

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96937 / February 15, 2023

Admin. Proc. File No. 3-21246

In the Matter of

WILFREDO FELIX

ORDER GRANTING FINRA'S MOTION TO WITHDRAW ITS MOTION TO DISMISS;
ACCEPTING RESPONDENT'S BRIEF IN SUPPORT OF THE APPLICATION FOR
REVIEW; AND GRANTING FINRA'S MOTION TO EXTEND THE BRIEFING SCHEDULE

On November 15, 2022, Wilfredo Felix filed an application for review of a FINRA disciplinary action barring him from associating with any FINRA member firm for failing to respond to requests for information under FINRA Rule 8210. On December 19, 2022, the Commission issued an order scheduling briefs directing that Felix file a brief in support of the application for review by January 18, 2023; FINRA file an opposition brief by February 17, 2023; and Felix file any reply brief by March 3, 2023.¹ Felix did not file his opening brief by January 18, 2023.

On January 31, 2023, FINRA filed a motion to dismiss the appeal as abandoned and stay the briefing schedule. On February 2, 2023, Felix filed a response to the motion stating that he did not receive the Commission's order scheduling briefs and that the document he submitted as his application for review is also his brief in support thereof. The same day, Felix also re-filed that document as his brief in support of the application for review.

¹ *Wilfredo Felix*, Exchange Act Release No. 96537, 2022 WL 17818686 (Dec. 19, 2022).

On February 7, 2023, FINRA filed a motion to withdraw its motion to dismiss and a motion to extend by fourteen days the dates by which FINRA's opposition brief and Felix's reply brief are due. FINRA states that an extension is warranted because it was not served with Felix's brief until February 3, 2023.

Under the circumstances, there appears to be good cause to permit FINRA to withdraw its motion to dismiss, accept Felix's late filing, and extend the briefing schedule. Accordingly, it is ORDERED that FINRA's motion to withdraw its motion to dismiss the appeal as abandoned and stay the briefing schedule is granted; it is further ORDERED that the brief Felix filed on February 2, 2023, in support of the application for review is accepted; and it is further

ORDERED that FINRA's brief in opposition to the application for review shall be filed by March 3, 2023, and any reply brief shall be filed by March 17, 2023.²

The parties' attention is directed to the e-filing requirements in the Rules of Practice.³

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

Vanessa A. Countryman
Secretary

² 17 C.F.R. § 201.161; *see also In re Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

³ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020) <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.