

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 979/October 21, 2013

ADMINISTRATIVE PROCEEDING

File No. 3-15520

In the Matter of

PHILIP DAVID HORN

ORDER POSTPONING
HEARING

The Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings (OIP) on September 24, 2013, alleging that on September 20, 2012, Philip David Horn (Horn) pled guilty to two counts of wire fraud before the United States District Court for the Central District of California in United States v. Horn, 2:12-cr-678-GAF, and that on March 4, 2013, a judgment was entered against Horn and he was sentenced to a prison term of twenty-four months, followed by three years of supervised release. The Commission's Rules of Practice require that a Respondent file an Answer within twenty days of receipt of the OIP. See OIP at 2; 17 C.F.R. § 201.220(b). The Commission's files show that the OIP was delivered to Horn at FCI La Tuna, Satellite Camp, P.O. Box 8000, Anthony, Texas 88021 on September 28, 2013. On October 9, 2013, the Division of Enforcement (Division) filed Motions for Adjournment of Hearing and Prehearing Conference (Motion) and a Brief in Support. According to the Motion, the Division has not received any communications from Horn. The Division requests that I postpone the hearing and schedule a telephonic prehearing conference on October 28, 2013, at 2:00 p.m. EDT.

Order

As October 28, 2013, is almost upon us, and because Respondent will not be damaged by my acting before his time for opposing the Motion expires, I GRANT the Motion, in part, and POSTPONE the hearing scheduled to begin on October 28, 2013. I ORDER the Division to call the FCI and determine from Horn's case manager if Horn wants to participate in a prehearing conference, and, if so, when Horn is available. Horn is on notice that I will find him in default if he does not file an Answer, participate in a prehearing conference, or otherwise defend the proceeding. See 17 C.F.R. § 201.155(a), .220(f), .221(f).

Brenda P. Murray
Chief Administrative Law Judge