

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

In the Matter of:

Franklyn David Banning

Petitioner.

19-VH-0161-AO-051

7-210149010A

January 6, 2020

**ORDER OF DISMISSAL**

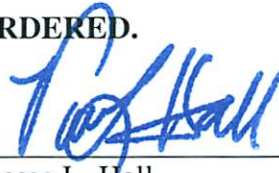
In 24 C.F.R. §§17.69 (b) and 26.4 (c) it provides, in general, that failure by the Petitioner to submit evidence within 60 calendar days from the date of the Department's Notice of Intent will result in a dismissal of Petitioner's request for review by the HUD Office of Hearings and Appeals.

On November 15, 2017, Petitioner alleged in the *Request for Hearing* that "I don't believe I owe any more money sense [sic] I paid it all off." 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 *Notice of Docketing* dated July 22, 2019; *Order for Documentary Evidence* dated October 3, 2019; *Order to Show Cause* dated November 19, 2019. 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 July 22, 2019, is hereby **VACATED**.

SO ORDERED.



Vanessa L. Hall  
Administrative Judge