

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
August 18, 2005

In the Matter of :
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 MARK N. DOHLEN, :
 PAUL A. GILES, and : ORDER TO SHOW CAUSE
 ALFRED PEEPER :
 :
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The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on September 1, 2004, under the caption John A. Carley, et al. Eleven individuals and entities were named as Respondents. The Chief Administrative Law Judge then assigned the proceeding to my docket (Order of September 2, 2004).

The Commission served the OIP on eight of the eleven Respondents, and I have resolved the charges as to those eight Respondents.¹

The Commission granted the motion of the Division of Enforcement (Division) to sever the charges against Respondents Mark N. Dohlen (Dohlen), Paul A. Giles (Giles), and Alfred Peeper (Peeper), who had not been served with the OIP. John A. Carley, 84 SEC Docket 2317 (Jan. 3, 2005). In its Order, the Commission also denied the Division's request for a stay of the proceedings as to Dohlen, Giles, and Peeper.

In a status report dated July 6, 2005, the Division stated that it has still been unable to locate Dohlen and Giles. The Division has located Peeper, but it has yet to effect service on him. It has now been almost one year since the Commission issued the OIP.

IT IS ORDERED THAT, on or before September 1, 2005, the Division shall show cause why this proceeding should not be dismissed without prejudice as to Dohlen, Giles, and Peeper. See Richard Cannistraro, 53 S.E.C. 388 (1998); cf. Nylok Corp. v. Fastener World Inc., 396 F.3d 805, 807 (7th Cir. 2005) ("Because district courts need to be able to control their dockets, we

¹ One Respondent, Le Fond Mondial D'Investissement S.A., failed to file an Answer to the OIP and I issued a Default Order as to it. John A. Carley, 84 SEC Docket 648 (Nov. 23, 2004). I issued an Initial Decision as to the other seven Respondents on July 18, 2005. Five of those seven Respondents subsequently filed petitions for review. The Commission granted review of those five petitions on August 16, 2005.

have stated that the amount of time allowed for foreign service is not unlimited.”) (collecting cases).

IT IS FURTHER ORDERED THAT a telephonic prehearing conference will be held on September 7, 2005, at 2:00 p.m. EDT. The agenda will be limited to the three severed Respondents, the only portion of this proceeding that is still assigned to my docket. The Division shall initiate the call and obtain a court reporter.



James T. Kelly
Administrative Law Judge