

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0542

In re: Gary Fulton,

Respondent

Order of Dismissal

On July 25, 2012, the Deputy Administrator of the Packers and Stockyards Program, Grain, Inspection, Packers and Stockyards Administration (GIPSA) filed a Complaint alleging that the Respondents had violated the Packers and Stockyards Act, 1921, as amended and supplemented (Act), 7 U.S.C. §181, *et seq.* A copy of the complaint and the Rules of Practice was served on the Respondent by certified mail on July 30, 2012.

No Answer having been timely received from the Respondent, I issued a Show Cause Order directing the parties to show cause why a Default Decision and Order should not be entered. Regardless of its position on the issue, Complainant was further directed to submit a Proposed Default Decision and Order. On October 18, 2012, Respondent submitted a letter in which he related that he had contacted Counsel for the Complainant and that they had discussed the case.

No response or Proposed Default Decision and Order having been submitted, I then directed the parties to file witness and exhibit lists, to exchange the lists and copies of their respective exhibits, and to consult with each other concerning possible dates for a

hearing of the issues in the case. Despite the passage of more than two months, neither party complied with that Order.

Neither party having complied with my Order of November 5, 2012, this action is **DISMISSED** without prejudice.

Copies of this Order will be served upon the parties by the Hearing Clerk.

January 23, 2013

Peter M. Davenport
Chief Administrative Law Judge