

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
December 1, 2006

In the Matter of :
: ORDER
BRENDAN E. MURRAY :
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Respondent Brendan E. Murray (Murray), who appears pro se, has requested me to approve three applications for subpoenae duces tecum. I have signed two of the applications and returned them to Murray for service. The third application, directed to a criminal prosecutor's office, is problematic. It would require the criminal prosecutor to return property seized from Murray pursuant to a search warrant in May 2002.

As a condition precedent to considering this third subpoena application, I will require Murray to contact the criminal prosecutor's office to ascertain the following: (1) whether the criminal investigation in question is still ongoing or has been closed; (2) whether a publicly available inventory exists for the items seized pursuant to the search warrant; and (3) whether the criminal prosecutor will return the seized property to Murray voluntarily (i.e., without a subpoena).

Once Murray has received answers to these questions (or has determined that answers will not be forthcoming), he should advise this Office and the Division of Enforcement. If possible, Murray should obtain a written response from the criminal prosecutor's office. If a publicly available inventory exists, Murray should provide a copy for the record.

SO ORDERED.



James T. Kelly
Administrative Law Judge