

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 10-0416
	)	
Jennifer Caudill, a/k/a Jennifer	)	
Walker, a/k/a Jennifer Herriott	)	
Walker, an individual; Brent )	)	
Taylor and William Bedford,)	)	
individuals, d/b/a Allen Brothers	)	
Circus; and Mitchell Kalmanson,	)	<b>Ruling Denying Mitchell Kalmanson's</b>
	)	<b>Motion to Strike the Administrator's</b>
Respondents	)	<b>Second Request for Extension of Time</b>

On February 27, 2013, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter the Administrator], filed a second request for an extension of time to appeal Chief Administrative Law Judge Peter M. Davenport's September 24, 2012, Decision as to Mitchell Kalmanson.<sup>1</sup> On March 7, 2013, Mr. Kalmanson filed a motion to strike the Administrator's February 27, 2013, motion for an extension of time,<sup>2</sup> and on March 28, 2013, the Administrator filed a response to Mr.

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<sup>1</sup>Complainant's Second Request for Extension of Time to File Petition for Appeal.

<sup>2</sup>Respondent's, Mitchel Kalmanson, Response to Complainant's Second Request for Extension of Time to File Petition for Appeal and Motion to Strike Complainant's Second Request for Extension of Time to File Petition for Appeal & Sanction(s) and Fee(s) in Favor of Kalmanson.

Kalmanson's March 7, 2013, motion to strike.<sup>3</sup> On April 2, 2013, the Hearing Clerk transmitted the record to the Office of the Judicial Officer for consideration of, and a ruling on, Mr. Kalmanson's March 7, 2013, motion to strike.

On March 4, 2013, I denied the Administrator's second request for an extension of time to appeal the September 24, 2012, Decision as to Mitchell Kalmanson;<sup>4</sup> therefore, I conclude Mr. Kalmanson's March 7, 2013, motion to strike is moot and I deny Mr. Kalmanson's March 7, 2013, motion to strike because it is moot.

Done at Washington, DC

April 3, 2013

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William G. Jenson  
Judicial Officer

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<sup>3</sup>Complainant's Response to Motion to Strike Filed by Respondent Mitchel Kalmanson.

<sup>4</sup>Order Denying Second Request for Extension of Time to Appeal the Decision as to Mitchell Kalmanson and Rulings Denying Mr. Kalmanson's Motions for Fees, Costs, Expenses, Sanctions, and a Monetary Advance.