

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99869 / April 1, 2024

Admin. Proc. File No. 3-21001

In the Matter of
MATTHEW J. SKINNER

ORDER TO SHOW CAUSE

On August 25, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Matthew J. Skinner, pursuant to Section 15(b) of the Securities Exchange Act of 1934, based on an injunction and conviction.¹ On August 29, 2023, Skinner, who is pro se and incarcerated, filed a document requesting a stay and challenging some of the factual allegations that have been raised in this proceeding. On October 5, 2023, the Commission denied Skinner’s motion to postpone the proceeding but extended the deadline for Skinner to file an answer to the OIP to November 20, 2023.² On February 9, 2024, the Commission issued an order that construed Skinner’s August 29, 2023 letter to be his answer to the OIP and directed the parties to conduct a prehearing conference, or to file a statement advising the Commission that a prehearing conference was not held and of efforts to meet and confer, by March 8, 2024.³

On March 7, 2024, the Division of Enforcement filed a statement indicating that Skinner refused to participate in a prehearing conference. The Division requests that the Commission find Skinner to be in default due to his refusal to participate in the prehearing conference. To

¹ *Matthew J. Skinner*, Exchange Act Release No. 95608, 2022 WL 3703828 (Aug. 25, 2022).

² *Matthew J. Skinner*, Exchange Act Release No. 98685, 2023 WL 6517529 (Oct. 5, 2023). This order also discharged a preexisting order to show cause. *Id.*

³ *Matthew J. Skinner*, Exchange Act Release No. 99506, 2024 WL 517503 (Feb. 9, 2024). The order also denied Skinner’s motion to appoint counsel and his motion for a jury trial, and deemed Skinner’s November 28, 2023 letter to be certification of his inability to file or serve documents electronically. *Id.*

date, Skinner has not filed a response to the Division's filing or a statement regarding his efforts to meet and confer.

Accordingly, Respondent is ORDERED to SHOW CAUSE by May 16, 2024, 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 participate in the prehearing conference, as well as his failure to timely file a statement regarding efforts to meet and confer. Respondent's submission shall address the reasons for his failure to participate in the prehearing conference and his failure to file a statement regarding his efforts to meet and confer. Respondent shall deliver any response to the proper prison authorities no later than the due date, for forwarding to the Commission's Office of the Secretary.⁴

When a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.⁵ The OIP informed Skinner that a failure to appear at a conference after being duly notified could result in deeming him in default and determining the proceedings against him.⁶ The Commission's order directing a prehearing conference also informed Skinner that, if he failed to 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

Skinner is reminded that he must serve any filing in this proceeding on the Division of Enforcement.⁸ He also must include a certificate of service with each document that he files.⁹ For example, a filing's certificate of service could state that, at the same time that he is mailing

⁴ 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 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").

⁵ Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, .180.

⁶ *Skinner*, 2022 WL 3703828, at *2; see also Rule of Practice 155(a)(1), 17 C.F.R. § 201.155(a)(1).

⁷ *Skinner*, 2024 WL 517503, at *2.

⁸ Rule of Practice 150(a), 17 C.F.R. § 201.150(a).

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.*

the filing via first-class U.S. mail to the Office of the Secretary, he is also mailing a duplicate copy of the filing to the Division attorney via first-class U.S. mail.¹⁰

If Skinner files a response to this order to show cause, the Division may file a reply within 28 days after its service.

Upon review of the filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final opinion and order resolving the matter.

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

Vanessa A. Countryman
Secretary

¹⁰ The Division attorney for this case is Lynn M. Dean, 444 South Flower Street, Suite 900; Los Angeles, California 90071.