  
Washington, DC 20006  
(202) 728-8255



**Gary Dernelle**  
Associate General Counsel

Direct: (202) 728-8255  
Fax: (202) 728-8264

October 5, 2018

**VIA MESSENGER AND FACSIMILE**

Brent J. Fields, Secretary  
Securities and Exchange Commission  
100 F Street, NE  
Room 10915  
Washington, DC 20549-1090  
Fax: (202) 772-9324

RE: In the Matter of the Application for Review of Michael Patrick Nanto  
Administrative Proceeding No. 3-18553

Dear Mr. Fields:

Enclosed please find the original and three (3) copies of FINRA's Motion to Dismiss Application for Review Due to Applicant's Failure to Respond to a Dispositive Motion in the above-captioned matter.

Please contact me at (202) 728-8255 if you have any questions.

Very truly yours,

Gary Dernelle

Enclosures

cc: Michael Patrick Nanto  
30425 Alta Mesa Drive  
Valley Center, CA 92082

Michael Patrick Nanto  
[REDACTED]  
Rapid City, SD [REDACTED]  
[REDACTED]@mnanto.com