

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 102403 / February 12, 2025

Admin. Proc. File No. 3-21206

In the Matter of DANIEL THOMAS BROYLES

ORDER DISCHARGING ORDER TO SHOW CAUSE AND DIRECTING PREHEARING
CONFERENCE

On October 11, 2022, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”), pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Daniel Thomas Broyles, who is currently incarcerated.¹ On April 2, 2024, the Commission ordered Broyles to show cause by May 17, 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 file an answer and to otherwise defend this proceeding (the “Order”).² The Order further provided that, if Broyles responded to the order to show cause, the Division could file a reply within 28 days of its service.³ Otherwise, the Order directed the Division to file a motion for entry of an order of default and the imposition of remedial sanctions by June 14, 2024.⁴

Broyles responded to the Order with two filings, dated May 15 and 16, 2024,⁵ stating that he was representing himself in the proceeding and indicating that he did not intend to contest the OIP. Specifically, Broyles stated that he would “agree to the terms and restrictions imposed on me by the Commission” including “all the restrictions and limitations” requested in the OIP. The Division did not reply to Broyles’s response or make any other filings.

¹ *Daniel Thomas Broyles*, Exchange Act Release No. 96025, 2022 WL 7145333 (Oct. 11, 2022).

² *Daniel Thomas Broyles*, Exchange Act Release No. 99883, 2024 WL 1416439 (Apr. 2, 2024).

³ *Id.* at *1.

⁴ *Id.*

⁵ The Commission received the filings on June 4 and 10, 2024.

Under the circumstances, we construe Broyles's filings as his answer. We also deem these filings 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).⁶ Because Broyles 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).⁷ All mailed documents must also include a certificate of service, in which Broyles states that the mailing was sent to the Division's attorney in this case, the date Broyles mailed it, and the delivery method and mailing address used.⁸

Although the OIP directed the parties to conduct a prehearing conference within 14 days of service of the answer,⁹ under the circumstances, including Broyles's pro se and incarcerated status, we direct the parties to conduct a prehearing conference by the date specified below. 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, including any agreement to settle the proceeding.¹⁰

Accordingly, for the reasons discussed above, it is ORDERED that the Order be discharged and that Broyles will not be deemed in default at this time.

It is FURTHER ORDERED that by March 26, 2025, 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 2, 2025, a statement, jointly or separately, advising the Commission of that fact and of the efforts made to meet and confer.¹¹

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,

⁶ 17 C.F.R. §§ 201.150(c)(1), 201.152(a)(1).

⁷ *Id.* §§ 201.150(d), 201.152(a)(2). This includes U.S. Postal Service first class, certified, registered, or express mail delivery addressed to the Division (for service) and addressed to the Commission's Office of the Secretary (for filing). Documents served on the Division should be mailed to the following address: United States Securities and Exchange Commission, Attn: James Carlson and Matt Kahn, 100 F Street, NE, Washington, DC 20549.

⁸ Rule of Practice 151(d), 17 C.F.R. § 201.151(d).

⁹ *Broyles*, 2022 WL 7145333, at *2.

¹⁰ *Id.*

¹¹ In the event Broyles makes such an individual filing, he shall deliver it to the proper prison authorities no later than the due date for forwarding to the Commission's Office of the Secretary. *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").

dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.¹²

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

Vanessa A. Countryman
Secretary

¹² 17 C.F.R. § 201.180(c).