

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

VICTOR CAVALLARO

v.

ANGUS JACKSON, INC. OF FLORIDA
a/k/a ANGUS JACKSON, INC.

CFTC Docket No. 06-~~0055~~

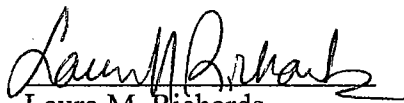
ORDER PURSUANT TO
DELEGATED AUTHORITY

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Complainant filed an untimely notice of appeal from an initial decision issued on April 30, 2008 dismissing his claim. The certificate of service accompanying the notice of appeal is dated May 24, 2008, the check for the filing fee is dated May 27, 2008 and the UPS envelope in which the notice and fee were mailed bears a May 29, 2008 postmark. An aggrieved party must file an appeal within 20 days after service of the initial decision, the 15 days mandated by Rule 12.401 plus the 5 extra days allowed under Rule 12.10 to respond to a document served by mail. The time period to file the appeal expired on May 20, 2008. On June 18, 2008, respondent filed a motion to strike the untimely appeal.

Based on the forgoing, respondent's motion is granted and the appeal is dismissed. Pursuant to Regulation 12.401(b), the initial decision shall become the Commission's final decision on the date that this order is served.

IT IS SO ORDERED.¹



Laura M. Richards
Deputy General Counsel
Commodity Futures Trading Commission

Date: August 19, 2008

¹ By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(4).