

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

Curtis E. Johnson,

Petitioner.

17-AM-0210-AG-085

780776586

April 18, 2019

RULING AND ORDER OF DISMISSAL

On March 12, 2019, the Secretary filed the *Secretary's Motion to Dismiss* ("Motion"). The Secretary states that

[o]n December 18, 2017, this Court issued an Order for Documentary Evidence acknowledging the submission of the Secretary's Statement on October 12, 2017 and requiring Petitioner to file proof that he is not indebted to HUD by January 7, 2018. The Order warned Petitioner that failure to comply may result in sanctions, including a decision being entered in favor of HUD. Petitioner failed to submit any evidence as ordered by the Court.

Id. ¶5 (footnote omitted). The Court agrees with the Secretary's argument and notes that the record is bereft of any evidence in support of Petitioner's appeal, notwithstanding the fact that Petitioner has been provided more than ample opportunity to file documentary evidence on his behalf. Upon consideration of the *Secretary's Motion to Dismiss*, and in accordance with 24 CFR §24.6(d), the *Motion* is GRANTED. Accordingly, it is

ORDERED that this appeal is **DISMISSED**, *without prejudice*. It is

FURTHER ORDERED that the Stay of Referral previously entered in this case on September 13, 2017 is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge