

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1395/April 22, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-14630

In the Matter of

DANIEL J. GALLAGHER

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ORDER

The Securities and Exchange Commission instituted this proceeding with an Amended Order Instituting Proceedings (OIP) on October 18, 2013, pursuant to Section 8A of the Securities Act of 1933 and Sections 15(b) and 21C of the Securities Exchange Act of 1934. The OIP alleges that Daniel J. Gallagher (Gallagher) violated the antifraud provisions of the securities laws and was convicted of securities fraud and wire fraud in United States v. Gallagher, 2:11-cr-806 (E.D.N.Y. Apr. 23, 2013), appeal docketed, No. 13-1956 (2d Cir. May 17, 2013).

The Division of Enforcement (Division) has filed a motion for summary disposition, pursuant to 17 C.F.R. § 201.250(a), in accordance with leave granted at the December 5, 2013, prehearing conference. Daniel J. Gallagher, Admin. Proc. Rulings Release No. 1084, 2013 SEC LEXIS 3825 (A.L.J. Dec. 5, 2013). May 23, 2014, was set as the date for Respondent Daniel J. Gallagher's (Gallagher) opposition, and a telephonic prehearing conference was scheduled to take place on April 23, 2014. Daniel J. Gallagher, Admin. Proc. Rulings Release No. 1347, 2013 SEC LEXIS 3825 (A.L.J. Mar. 28, 2014).

The Division and the undersigned have been informed that Gallagher, who is incarcerated, is presently in Administrative Detention, which impacts his ability to participate in the telephonic prehearing conference. Accordingly, it will be postponed to a date to be determined. The Division will report on Gallagher's availability for a rescheduled conference by May 2, 2014, and every two weeks thereafter.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge