

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

In the Matter of:

Clinton and Mary Gore,

Petitioners.

18-AM-0030-AO-011

7-807898370B

December 19, 2018

RULING AND ORDER OF DISMISSAL

On November 2, 2017, this court ordered Petitioners to file documentary evidence, on or before January 1, 2018, to prove that Petitioners are not indebted to the Department in the amounts claimed by the Secretary or that the alleged debt is legally unenforceable or not past due. *Notice of Docketing, Order, and Stay of Referral*, dated November 2, 2017. Petitioners failed to comply with that *Order*.

On January 22, 2018, the Court issued a *Notice and Stay of Proceedings* notifying all parties in cases before the HUD Office of Hearings and Appeals that a stay of proceedings would be imposed during the time of any federal government shutdown, but that "[t]he stay will be lifted seven calendar days after the federal government has reopened, and any ensuing deadlines previously established by the judge will be extended for a like number of days." *Id.* The Court takes judicial notice of the fact that the federal government was shut down for only one business day on January 22, 2018.

On June 7, 2018, the Court issued a *Show Cause Order* directing Petitioners to file documentary evidence in support of their appeal no later than June 29, 2018. The *Show Cause Order* specifically stated that "Failure to comply with this Order may result in a judgment being entered in favor of the opposing party in this case or such other sanctions as the Administrative Judge deems necessary and proper." (emphasis in original). Petitioners failed to comply with the *Show Cause Order* as well. Now therefore, it is

ORDERED that this case is dismissed *sua sponte*, and *without prejudice*. It is

FURTHER ORDERED that the Stay of Referral previously entered in this case on November 2 2017, is hereby **VACATED**.

SO ORDERED,



H. ALEXANDER MANUEL
Administrative Judge