

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1427/May 9, 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 (Exchange Act). 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). A prehearing conference was held today. Kevin P. McGrath, Esq., appeared on behalf of the Division of Enforcement (Division), and Gallagher appeared pro se.

Previously, the Division filed a motion for summary disposition, pursuant to 17 C.F.R. § 201.250(a), in accordance with leave granted. Daniel J. Gallagher, Admin. Proc. Rulings Release No. 1084, 2013 SEC LEXIS 3825 (A.L.J. Dec. 5, 2013). The date set for Gallagher's opposition was May 23, 2014, to allow time for his review of the Division's investigative file, made available pursuant to 17 C.F.R. § 201.230; Gallagher, who is incarcerated first had access to the file on March 21, 2014.¹ Daniel J. Gallagher, Admin. Proc. Rulings Release Nos. 1250, 2014 SEC LEXIS 590 (A.L.J. Feb. 19, 2014); 1347, 2014 SEC LEXIS 1130 (A.L.J. Mar. 28, 2014).

Gallagher's review of the investigative file, which he found to be voluminous, was interrupted by twenty-three days of administrative detention. He requested a postponement of the due date for his opposition. Accordingly, consistent with 17 C.F.R. § 201.161, the due date for Gallagher's opposition will be July 2, 2014, and for the Division's reply, July 9, 2014.

IT IS SO ORDERED.

/S/ Carol Fox Foelak

Carol Fox Foelak

Administrative Law Judge

¹ See Byron S. Rainer, Exchange Act Release No. 59040 (Dec. 2, 2008), 94 SEC Docket 12093; José P. Zollino, Exchange Act Release No. 51632 (Apr. 29, 2005), 85 SEC Docket 1292.