

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99563 / February 20, 2024

Admin. Proc. File No. 3-21302

In the Matter of

EMILIO BARRERA, JR., A/K/A MIKE BARRERA

ORDER DIRECTING SUBMISSION FROM THE DIVISION OF ENFORCEMENT

On February 14, 2023, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Emilio Barrera, Jr., a/k/a Mike Barrera pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ The OIP was served on Barrera on August 19, 2023, but Barrera did not file an answer.

On October 26, 2023, the Commission issued an order requiring Barrera to show cause by December 11, 2023, why he should not be deemed to be in default and why this proceeding should not be determined against him due to his failure to file an answer and to otherwise defend this proceeding.² If Barrera did not file a response, the order required the Division of Enforcement to file a motion for entry of an order of default and the imposition of remedial sanctions by January 8, 2024.³ The Division has not filed the required motion despite Barrera’s failure to respond to the show-cause order.

Accordingly, the Division of Enforcement is ORDERED to file a motion for entry of an order of default and the imposition of remedial sanctions by March 19, 2024. The Division’s motion should comply with the requirements set forth in the Commission’s October 26, 2023, order.⁴ The parties may file opposition and reply briefs within the deadlines provided by the Rules of Practice.⁵ The failure to timely oppose a dispositive motion is itself a basis for a finding

¹ *Emilio Barrera, Jr.*, Exchange Act Release No. 96913, 2023 WL 2012383 (Feb. 14, 2023).

² *Emilio Barrera, Jr.*, Exchange Act Release No. 98800, 2023 WL 7075800, at *1 (Oct. 26, 2023).

³ *Id.*

⁴ *See id.*

⁵ *See* Rules of Practice 154, 160, 17 C.F.R. §§ 201.154, .160.

of default;⁶ it may result in the determination of particular claims, or the proceeding as a whole, adversely to the non-moving party and may be deemed a forfeiture of arguments that could have been raised at that time.⁷

⁶ See Rules of Practice 155(a)(2), 180(c), 17 C.F.R. §§ 201.155(a)(2), .180(c); *see, e.g., Behnam Halali*, Exchange Act Release No. 79722, 2017 WL 24498, at *3 n.12 (Jan. 3, 2017).

⁷ *See, e.g., McBarron Capital LLC*, Exchange Act Release No. 81789, 2017 WL 4350655, at *3-5 (Sep. 29, 2017); *Bennett Grp. Fin. Servs., LLC*, Exchange Act Release No. 80347, 2017 WL 1176053, at *2-3 (Mar. 30, 2017), *abrogated in part on other grounds by Lucia v. SEC*, 138 S. Ct. 2044 (2018); *Apollo Publ'n Corp.*, Securities Act Release No. 8678, 2006 WL 985307, at *1 n.6 (Apr. 13, 2006).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁸ We also remind the parties that any document filed with the Commission must be served upon all participants in the proceeding and be accompanied by a certificate of service.⁹

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

Vanessa A. Countryman
Secretary

⁸ 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).

⁹ See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) ("Papers filed with the Commission . . . shall be accompanied by a certificate stating 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.").