

*** CORRECTED COPY***

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

In the Matter of:

John Dubose,

Petitioner.

18-AM-0028-AG-018

721009959

December 19, 2018

RULING AND ORDER OF DISMISSAL

On November 2, 2017, this court ordered Petitioner to file documentary evidence on or before December 18, 2017, in the above-captioned docket to prove that all or part of the alleged debt is either unenforceable or not past due. Petitioner failed to do so. On February 26, 2018, Petitioner was ordered to file "documentary evidence which will show that Petitioner's ex-wife has assumed liability for the debt at issue," on or before March 26, 2018. *Order*, dated February 26, 2018. Petitioner failed to comply with the *February 26th Order*.

On March 28, 2018, Petitioner was ordered to show cause why this appeal should not be dismissed for want of prosecution. On May 1, 2018, Petitioner filed a brief paragraph reiterating positions taken in his Request for Hearing. But again, Petitioner filed no substantive evidence in support of his appeal, except to say that his wife should be held responsible for the alleged debt in this case per the terms of their divorce settlement. The *March 28, 2018 Show Cause Order* specifically stated that "[f]ailure to comply with this Order shall result in the immediate entry of judgment in favor of the opposing party or in the imposition of such other sanctions as the Administrative Judge deems necessary or appropriate in this case." See 24 C.F.R. §26.4(d). *Petitioner's email*, filed March 1, 2018. No written release, or any other document was filed to substantiate Petitioner's claim that he is not responsible for the debt in this case. I find that Petitioner has therefore failed to comply with the *March 28, 2018 Show Cause Order*. Now therefore, it

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

FURTHER ORDERED that the Stay of Referral previously entered in this case on November 2, 2017, is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge