

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 10931 / February 26, 2021

SECURITIES EXCHANGE ACT OF 1934
Release No. 91224 / February 26, 2021

Admin. Proc. File No. 3-16386

In the Matter of

TIMOTHY W. CARNAHAN
AND
CYIOS CORPORATION

ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE BRIEFS

On January 25, 2021, the Commission granted a petition filed by Timothy W. Carnahan on behalf of himself and CYIOS Corporation for review of an administrative law judge's initial decision finding that CYIOS violated, and Carnahan caused CYIOS to violate, Section 17(a)(3) of the Securities Act of 1933, Section 13(a) of the Securities Exchange Act of 1934, and Exchange Act Rules 13a-1 and 13a-13, and that Carnahan violated Exchange Act Rules 13a-14 and 13a-15(c).¹ In that order, the Commission also denied a February 3, 2020 petition for review filed by Jonathan D. Leinwand, an attorney purporting to represent CYIOS.² The Commission did so because it found "no admissible evidence in the record" that Leinwand was authorized to seek review of the initial decision on CYIOS's behalf.³ Leinwand has now filed a motion for an extension of time to file briefs in this matter. He again purports to file this motion on behalf of

¹ *Timothy W. Carnahan*, Exchange Act Release No. 90977, 2021 WL 241875 (Jan. 25, 2021); *see also Tracy J. Anderson, CPA*, Initial Decision Release No. 1394, 2020 WL 260282 (Jan. 10, 2020). We further denied the Division of Enforcement's motion for summary affirmance and scheduled the filing of briefs. *Carnahan*, 2021 WL 241875, at *2. We ordered that respondents' opening brief in support of their petition for review be filed by February 24, 2021; the Division's brief in opposition by March 26, 2021; and respondents' reply brief by April 9, 2021. *Id.* Respondents timely filed their opening brief on February 24, 2021.

² *Carnahan*, 2021 WL 241875, at *1 n.4.

³ *Id.*

CYIOS. But in light of the Commission's prior disposition of Leinwand's February 3, 2020 petition, there are no briefs for him to file in this matter, and his motion is denied.

Therefore, it is ORDERED that Jonathan D. Leinwand's motion for an extension of time to file briefs in this matter is denied.

For the Commission, by the Office of the Secretary, pursuant to delegated authority.⁴

Vanessa A. Countryman
Secretary

⁴ 17 C.F.R. § 200.30-7(a)(4).