

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

In the Matter of:

Daniel Macika,

Petitioner.

18-VH-0131-AO-038

7-210121870A

October 15, 2018

ORDER OF DISMISSAL

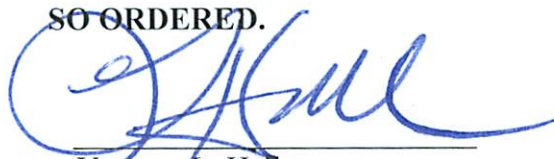
In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioner to submit evidence within 60 calendar days from the date of the Department's Notice of Intent will result in a dismissal of Petitioner's request for review by the HUD Office of Hearings and Appeals.

On February 26, 2018, Petitioner alleged in the *Request for Hearing* that "I don't know what this is for can you please give me proof if I do own [sic] you something I be happy to take care of it. I did file Bankruptcy case number 14-57877 if you need this." No evidence was filed in support of Petitioner's claim that the subject debt owed to HUD would be paid off, or that Petitioner was released from the contractual obligation to pay the subject debt. To date, Petitioner has failed to comply with any of the Court's *Orders* to produce sufficient evidence to prove HUD issued them a written release from the subject debt. *See Order for Documentary Evidence* dated May 9, 2018; *Order to Show Cause* dated July 5, 2018; *Order to Show Cause* dated September 4, 2018. The *Order to Show Cause* last issued 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 so 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 the Court's review.

The stay of proceeding issued on February 28, 2018, is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge