

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of:)	
)	
CENTRAL CITY HOUSING)	HUDALJ 10-E-180-CMP-24
DEVELOPMENT CORPORATION,)	OGC Case No. 10-024-CMP
)	
Respondent.)	
)	

ORDER GRANTING GOVERNMENT’S MOTION TO DISMISS WITH PREJUDICE

The United States Department of Housing and Urban Development (“HUD”) filed a Complaint for Civil Money Penalties (“Complaint”) on August 6, 2010, seeking to impose a penalty against Respondent for its alleged failure to submit timely audited annual financial reports, pursuant to 12 U.S.C. § 1701q-1 and 24 C.F.R. Part 30. Respondent requested a hearing and answered HUD’s allegations on August 30, 2010. The hearing in this matter was scheduled to commence Tuesday, January 11, 2011.

On January 7, 2011, the Government’s Motion to Dismiss with Prejudice was filed, in which the Secretary moves to dismiss this proceeding “for fiscal and administrative reasons.” The Motion states that HUD notified counsel for Respondent of its intention to file the Motion via telephone on January 6, 2011.

The applicable regulations at 24 C.F.R. Part 26 provide as follows:

If a party fails to prosecute or defend an action brought under subpart B of this part, *the ALJ may dismiss the action* or may issue a decision against the non-prosecuting or defending party. Such decision of the ALJ shall constitute final agency action and shall not be appealable to the Secretary under § 26.52 of this part.

24 C.F.R. § 26.34(d) (emphasis added). Here, HUD requests that the proceeding it initiated by filing the Complaint be dismissed with prejudice, as it will not continue to prosecute its claims against Respondent.

Consistent with Section 26.34(d), the Government’s Motion is hereby **GRANTED** and the proceeding is **DISMISSED** with prejudice.



Susan L. Biro
Chief Administrative Law Judge¹

Dated: January 7, 2011
Washington, D.C.

¹ The Administrative Law Judges of the United States Environmental Protection Agency are authorized to hear cases pending before the United States Department of Housing and Urban Development pursuant to an Interagency Agreement in effect beginning March 4, 2010.