

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 101952 / December 18, 2024

INVESTMENT ADVISERS ACT OF 1940
Release No. 6797 / December 18, 2024

Admin. Proc. File No. 3-22286

In the Matter of

MARK J. BOUCHER

CORRECTED ORDER GRANTING EXTENSION OF TIME IN WHICH TO ANSWER

On November 6, 2024, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Mark J. Boucher, who is currently incarcerated, pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940.¹ On November 27, 2024, the Office of the Secretary received a letter from Boucher asking that the Commission “delay any proceeding” to allow him to discuss the OIP with his attorney.

We construe Boucher’s letter as a motion for an extension of time in which to file an answer to the OIP. Given the circumstances of this case, IT IS ORDERED that the motion is granted and the deadline for Boucher to file an answer to the OIP is extended to February 3, 2025.

If Boucher is represented by counsel in this proceeding, counsel shall file a notice of appearance with the Office of the Secretary as soon as practicable,² using the Commission’s e-

¹ *Mark J. Boucher*, Exchange Act Release No. 101521, 2024 WL 4696137 (Nov. 6, 2024).

² *See* Rule of Practice 102(d)(2), 17 C.F.R. § 201.102(d)(2) (requiring a person appearing in a representative capacity before the Commission to “file with the Commission, and keep current, a written notice stating the name of the proceeding, the representative’s name, business address, email address, and telephone number; and the name, email address, and address of the person being represented”).

filing system.³ If Boucher does not retain counsel in this proceeding before his answer is due, and is unable to reasonably file and serve documents electronically, he shall file a statement explaining why he cannot do so and how long he expects such inability to file electronically will last.⁴ Boucher shall deliver any such statement, along with his answer, to the proper prison authorities no later than February 3, 2025, for forwarding to the Commission's Office of the Secretary.⁵

If Boucher files an answer, the parties shall conduct a prehearing conference within 14 days of the filing of the answer and file a postconference report as required by the OIP.⁶ But if Boucher does not file an answer or participate in the prehearing conference, he may be deemed in default, the allegations of the OIP may be deemed to be true, and the proceeding may be determined against him.⁷

³ See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

⁴ See Rules of Practice 150(c)(1), 152(a)(1), 17 C.F.R. § 201.150(c)(1), .152(a)(1) (discussing certification of inability to serve and file documents electronically). We have recognized that incarceration may give rise to such inability.

⁵ See *Houston v. Lack*, 487 U.S. 266, 276 (1988) (holding that, under federal prison mailbox rule, pro se prisoners' notices of appeal are "filed" at the moment of delivery to prison authorities for forwarding to the district court); *Adams v. United States*, 173 F.3d 1339, 1341 (11th Cir. 1999) (per curiam) (noting that this "mailbox rule [applies] to other filings by pro se prisoners").

⁶ See *Boucher*, 2024 WL 44696137, at *5.

⁷ See *id.*; see also Rules of Practice 155(a), 220(f), 221(f), 17 C.F.R. § 201.155(a), .220(f), .221(f).

Boucher is reminded that he must serve the Division with a copy of any document that he files with the Office of the Secretary⁸ and that he must include a certificate of service with each such document.⁹

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

Vanessa A. Countryman
Secretary

⁸ Rule of Practice 150(a), 17 C.F.R. § 201.150(a). The notice of appearance filed by the Division's counsel containing contact information is attached hereto.

⁹ Rule of Practice 151(d), 17 C.F.R. § 201.151(d). A certificate of service "stat[es] the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person." *Id.*