

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 101310 / October 11, 2024

Admin. Proc. File No. 3-21864

In the Matter of
APPLIED MINERALS, INC.

ORDER TO SHOW CAUSE

On February 27, 2024, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Applied Minerals, Inc. (“Respondent”) pursuant to Section 12(j) of the Securities Exchange Act of 1934.¹ On August 14, 2024, the Division of Enforcement filed a motion for summary disposition. On August 22, 2024, the Commission issued a scheduling order directing that, based on the parties’ agreement during a prehearing conference, Respondent’s opposition to the Division’s motion was due by September 13, 2024.² As of the date of this order, Respondent has not filed an opposition brief.

Accordingly, Respondent is ORDERED to SHOW CAUSE by October 25, 2024, why the registration of its securities should not be revoked by default due to its failure to respond to the Division’s motion. Respondent’s submission shall address the reasons for its failure to timely file an opposition brief and address the substance of the Division’s request that the commission revoke the registration of Respondent’s securities.

When a party defaults, the allegations in the OIP may be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.³ The failure to timely oppose a dispositive motion is itself a basis for a finding of default;⁴ it may result in the determination of particular claims, or the

¹ *Applied Minerals, Inc.*, Exchange Act Release No. 99611, 2024 WL 835269 (Feb. 27, 2024).

² *Applied Minerals, Inc.*, Exchange Act Release No. 100805, 2024 WL 3915899 (Aug. 22, 2024).

³ Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, .180; *see Applied Minerals*, 2024 WL 835269 (providing that the Commission may issue a final order after determining that a party is deemed to be in default).

⁴ Rule of Practice 155(a)(2), 180(c), 17 C.F.R. §§ 201.155(a)(2), 201.180(c); *see, e.g., Benham Halai*, Exchange Act Release No. 79722, 2017 WL 24498, at *3 n.12 (Jan. 3, 2017).

proceeding as a whole, adversely to the non-moving party and may be deemed a forfeiture of arguments that could have been raised at that time.⁵

If Respondent fails to respond to this order to show cause, it may be deemed in default, the proceeding determined against it, and the registration of its securities may be revoked.⁶ If Respondent responds to this order to show cause, the Division may file a reply within 14 days after its service. Upon review of the filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final order resolving the matter.

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁷ We also remind the parties that any document filed with the Commission must be served upon all participants in the proceeding and be accompanied by a certificate of service.⁸

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁵ See, e.g., *McBarron Cap. LLC*, Exchange Act Release No. 81789, 2017 WL 4350655, at *3–5 (Sept. 29, 2017); *Bennett Grp. Fin. Servs., LLC*, Exchange Act Release No. 80347, 2017 WL 1176053, at *2–3 (Mar. 30, 2017), *abrogated in part on other grounds by Lucia v. SEC*, 138 S. Ct. 2044 (2018); *Apollo Publ'n Corp.*, Securities Act Release No. 8678, 2006 WL 985307, at *1 & n.6 (Apr. 13, 2006).

⁶ See Rules of Practice 155, 180, 17 C.F.R. §§ 201.155, 201.180.

⁷ See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

⁸ See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) (“Papers filed with the Commission . . . shall be accompanied by a certificate stating the name of the person or persons served, the date of the service, the method of service, and the mailing address or email address to which service was made, if not made in person.”).