

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

RECEIVED
C.F.T.C.

2005 MAY -3 P 4: 51

OFFICE OF PROCEEDINGS
ADMINISTRATIVE CLERK

WILLIAM M. BROWN

v.

ANTHONY DAVID BRANCIERI

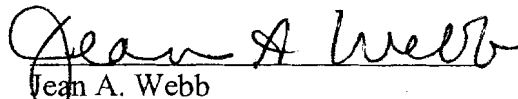
CFTC Docket No. 04-R005

ORDER DENYING
RECONSIDERATION

Complainant William M. Brown ("Brown") seeks reconsideration of the March 7, 2005 delegated authority order dismissing his complaint due to the bankruptcy proceeding initiated by respondent Anthony David Brancieri ("Brancieri"). 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). Brown's arguments do not establish that he will suffer undue prejudice from the dismissal because he remains free to pursue his claim in the bankruptcy proceeding. Accordingly, the petition for reconsideration is denied.

IT IS SO ORDERED.

By the Commission (Acting Chairman BROWN-HRUSKA and Commissioners LUKKEN, HATFIELD, and DUNN).



Jean A. Webb
Secretary of the Commission
Commodity Futures Trading Commission

Dated: May 3, 2005