## UNITED STATES OF AMERICA DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:	
First American Wholesale Lending Corporation,	HUDALJ 10-F-127-MR/85
Respondent. )	

## ORDER GRANTING JOINT MOTION TO DISMISS WITH PREJUDICE

The Mortgagee Review Board of the United States Department of Housing and Urban Development ("the Government") filed a Notice of Administrative Action ("Notice") withdrawing Respondent's HUD/FHA approval for one year. Respondent filed a response on May 10, 2010, appealing the Government's action. The undersigned issued a Corrected Notice of Hearing and Prehearing Order, scheduling the hearing for June 3, 2010. On May 25, July 26, and August 16, 2010, the parties filed motions to stay the proceeding, which the undersigned granted.

On September 14, 2010, Respondent's representative, Daniel Khoury, and Government counsel filed a Joint Motion to Dismiss with Prejudice, wherein they inform that "Respondent has decided to withdraw its request for a hearing on the record to appeal the March 24, 2010 administrative action of the Mortgagee Review Board." The parties jointly request that the hearing be cancelled, that the withdrawal become final "as if the hearing was not requested," and that this proceeding be dismissed.

The applicable regulations at 24 C.F.R. Part 26 provides as follows:

If a party fails to prosecute or defend an action brought under subpart B of this part, *the ALJ may dismiss the action* or may issue a decision against the non-prosecuting or defending party. Such decision of the ALJ shall constitute final agency action and shall not be appealable to the Secretary under § 26.52 of this part.

24 C.F.R. § 26.34(d) (emphasis added).

Consistent with Section 26.34(d) and with the general authorities of the presiding Administrative Law Judge in 24 C.F.R. § 26.32, the parties' Joint Motion to Dismiss with Prejudice is hereby **GRANTED**. Accordingly, it is hereby **ORDERED** that the Mortgagee Review Board's withdrawal of Respondent's HUD/FHA approval (FHA ID: 28058-0000-3) for

one year as set forth in the Notice of Administrative Action is hereby **AFFIRMED** without further proceedings.

Susan L. Biro

Chief Administrative Law Judge<sup>1</sup>

Dated: September 14, 2010 Washington, D.C.

<sup>&</sup>lt;sup>1</sup> The Administrative Law Judges of the United States Environmental Protection Agency are authorized to hear cases pending before the United States Department of Housing and Urban Development pursuant to an Interagency Agreement in effect beginning March 4, 2010.