

**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**

In the Matter of the Application
of Deep ATS LLC
For Review of Action Taken By
FINRA
File No. 3-20362

MOTION OF FINRA TO DISMISS APPEAL AS ABANDONED

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Dated: August 18, 2021

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SECURITIES AND EXCHANGE COMMISSION
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of Deep ATS LLC
For Review of Action Taken By
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File No. 3-20362

MOTION OF FINRA TO DISMISS APPEAL AS ABANDONED

Pursuant to SEC Rules of Practice 154 and 180(c), FINRA moves to dismiss the application for review filed by Deep ATS LLC (“Deep ATS”) as abandoned. Deep ATS has not filed its brief in support of its application for review by the August 6, 2021 deadline established by the Commission in this proceeding. Nor has Deep ATS requested an extension of time to file its brief. In support of its motion, FINRA states:

1. On June 2, 2021, FINRA issued its decision (“Decision”) in which it denied Deep ATS’s application to become a FINRA member firm, finding that Deep ATS failed to satisfy FINRA’s membership requirements. RP 6716.¹ Specifically, FINRA concluded that Deep ATS failed to file a complete and accurate application; its principals were not properly licensed; it failed to establish all contractual or other arrangements necessary to operate in compliance with the federal securities laws, the rules and regulations thereunder, and FINRA rules; it did not have

¹ “RP” refers to the record page number in the certified record.

a supervisory system designed to prevent and detect violations of federal securities laws and FINRA rules; and FINRA possessed information that Deep ATS may circumvent or evade federal securities laws or FINRA rules. *See* FINRA Rule 1014. Deep ATS filed an application for review of the Decision on June 3, 2021. RP 7118.

2. On July 7, 2021, the Commission issued an Order Scheduling Briefs (the “Order”). The Order required Deep ATS to file a brief in support of its application for review by August 6, 2021. The Order informed Deep ATS that “failure to file a brief in support of the application may result in dismissal of this review proceeding.”

3. Deep ATS did not file a brief with the SEC by the August 6, 2021 deadline established by the Order. To date, Deep ATS has not filed a brief.

4. SEC Rule of Practice 180(c) provides that the Commission may dismiss a case if a party fails to make a filing required under the Rules of Practice. Under the circumstances, the Commission should treat Deep ATS’s appeal as abandoned because it has failed to file a brief by the deadline established by the Order.

5. Finally, pursuant to SEC Rule of Practice 161, FINRA has filed a separate motion requesting that the Commission stay the briefing schedule issued in this appeal. FINRA’s brief in opposition is due on September 7, 2021. FINRA requests that the Commission stay the briefing schedule while this motion remains pending.

Respectfully submitted,

/s/ Colleen Durbin
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Associate General Counsel
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CERTIFICATE OF SERVICE

I, Colleen Durbin, certify that on this 18th day of August 2021, I caused FINRA's Motion to Dismiss Appeal as Abandoned, in the matter of the Application for Review of Deep ATS LLC, Administrative Proceeding No. 3-20362, to be filed through the SEC's eFAP system:

Vanessa A. Countryman
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090

I further certify that, on this date, I caused a copy of FINRA's Motion to Dismiss Appeal as Abandoned in the foregoing matter to be served by electronic service on:

Sam Balabon
Ramesh Puranik
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Respectfully submitted,

/s/ Colleen Durbin
Colleen Durbin
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CERTIFICATE OF COMPLIANCE

I, Colleen Durbin, certify that this motion complies with the Commission's Rules of Practice by filing a motion that omits or redacts any sensitive personal information described in Rule of Practice 151(e).

/s/ Colleen Durbin _____

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