

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

In the Matter of:

Donnell Cuffee,

Petitioner.

18-VH-0117-AO-036

7-2100122900A

August 24, 2018

ORDER OF DISMISSAL

In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioners to submit evidence within 60 calendar days from the date of the Department's Notice of Intent will result in a dismissal of Petitioners' request for review by the HUD Office of Hearings and Appeals.

On February 13, 2018, Petitioner alleged in his *Request for Hearing* that he wanted "to get a copy of HUD's record related to the debt to see how it [alleged debt] was determined," and "how to elementate [sic] this matter." But, Petitioner was reminded that in his *Notice of Docketing* he was informed that "**Documents relating to this alleged debt are not in the possession of this Court.** Petitioner may request copies of these documents by writing to: Cheryl Dobert, U.S. Department of Housing and Urban Development, Financial Operations Center, 52 Corporate Circle, Albany, NY 12203."

To date, Petitioner has not produced evidence that refutes the Secretary's claim or supports Petitioner's position that the alleged debt was paid in full or is unenforceable, despite the Court ordering Petitioner to do so. The *Order to Show Cause* issued recently by the Court specifically stated "**Failure to comply with this Order shall result in sanctions being imposed by the Court pursuant to 24 C.F.R. § 26.4 (c) and (d), including judgment being entered on behalf of the opposing party or dismissal of this action.**" (Emphasis added). Petitioner again failed to comply as ordered.

Consistent with the provisions of 24 C.F.R. §§ 17.69 (b) and 26.4 (c), Petitioner's appeal is **DISMISSED WITH PREJUDICE** *sua sponte* because of Petitioner's non-compliance with the Court's *Orders* to produce the necessary evidence for review.

The stay of proceeding issued on February 20, 2018 is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge