

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 102472 / February 24, 2025

INVESTMENT ADVISERS ACT OF 1940  
Release No. 6859 / February 24, 2025

Admin. Proc. File No. 3-22286

In the Matter of  
  
MARK J. BOUCHER

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.<sup>1</sup> The Commission subsequently issued an order extending the time for Boucher to answer the OIP.<sup>2</sup> The Commission also directed Boucher, if not represented by counsel and unable to file documents electronically, to file a statement explaining why he cannot do so and how long he expects such inability to file electronically will last.

On February 13, 2025, counsel for the Division of Enforcement forwarded the Office of the Secretary a letter received from Boucher in response to the Commission’s December 18 order. Boucher, for whom no attorney has entered an appearance, represented that he will be unable to file documents electronically with the Commission until he is released from custody in 2028. Boucher did not file an answer with the letter and requested that the Commission delay this proceeding until two weeks after he is released.

We construe Boucher’s filing as a certification that he cannot serve and file documents electronically while incarcerated.<sup>3</sup> Accordingly, Boucher may serve and file documents by mailing them through the U.S. Postal Service by first class, registered, or certified mail to

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

<sup>2</sup> *Mark J. Boucher*, Exchange Act Release No. 101952, 2024 WL 5170963 (Dec. 18, 2024) (extending answer date to February 3, 2025).

<sup>3</sup> *See* Rules of Practice 150(c)(1) and 152(a)(1), 17 C.F.R. §§ 201.150(c)(1) and .152(a)(1).

counsel for the Division (for service) and to the Commission's Office of the Secretary (for filing).<sup>4</sup> To the extent that Boucher argues that, despite his access to these alternative means, he cannot participate in this proceeding while incarcerated, his filings to date disprove that assertion.<sup>5</sup> Given the circumstances, however, it is appropriate to grant Boucher an additional extension of time in which to file his answer.

Therefore, IT IS ORDERED that the deadline for Boucher to file an answer to the OIP is extended to March 26, 2025. Assuming he files by mail, Boucher shall deliver his answer to the proper prison authorities no later than the due date for forwarding to the Commission's Office of the Secretary.<sup>6</sup> Because filing a document with the Office of the Secretary does not serve it on the opposing party, Boucher must also mail his answer to counsel for the Division of Enforcement,<sup>7</sup> and include a certificate of service with his filing stating that he has done so.<sup>8</sup>

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<sup>4</sup> See Rules of Practice 150(d) and 152(a)(2), 17 C.F.R. §§ 201.150(d) and .152(a)(2) (also specifying other alternative means of service and filing).

<sup>5</sup> See *Matthew J. Skinner*, Exchange Act Release No. 98685, 2023 WL 6517529, at \*1 (Oct. 5, 2023) (“Indeed, [Skinner’s] filing this motion while incarcerated indicates that he will be able to participate in this proceeding.”).

<sup>6</sup> See *Houston v. Lack*, 487 U.S. 266, 276 (1988) (holding that, under the 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”). The address for the Commission’s Office of the Secretary is 100 F Street NE, Washington, D.C. 20549.

<sup>7</sup> Rule of Practice 150(a), 17 C.F.R. § 201.150(a). The notice of appearance attached to our December 18 order lists the address of the attorney for the Division of Enforcement.

<sup>8</sup> Rule of Practice 151(d), 17 C.F.R. § 201.151(d). A certificate of service for a document served by mail on a represented party (like the Division of Enforcement) states the name of the party’s counsel, the date the document was mailed to that attorney, the type of mail used to send it, and the address to which the document was mailed. *Id.*

If Boucher does not file an answer, he may be deemed to be in default, the allegations of the OIP may be deemed to be true, and the proceeding may be determined against him.<sup>9</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>9</sup> See *Boucher*, 2024 WL 44696137, at \*5; see also Rules of Practice 155(a), 220(f), 17 C.F.R. §§ 201.155(a), .220(f).