

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

WILLIAM M. BROWN

v.

ANTHONY DAVID BRANCIERI

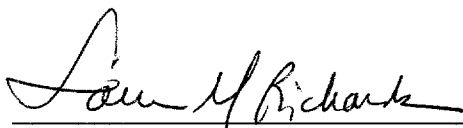
CFTC Docket No. 04-R005

ORDER PURSUANT TO
DELEGATED AUTHORITY

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On January 16, 2005, complainant William M. Brown ("Brown") filed an appeal from an order dismissing his complaint. On January 5, 2005, however, the Commission received notice that respondent Anthony David Brancieri ("Brancieri") was the subject of a bankruptcy proceeding. Commission precedent establishes a policy of dismissing any pending reparations proceedings against a respondent subject to a bankruptcy proceeding in the absence of a showing of undue prejudice. *See Violette v. LFG, LLC*, [2000-2002 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 28,633 at 52,409 (CFTC Sept. 6, 2001). Because Brown has not made such a showing, we dismiss the complaint against Brancieri without prejudice.¹

IT IS SO ORDERED.²



Laura M. Richards
Senior Assistant General Counsel
Commodity Futures Trading Commission

Dated: March 7, 2005

¹ Complainant's failure to perfect his appeal by filing an appeal brief provides an independent basis for dismissing his appeal.

² By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(4), (6). A party may file a petition for reconsideration of this ruling with the Commission within seven days of the service of this order. 17 C.F.R. § 12.408(c).