

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97177 / March 21, 2023

Admin. Proc. File No. 3-21225

In the Matter of
DALIANG “DAVID” GUO

ORDER DIRECTING PREHEARING CONFERENCE

On November 2, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Daliang “David” Guo pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ On November 14 and December 2, 2022, the Division of Enforcement filed proofs of service establishing that service of the OIP was made on Guo on November 7, 2022, pursuant to Rule 141(a)(2)(i) of the Commission’s Rules of Practice.² The Division attached two documents to its December 2, 2022 proof of service. The first document was an undated letter to the Division from Guo enclosing a document Guo described as his response to the OIP, and also stating that Guo’s case manager at FCI Berlin—where Guo is incarcerated—would send the Division a certification that Guo “cannot comply with the electronic filing requirements.” The second document was an email dated November 21, 2022 to the Division from the Camp Unit Team at FCI Berlin stating that “inmate Guo will communicate with your office through the use of the US Postal Service.”

We construe the document enclosed with Guo’s undated letter to the Division as his answer. We also deem Guo’s undated letter to the Division as a certification of his inability to serve and file electronically during the duration of the proceeding pursuant to Rules of Practice 150(c)(1) and 152(a)(1).³ Because Guo represents that he cannot serve or file documents electronically, he may serve and file documents by any of the means provided in Rules of Practice 150(d) and 152(a)(2).⁴ This includes U.S. Postal Service first class, certified, registered, or express mail delivery addressed to the Division (for service) and addressed to the

¹ *Daliang “David” Guo*, Exchange Act Release No. 96207, 2022 WL 16647777 (Nov. 2, 2022).

² 17 C.F.R. § 201.141(a)(2)(i).

³ 17 C.F.R. §§ 201.150(c)(1) and 201.152(a)(1).

⁴ *Id.* §§ 201.150(d) and 201.152(a)(2).

Commission's Office of the Secretary (for filing).⁵ But Guo is reminded that in the future he must serve the Division with a copy of any document that he files with the Commission,⁶ and he must include a certificate of service with each document that he files.⁷

The OIP also directed the parties to conduct a prehearing conference within 14 days of service of the answer.⁸ But given the circumstances, including Guo's *pro se* and incarcerated status, we direct the parties to conduct a prehearing conference within 28 days of this order. As provided in the OIP, the parties may meet in person or participate by telephone or other remote means; following the conference, they shall file a statement with the Office of the Secretary advising the Commission of any agreements reached at said conference.⁹ If a prehearing conference is not held, a statement shall be filed with the Office of the Secretary advising the Commission of that fact and of the efforts made to meet and confer.

Accordingly, it is ORDERED that by April 18, 2023, the parties shall conduct a prehearing conference and file a statement with the Office of the Secretary advising the Commission of any agreements reached at the prehearing conference. If a prehearing conference is not held, both parties shall file by April 18, 2023 a statement, jointly or separately, advising the Commission of that fact and of the efforts made to meet and confer.

Pursuant to Rule of Practice 180(c), a party's failure to comply with this order may result in the Commission's determination of the matter at issue against that party, entry of a default,

⁵ *Id.* The address for the Commission's Office of the Secretary is 100 F Street NE, Washington, DC 20549.

⁶ Rule of Practice 150(a), 17 C.F.R. § 201.150(a).

⁷ Rule of Practice 151(d), 17 C.F.R. § 201.151(d).

⁸ *Guo*, 2022 WL 16647777, at *2.

⁹ *Guo*, 2022 WL 16647777, at *2.

dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.¹⁰

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

Vanessa A. Countryman
Secretary

¹⁰ 17 C.F.R. § 201.180(c).