

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

In the Matter of:

Darold Pope,

Petitioner.

18-AM-0176-AG-088

721011739

June 5, 2019

RULING AND ORDER OF DISMISSAL

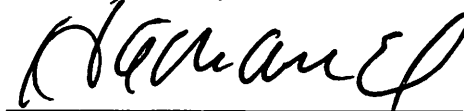
On May 15, 2018, this court ordered Petitioner to file documentary evidence on or before July 2, 2018, in support of Petitioner's appeal. *Notice of Docketing, Order, and Stay of Referral*, dated May 15, 2018. Petitioner has yet to file documentary evidence in support of his appeal, and has therefore failed to comply with this *Order*. On May 28, 2019, the Secretary filed the *Secretary's Motion for an Order to Show Cause Why Petitioner's Hearing Request Should Not be Dismissed* (the "*Secretary's Motion*").

The Court notes that the release of lien filed in conjunction with *Petitioner's May 1, 2018 Letter* does not pertain to the debt claimed by the Secretary in this case. That release pertains to Petitioner's underlying mortgage debt described as: "Midland Mortgage, [a] division of Midfirst Bank, Loan #0050058699- C/O Nationwide Title Clearing, Inc., 2100 Alt. 19 North, Palm Harbor, FL 34683." *Id.* The debt in this case pertains to Petitioner's wholly separate debt to HUD described as the: "Subordinate Mortgage" due and payable to HUD in the amount of \$3,357.96. Thus, the Court rules, as a matter of law, that *Petitioner's May 1, 2018 Letter*, and attachments thereto, are not material to the appeal in this case. Upon consideration of the length of time that has transpired in the absence of the filing of any material evidence in this case by Petitioner, it is

ORDERED that, Petitioner's appeal and Request for Hearing are DISMISSED, *without prejudice*. The *Secretary's Motion* is therefore DENIED, as *moot*. It is

FURTHER ORDERED that, the *Stay of Referral* of this matter to the U.S. Department of the Treasury for collection, entered in this case on May 15, 2018, is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge