

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

In the Matter of the Application of

Wilfredo Felix

For Review of Action Taken By

FINRA

File No. 3-21246

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

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Vice President and
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January 31, 2023

**BEFORE THE
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In the Matter of the Application of

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AND STAY THE BRIEFING SCHEDULE**

Pursuant to Commission Rules of Practice 154 and 180(c), FINRA moves to dismiss the application for review filed by Wilfredo Felix as abandoned. Felix has not filed a brief in support of his application for review by the January 18, 2023 deadline established by the Commission in this proceeding, nor has he requested an extension of time to file the brief. In support of its motion, FINRA states:

1. On October 13, 2022, FINRA’s National Adjudicatory Council (“NAC”) issued a disciplinary decision finding that Felix violated FINRA Rule 8210 and barring him for this misconduct. (RP¹ 569-85). Felix, proceeding pro se, served FINRA with an application for review of the NAC’s decision on November 15, 2022. (RP 615-20).

2. On December 19, 2022, the Commission issued an Order Scheduling Briefs (the “Order”). The Order required Felix to file a brief in support of his application for review by

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

January 18, 2023 and warned that his failure to do so “may result in dismissal of this review proceeding.”

3. Upon information and belief, Felix did not file a brief with the Commission by the January 18, 2023 deadline established by the Order and, to date, he has not filed a brief or sought an extension of time to do so. On January 19 and 23, 2023, undersigned counsel sent emails to Felix requesting that he provide FINRA with any brief he filed pursuant to the Order. Counsel sent the emails, which attached the Order, to the same email address Felix used to serve FINRA with his application for review. Felix has not responded to the emails, nor has he served FINRA with any document he may have filed pursuant to the Order.

4. Commission 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 Felix’s appeal as abandoned because he has failed to file a brief pursuant to the Order.

5. Finally, FINRA’s brief in opposition is due on February 17, 2023. FINRA requests that the Commission stay the briefing schedule while this motion remains pending.

Respectfully submitted,

/s/ Ashley Martin
Ashley Martin
Associate General Counsel
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(202) 728-8207

Date: January 31, 2023

CERTIFICATE OF COMPLIANCE

I, Ashley Martin, certify that:

- (1) FINRA's Motion to Dismiss the Appeal as Abandoned and to Stay the Briefing Schedule complies with SEC Rule of Practice 151(e) because it omits or redacts any sensitive personal information; and
- (2) FINRA's Motion to Dismiss the Appeal as Abandoned and to Stay the Briefing Schedule complies with the limitation set forth in SEC Rule of Practice 154(c). I have relied on the word count feature of Microsoft Word in verifying that this motion contains 381 words.

/s/ Ashley Martin

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Dated: January 31, 2023

CERTIFICATE OF SERVICE

I, Ashley Martin, certify that on this 31st day of January 2023, I caused a copy of the foregoing Motion to Dismiss the Appeal as Abandoned and Stay the Briefing Schedule to be filed through the Commission's electronic filing system, effecting service on:

Vanessa A. Countryman
Secretary
Securities and Exchange Commission

On this date, I also caused a copy of the reply to be served by email on:

Wilfredo Felix, Jr.
wfelixprime@gmail.com
wfelix@primexprime.com

/s/ Ashley Martin
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