

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION
December 11, 2018

SECURITIES EXCHANGE ACT OF 1934
Release No. 84792 / December 11, 2018

Admin. Proc. File No. 3-18883

In the Matter of the Application of

FRANK AUGUSTINE CUENCA

For Review of Action Taken by

FINRA

ORDER
SCHEDULING
BRIEFS

Frank Augustine Cuenca filed an application for review of action taken by the Financial Industry Regulatory Authority (“FINRA”). FINRA filed a copy of the index to the record on November 19, 2018, pursuant to Rule 420(e) of the Rules of Practice.¹ At this time, the parties should submit briefs limited to the issue of whether the Commission has jurisdiction over this appeal pursuant to Section 19(d)(2) of the Securities Exchange Act of 1934.²

Accordingly, IT IS ORDERED, pursuant to Rule 450(a) of the Rules of Practice,³ that the applicant file a brief addressing the issue of the Commission’s jurisdiction by January 10, 2019. FINRA shall file a response brief addressing that issue by February 11, 2019, and the applicant

¹ 17 C.F.R. § 201.420(e).

² 15 U.S.C. § 78s(d)(2).

³ 17 C.F.R. § 201.450(a).

shall file any reply brief by February 25, 2019.⁴ Pursuant to Rule 180(c) of the Rules of Practice, failure to file a brief may result in dismissal of this review proceeding.⁵

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Brent J. Fields
Secretary

⁴ As provided by Rule 450(a), no briefs in addition to those specified in this schedule may be filed without leave of the Commission. Attention is called to Rules of Practice 150 - 153, 17 C.F.R. § 201.150 - 153, with respect to form and service, and Rule of Practice 450(b) and (c), 17 C.F.R. § 201.450(b) and (c), with respect to content and length limitations. Requests for extensions of time to file briefs will be disfavored.

⁵ 17 C.F.R. § 201.180(c).