

UNITED STATES OF AMERICA  
Before the  
COMMODITY FUTURES TRADING COMMISSION

RECEIVED  
C.F.T.C.  
2005 FEB 15 P 4: 28  
OFFICE OF PROCEEDINGS  
PROCEEDINGS CLERK

LEONARD CARUSELLE

v.

NEW YORK MERCANTILE EXCHANGE

CFTC Docket No. 05-1-1

ORDER


The Appeals Committee of the New York Mercantile Exchange, Inc. ("NYMEX") has affirmed its adjudicatory panel's denial of Leonard Caruselle's motion to vacate a default order imposing a ten-year access denial and ordering him to cease and desist from further violations. Caruselle is appealing the exchange's decision and he has filed a petition for an *ex parte* stay with us.

Upon due consideration, we deny the stay petition because Caruselle has failed to make the showing required by Commission Rule 9.24(d) for this relief. We have determined, however, to set aside the normal briefing schedule under our Part 9 Rules and order the following special briefing schedule. Petitioner Caruselle is ordered to file his Appeal Brief on or before March 2, 2005, and NYMEX is ordered to file its Answering Brief on or before March 23, 2005. In addition to any other issues they may choose to raise, we direct the parties pursuant to Commission Rule 9.30 to address the issue of access denial including: notice that was provided to Caruselle regarding this potential sanction, the propriety of its length, the date of its initiation, how it has been applied to date, and how it would be applied in the future (*e.g.*, the length of any

access denial that Caruselle has already served and the date when such sanction would end).

IT IS SO ORDERED.

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

  
\_\_\_\_\_  
Jean A. Webb  
Secretary to the Commission  
Commodity Futures Trading Commission

Dated: February 15, 2005