

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
February 2, 2005

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In the Matter of

DERRICK N. MCKINNEY  
and RICK R. MALIZIA

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ORDER

The Securities and Exchange Commission initiated this proceeding on August 25, 2004, pursuant to Section 15(b) of the Securities Exchange Act of 1934. On November 18, 2004, the Division of Enforcement (Division) filed a motion for summary disposition against Respondents McKinney and Malizia. McKinney did not file an opposition to the Division's motion.

On January 6, 2005, the undersigned issued a default order against McKinney for failing to respond to a dispositive motion within the time provided. See 17 C.F.R. § 201.155(a)(2). On January 21, 2005, McKinney filed a motion to vacate the default order. On January 28, 2005, the Division filed its opposition to McKinney's motion to vacate.

IT IS ORDERED THAT McKinney's motion to vacate is granted. See 17 C.F.R. § 201.155(b). IT IS FURTHER ORDERED THAT a telephonic prehearing conference will be held during the week of February 7-11, 2005, at a time that is convenient for all parties. The Division shall initiate the call and obtain a court reporter.

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James T. Kelly  
Administrative Law Judge