

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

In the Matter of the Application of
DreamFunded Marketplace, LLC, and Manuel Fernandez
For Review of Action Taken by
FINRA
Administrative Proceeding No. 3-20639

**FINRA’S MOTION TO DISMISS APPEAL AS ABANDONED
AND STAY THE BRIEFING SCHEDULE**

FINRA moves to dismiss as abandoned the application for review filed by applicants DreamFunded Marketplace, LLC, and Manuel Fernandez and to stay the briefing schedule while this motion is pending.

On September 27, 2021, FINRA’s National Adjudicatory Council (the “NAC”) issued a decision expelling DreamFunded Marketplace from funding portal membership and barring Fernandez from associating with any funding portal member for violating SEC and FINRA rules. RP 4889-4979. FINRA notified DreamFunded Marketplace and Fernandez of the NAC’s decision the same day. RP 4980-4983.

On October 26, 2021, Fernandez filed an application for review and asked the Commission to stay the effectiveness of the bar imposed on him. RP 4985-86. On November 12, 2021, the Commission denied Fernandez’s motion. *See DreamFunded Marketplace, LLC and Manuel Fernandez*, Exchange Act Release No. 93566, Order Denying Motion for a Stay (Nov. 12, 2021).

On December 1, 2021, the Commission issued an Order Scheduling Briefs. *See DreamFunded Marketplace, LLC and Manuel Fernandez*, Exchange Act Release No. 93697, SEC Order Scheduling Briefs (Dec. 1, 2021). The Commission ordered DreamFunded Marketplace and Fernandez to submit a brief in support of their application for review by January 3, 2022. *Id.* In the order, the Commission stated that a “failure to file a brief in support of the application may result in dismissal of this review proceeding.” *Id.*

DreamFunded Marketplace and Fernandez have not filed a brief in support of the application, nor have they sought an extension of time to do so. The Commission should have by now received any brief that DreamFunded Marketplace and Fernandez intended to file.

SEC Rule of Practice 180(c) provides that the Commission may dismiss an application if a party fails to make a filing required under the Rules of Practice. The Commission should treat DreamFunded Marketplace and Fernandez’s appeal as abandoned and dismiss the application for review because they failed to file a brief by the January 3, 2022 deadline. Pursuant to SEC Rule of Practice 161, FINRA requests the Commission stay the briefing schedule in this appeal while this motion is pending.

Respectfully submitted,

/s/ Michael M. Smith
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January 21, 2022

CERTIFICATE OF SERVICE

I, Michael Smith, certify that on this 21st day of January, 2022, I caused FINRA's Motion to Dismiss Appeal as Abandoned and Stay the Briefing Schedule in the matter of *Application for Review of DreamFunded Marketplace, LLC and Manuel Fernandez*, Administrative Proceeding No. 3-20639, to be served through the SEC's eFAP system on:

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

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

Manuel Fernandez
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Respectfully submitted,

/s/ Michael M. Smith
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CERTIFICATE OF COMPLIANCE

I, Michael Smith, certify that this brief complies with the Commission's Rules of Practice by filing a Motion to Dismiss Appeal as Abandoned and Stay the Briefing Schedule omits or redacts any sensitive personal information described in Rule of Practice 151(e).

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