

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 03-0035
)
ZooCats, Inc., a Texas corporation;)
Marcus Cook, a/k/a Marcus)
Cline-Hines Cook, an individual;)
and Melissa Coody, a/k/a Misty)
Coody, an individual, jointly doing)
business as Zoo Dynamics and)
ZooCats Zoological Systems; Six)
Flags Over Texas, Inc., a Delaware)
corporation; and Marian Buehler,)
an individual,)
)
Respondents) **Stay Order as to ZooCats, Inc.,
Marcus Cook, and Melissa Coody**

I issued *In re ZooCats, Inc.* (Decision as to ZooCats, Inc., Marcus Cook, and Melissa Coody), __ Agric. Dec. ____ (July 27, 2009). Kevin Shea, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter the Administrator], and ZooCats, Inc., Marcus Cook, and Melissa Coody [hereinafter Respondents] each filed a petition to reconsider the July 27, 2009, Decision as to ZooCats, Inc., Marcus Cook, and Melissa Coody. Subsequently, I issued *In re ZooCats, Inc.* (Order Denying Respondents' Petition To Reconsider And Administrator's Petition To Reconsider), __ Agric. Dec. ____ (Dec. 14, 2009).

On December 23, 2009, Respondents filed a motion for a stay of the Orders in the July 27, 2009, Decision as to ZooCats, Inc., Marcus Cook, and Melissa Coody and the

December 14, 2009, Order Denying Respondents' Petition To Reconsider And Administrator's Petition To Reconsider, pending the outcome of proceedings for judicial review. I provided the Administrator 7 days within which to respond to Respondents' motion for a stay.¹ The Administrator failed to file a timely response to Respondents' motion for a stay.

In accordance with 5 U.S.C. § 705, Respondents' motion for a stay is granted.

For the foregoing reasons, the following Order is issued.

ORDER

The Orders in *In re ZooCats, Inc.* (Decision as to ZooCats, Inc., Marcus Cook, and Melissa Coody), __ Agric. Dec. __ (July 27, 2009), and *In re ZooCats, Inc.* (Order Denying Respondents' Petition To Reconsider And Administrator's Petition To Reconsider), __ Agric. Dec. __ (Dec. 14, 2009), are stayed pending the outcome of proceedings for judicial review. This Stay Order as to ZooCats, Inc., Marcus Cook, and Melissa Coody shall remain effective until lifted by the Judicial Officer or vacated by a court of competent jurisdiction.

Done at Washington, DC

January 8, 2010

William G. Jenson
Judicial Officer

¹See Hearing Clerk's letter dated December 29, 2009.