



**Office of Hearings and Appeals**  
U.S. Department of Housing and Urban Development  
Washington, D.C. 20410-0001

May 10, 2011

Ladarius F. Patrick  
2550 Sandy Plains Road Apt  
Marietta, GA 30033-5700

Ladarius F. Patrick  
3108 Dee Ann Drive  
Memphis, TN 38119-9129

Philip Kesaris, Esq.  
Office of the General Counsel  
U.S. Department of Housing and Urban Development  
Portals Building, Suite 200, 1250 Maryland Avenue, SW  
Washington, DC 20024

Re: Ladarius F. Patrick,  
HUDALJ 11-F-013-PF/4

Dear Counsel & Unrepresented Respondent:

The purpose of this letter is to confirm acknowledgement of the Government's Notice of  
Withdrawal of Complaint in the above-entitled matter.

Sincerely,

A handwritten signature in blue ink that reads "Becky Black".

Becky Black  
Docket Clerk

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

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HUD OFFICE OF  
HEARINGS AND APPEALS

UNITED STATES DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT,

Petitioner,

v.

LADARIUS F. PATRICK,

Respondent.

HUDALJ 11-F-013-PF-4  
OGC Case No. 11-3694-PF

**GOVERNMENT'S RESPONSE TO ORDER TO SHOW CAUSE AND  
NOTICE OF WITHDRAWAL OF COMPLAINT**

By Order to Show Cause dated May 5, 2011, the Court directed the United States Department of Housing and Urban Development ("HUD") to show cause as to "why the instant action should not be dismissed for failure to prosecute."


There has been no "failure to prosecute" this action by HUD. Rather, HUD has been unable to take any prosecutorial action because it has been unable to properly serve the Complaint on Respondent Ladarius F. Patrick, and thus no response and request for a hearing has been filed by Respondent. The applicable regulations state that the Complaint "shall be mailed, by registered or certified mail, or shall be delivered through such other means by which *delivery may be confirmed.*" 24 C.F.R. § 28.25(a) (emphasis added); see also 31 U.S.C. § 3803(d)(1). On January 4, 2011, HUD issued a Complaint to Respondent by certified mail to the last known addresses where public records showed Respondent resided: (1) 2550 Sandy Plains Road Apt, Marietta, GA 30066-5700 (Certified Mail #70081830000233255940); (2) 3108 Dee Ann Drive, Memphis, TN 38119-9129). See Complaint, p. 21 (Certificate of Service); Exhibit A (Certified

Mail Receipts).<sup>1</sup> The envelope containing the Complaint mailed to the Marietta, Georgia address was delivered on January 6, 2011, as indicated by U.S. Postal Service records. See Exhibit B. However, the return receipt card was not signed by Respondent; rather it was signed by a "J. Jones." See Exhibit C. The envelope containing the Complaint mailed to the Memphis, Tennessee address was returned as "undeliverable," as indicated by U.S. Postal Service records and the envelope that was returned to HUD with a "not at this address" notation written on it by the U.S. Postal Service. Exhibit D and E. Subsequent efforts by HUD to locate Respondent and hand deliver the Complaint to him have been unsuccessful.

The foregoing demonstrates that HUD has been unable to confirm delivery of the Complaint to Respondent as required by 24 C.F.R. § 28.25(a). No proper service has occurred, and thus no response and request for a hearing has been received. For this reason, HUD is withdrawing the Complaint that was filed with the Court on January 4, 2011.

Dated: May 6, 2011

Respectfully submitted,



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Philip A. Kesaris, Esq.  
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U.S. Department of HUD  
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1250 Maryland Ave. SW  
Washington, DC 20024  
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<sup>1</sup> The Complaint was also filed simultaneously with the Office of Administrative Law Judges in accordance with 24 C.F.R. §§28.25(a) and 26.30(a).