UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	I & G Docket No. 04-0001
	)	
Lion Raisins, Inc., a California corporation; Lion Raisin Company, a partnership or unincorporated association; Lion Packing Company, a partnership or unincorporated association; Alfred Lion, Jr., an individual; Daniel Lion, an individual; Jeffrey Lion, an individual; Bruce Lion, an individual; Larry Lion, an individual; and Isabel Lion, an individual,	)	
	)	**Ruling Denying Motion**
Respondents	)	**To Modify Order**

I issued *In re Lion Raisins, Inc.* (Order Denying Pet. to Reconsider as to Lion Raisins, Inc.; Alfred Lion, Jr.; Daniel Lion; Jeffrey Lion; and Bruce Lion), __ Agric. Dec. ___ (Jan. 6, 2010), in which I debarred Lion Raisins, Inc.; Alfred Lion, Jr.; Daniel Lion; Jeffrey Lion; and Bruce Lion [hereinafter the Lions] from receiving inspection services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. §§ 1621-1632), and the regulations governing inspection and certification of processed fruits and vegetables (7 C.F.R. pt. 52). By its terms, the January 6, 2010, Order was to become effective

30 days after service of the Order on the Lions. The Hearing Clerk served the Order on the Lions on January 11, 2010;[1] therefore, the January 6, 2010, Order became effective February 10, 2010.

On February 16, 2010, the Lions filed a "Motion to Modify Effective Date of Order Denying Petition to Reconsider as to Lion Raisins, Inc.; Alfred Lion; Daniel Lion; Jeffrey Lion; and Bruce Lion (January 6, 2010)" [hereinafter Motion to Modify Order] requesting that I modify the January 6, 2010, Order to make it effective March 12, 2010. On February 16, 2010, the Associate Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture [hereinafter the Administrator], filed "Complainant's Opposition to 'Motion to Modify Effective Date of Order Denying Petition to Reconsider.'" On February 16, 2010, the Hearing Clerk transmitted the record to me for a ruling on the Lions' Motion to Modify Order.

As grounds for the Motion to Modify Order, the Lions argue they need additional time in which to prepare a complaint for judicial review. However, on February 16, 2010, the Lions also filed "Respondents' Motion to Stay Any Further Action by USDA re the Judicial Officer's Decision and Order as to Lion Raisins, Inc.; Alfred Lion, Jr.; Daniel Lion; Jeffrey Lion; and Bruce Lion" [hereinafter Motion for Stay] in which the Lions state they filed a complaint for judicial review on February 9, 2010 (Motion for Stay at 2).

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[1]United States Postal Service Domestic Return Receipt for article number 7005 1160 0001 3559 7484.

Attached to the Lions' Motion for Stay is a copy of the Lions' February 9, 2010, "Complaint for Judicial Review of Final Agency Action; Violation of the Administrative Procedure Act; Declaratory Relief." Therefore, I find no basis for the modification of the January 6, 2010, Order to provide the Lions additional time to prepare a complaint for judicial review.

For the foregoing reason, the following ruling is issued.

RULING

The Lions' February 16, 2010, Motion to Modify Order is denied.

Done at Washington, DC

February 16, 2010

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William G. Jenson
Judicial Officer