

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 92703 / August 18, 2021

Admin. Proc. File No. 3-19787

In the Matter of  
NANO MAGIC INC.

ORDER REQUESTING ADDITIONAL WRITTEN SUBMISSIONS

On April 30, 2020, the Commission issued an order pursuant to Section 12(k) of the Securities Exchange Act of 1934 suspending trading in the securities of Nano Magic Inc. (“NMGX”) for the period from 9:30 a.m. EDT on May 1, 2020, through 11:59 p.m. EDT on May 14, 2020.<sup>1</sup> On May 6, 2020, NMGX filed a petition to terminate the trading suspension. NMGX also filed a motion to expedite and motion to compel production of documents.

In accordance with Rule of Practice 550(b), additional written submissions were requested, and briefing was completed on May 28, 2020.<sup>2</sup> On August 6, 2021, NMGX filed a letter seeking to “ascertain formally the status of the Commission’s consideration of the Petition and Motions.” The letter states that “[s]hould the Commission continue to decline to decide this matter, then Nano Magic may seek a Writ of Mandamus.”

NMGX’s petition and motions present significant merits and procedural issues, which the Commission is currently considering.<sup>3</sup> Although the trading suspension has already expired, we may “consider a timely-filed Rule 550 petition [like NMGX’s] and provide appropriate relief even if the suspension expired while the petition was pending.”<sup>4</sup> And notwithstanding NMGX’s

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<sup>1</sup> *Nano Magic Inc.*, Exchange Act Release No. 88789, 2020 WL 2097884 (April 30, 2020).

<sup>2</sup> 17 C.F.R. § 201.550(b); *Nano Magic Inc.*, Exchange Act Release No. 88841, 2020 WL 2310946 (May 8, 2020).

<sup>3</sup> This order should not be construed as expressing any view as to the Commission’s ultimate resolution of the procedural and substantive issues raised by the appeal.

<sup>4</sup> *Apotheca Biosciences Inc.*, Exchange Act Release No. 90779, 2020 WL 7632296, at \*1 (Dec. 22, 2020) (explaining that the Commission may “vacate an expired trading-suspension order in appropriate circumstances” or provide “relief with respect to the collateral consequences

assertion that the Commission has “decline[d] to decide this matter,” the Commission, as stated previously, intends to resolve it with “due regard for NMGX’s request for expedited consideration, consistent with the Commission’s other responsibilities.”<sup>5</sup>

To the extent it wishes to do so, NMGX may make a supplemental filing addressing whether and how it has been prejudiced by the pendency of its petition given that the trading suspension has now expired and that the Commission has authority, when appropriate, to provide relief from the collateral consequences of an already-expired trading suspension, as well as addressing any legal entitlement it has to an expedited decision outside the ordinary course of the Commission’s decisional processes. Accordingly, IT IS ORDERED, pursuant to Rule of Practice 421, that NMGX may file a brief limited to addressing the issues set forth above by September 1, 2021, and the Division may file a response by September 15, 2021.

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

Vanessa A. Countryman  
Secretary

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that might have arisen as a result of the trading suspension”). “Now that the trading suspension has expired, both current shareholders and prospective investors may buy and sell [the issuer’s] shares.” *Id.* at \*10. A trading suspension is not a finding of wrongdoing. *Initiation or Resumption of Quotations Without Specified Information*, 56 Fed. Reg. 19148, 19153 (Apr. 25, 1991) (explaining that the factors cited in a trading suspension order “as the basis for the trading suspension do not constitute an adjudication of fact or law”).

<sup>5</sup> *Nano Magic Inc.*, 2020 WL 2310946, at \*1.