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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Rocky Roy McCoy, Respondent.)) HPA Docket No. 16-0026))

ORDER GRANTING COMPLAINANT’S MOTION TO LIFT STAY ORDER

On March 12, 2019, Complainant, the Administrator of the Animal and Plant Health Inspection Service, filed a motion to lift the Stay Order issued by the Judicial Officer in the above-captioned matter on July 26, 2016. The Motion was based on section 1.143 of the Rules of Practice (7 C.F.R. § 1.143(b)), on all the pleadings and papers on file in this docket, and on the following asserted material facts:

- 1. On June 2, 2016, the Judicial Officer issued a decision and order in this case.
- 2. On July 21, 2016, Respondent Rocky Roy McCoy filed a petition for review of the Judicial Officer’s decision in the United States Court of Appeals for the Sixth Circuit. *McCoy v. U.S. Dep’t of Agric.*, No. 16-3842 (6th Cir. 2017).
- 3. On July 26, 2016, the Judicial Officer issued an order staying the June 2, 2016 Order pending the outcome of proceedings for judicial review.
- 4. On August 21, 2017, the Court of Appeals denied Respondent McCoy’s petition for review.

Motion at 1.

A copy of the Court of Appeals decision was attached to Complainant’s Motion. Respondent Rocky Roy McCoy did not seek further review of the decision of the Court of Appeals, and the time for doing so has expired.

Complainant's Motion to Lift the Stay Order is supported by good cause; accordingly, the Judicial Officer's July 26, 2016 Stay Order is hereby lifted.

Copies of this Order shall be served by the Hearing Clerk upon each of the parties, with courtesy copies provided via email where available.

Issued this 12th day of March 2019, in Washington, D.C.



Bobbie J. McCartney
Judicial Officer

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