



April 22, 2025

VIA CM/ECF

Ms. Nwamaka Anowi
United States Court of Appeals
Fourth Circuit
Office of the Clerk
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: Notice of Supplemental Authority: *Manis v. USDA*, No. 24-1367

Dear Ms. Anowi:

Appellant Joe Manis respectfully submits this Rule 28(j) letter to notify the Court that on April 10, 2025, USDA's Judicial Officer issued a stay of the agency proceeding against Manis that is the subject of this appeal. Ex. A (attached). USDA is actively seeking to reverse this stay, Ex. B, so Manis still requires a preliminary injunction to protect him from irreparable harm.

On Manis's motion, the Judicial Officer stayed consideration of Manis's adjudication pending a final judgment in this case on his constitutional challenges to USDA's adjudication process. The Judicial Officer found that USDA administrative proceedings, like judicial proceedings, require jurisdictional certainty before proceeding to the merits. *See* Ex. A at 3–4. Because “both parties agree [Manis's] challenges to the administrative proceeding properly belong in federal court,” the Judicial Officer held that a stay was appropriate to allow Manis's serious constitutional objections to be resolved. *Id.* at 4.

Notwithstanding the stay, a preliminary injunction remains necessary to protect Manis because USDA continues to pursue the adjudication. On April 21, 2025, the USDA lawyers pursuing the complaint objected to the stay and requested that the Judicial Officer lift it. Ex. B (attached). Defending against USDA's objection and any other efforts USDA may undertake to overturn the stay continues to irreparably harm Manis by subjecting him to the unconstitutional adjudication process. *See* Doc. 18 at 45–46; Doc. 22 at 23–25. Moreover, the fact that USDA is at odds with itself with respect to the stay further demonstrates that a preliminary injunction is necessary to provide meaningful protection beyond the Judicial Officer's order. USDA has made plain that Manis cannot rely on the stay order for relief while he litigates in federal court. For these reasons, this Court can still provide “effectual relief” to Manis through a preliminary injunction, and

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thus this appeal remains a live controversy. *Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 336 (4th Cir. 2021) (citation omitted).

Respectfully submitted,

/s/ Joshua M. Robbins

Joshua M. Robbins

PACIFIC LEGAL FOUNDATION

3100 Clarendon Blvd., Suite 1000

Arlington, VA 22201

(202) 945-9524

JRobbins@pacificlegal.org

Counsel for Appellant

cc: All Counsel of Record

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CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify that the body of this letter is 326 words. I relied on my word processor, Microsoft Word, to obtain the count.

I hereby certify that on April 22, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Joshua M. Robbins
Joshua M. Robbins

REC'D - USDA/OALJ/HCO
2025 APR 10 11:22 AM

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Joe Manis, an individual,

Respondent.

HPA Docket No. 23-J-0044

STAY ORDER

Appearances:

Bianca Ricketts, Esq. and John V. Rodriguez, Esq., each with the Office of the General Counsel, United States Department of Agriculture, Room 2338 South Building Stop 1413, 1400 Independence Ave SW, Washington, DC 20250-1413, representing the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture; and

Thomas Kakassy, Esq., P.O. Box 2436, Gastonia, NC 28053, for the Respondent Joe Manis.

Order entered by John Walk, Judicial Officer

Preliminary Statement

This is an administrative enforcement proceeding under the Horse Protection Act, 15 U.S.C. § 1821 *et seq.* (“HPA”). The Administrator of the Animal and Plant Health Inspection Service (“Complainant”) alleges Joe Manis (“Respondent”) violated the HPA. USDA Administrative Law Judge Jill Clifton (“ALJ”) issued an Initial Decision and Order (“IDO”) finding Respondent violated the HPA and imposed sanctions. Pursuant to Rule 1.145 of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes,¹ Respondent appeals the IDO and seeks a stay of proceedings pending a decision in a separate federal court action filed by Respondent challenging the administrative

¹ 7 C.F.R. § 1.145.



proceeding.² On April 9, 2025, Respondent renewed its request for a stay in Respondent's Motion for Stay. For the following reasons, Respondent's Motion for Stay is **GRANTED**.

Relevant Procedural Background

On May 19, 2023, Complainant instituted this proceeding by filing a complaint with USDA's Office of Administrative Law Judges ("OALJ") alleging Respondent on or about May 20, 2022, allowed the entry of a horse he owned, for the purpose of showing the horse in the Virginia Walking Racking Horse Owners Association, a horse show in Chatham, Virginia, while the horse was sore in violation of 15 U.S.C. § 1824(2)(D). Complainant seeks a civil penalty and disqualification of Respondent from participation in any horse show for one-year. Respondent filed a motion to dismiss, asserting various jurisdictional challenges against the administrative proceedings. Respondent also separately filed an action to raise jurisdictional challenges against the administrative proceeding in the U.S. District Court for the Northern District of North Carolina.

The District Court denied Respondent's preliminary injunction to stay administrative proceedings. Respondent then appealed the District Court's decision to the Fourth Circuit where oral arguments were heard in December 2024. The Fourth Circuit's decision is still pending. Nevertheless, in the meantime, the ALJ found she lacked authority to decide Respondent's jurisdictional objections raised during the administrative proceeding. However, instead of waiting for a judicial decision, the ALJ decided the merits. After concluding that Respondent violated the HPA, the ALJ imposed disqualification for one-year in addition to a civil penalty.

² See *Manis v. U.S. Department of Agriculture*, No. 1:24-cv-175 (M.D.N.C.); *Manis v. U.S. Department of Agriculture*, No. 24-1367 (4th Cir.).

Discussion

Respondent argues this proceeding is not properly before the ALJ or Judicial Officer to decide because of constitutional infirmities in the structure of USDA administrative adjudication. In the judicial context, it is axiomatic that a court must be satisfied with its own jurisdiction before deciding a matter.³ “Without jurisdiction the court cannot proceed at all in any cause.”⁴ It is no less important to establish jurisdiction before proceeding to the merits in administrative adjudication. The need for jurisdictional certainty in administrative proceedings is underscored by the principle that executive agencies may act if, and only if, specifically authorized by law. Further, administrative tribunals act in a “quasi-judicial” role, making careful examination of jurisdiction an important safeguard against offending the separation of powers.⁵

Nevertheless, the ALJ refuses to answer Respondent’s jurisdictional challenges with only a conclusory statement that she has no authority to decide the question. Instead, setting the issue of jurisdiction aside, the ALJ proceeds directly to the merits, holding that Respondent violated

³ See *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 93-102 (1998) (discussing general rule that a court may not proceed to the merits without first determining jurisdiction); *Great Southern Fire Proof Hotel Co. v. Jones*, 177 U.S. 449, 453 (1900) (“On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of parties to it.”).

⁴ *Ex parte McCardle*, 74 U.S. 506, 514 (1868).

⁵ See e.g., *Steel Co.*, 523 U.S. at 101 (“The statutory and (especially) constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers, restraining the courts from acting at certain times, and even restraining them from acting permanently regarding certain subjects.” (citations omitted)); *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 409-410 (11th Cir. 1999) (recognizing that adherence to the constitutional structure of separation of powers requires courts to initially determine they are acting within the scope of their limited grant of jurisdiction).

the HPA. The ALJ then imposed civil penalties and disqualification on Respondent from participating in an otherwise lawful activity for one-year.

I find the ALJ erred by resolving the merits and imposing sanctions rather than allow the federal court to first address the jurisdictional challenges raised against proceedings in an administrative tribunal.⁶ Both parties agree Respondent's challenges to the administrative proceeding properly belong in federal court. Like the courts, an administrative law judge should be certain of jurisdiction before deciding a proceeding on the merits. Where, as here, Respondent raises jurisdictional challenges against a USDA administrative proceeding and the question is before a federal court, the administrative decision maker should stay further proceedings pending final judicial resolution.

Order

For the foregoing reasons, Respondent's Motion for Stay is **GRANTED**. Administrative proceedings are stayed until Respondent's challenges filed in federal court are finally decided.⁷ Within 30 days after a final court decision, the parties will meet and confer and file a joint motion to the Judicial Officer that outlines the positions of the parties on how to proceed. The

⁶ I need not decide in this Stay Order whether the ALJ correctly decided the absence of authority to determine Respondent's challenges. Here, both parties agree the dispute belongs in federal court and the matter was pending at the Fourth Circuit at the time the ALJ decided the merits of the administrative proceeding. I decide only that under the circumstances of this proceeding a stay is appropriate to allow the federal court to determine the jurisdictional challenges.

⁷ The effective date of the sanctions ordered by the ALJ is also stayed.

stay of administrative proceedings will remain in place until lifted by the Judicial Officer or other competent authority.

Done at Washington, D.C.
this 10th day of April 2025.

JOHN
WALK
John Walk
Judicial Officer

Digitally signed by
JOHN WALK
Date: 2025.04.10
11:15:06 -04'00'

Hearing Clerk's Office
United States Department of Agriculture
South Building, Room 1031
1400 Independence Avenue, SW
Washington, DC 20250-9203
Tel.: 202-720-4443
Fax: 844-325-6940
SM.OHA.HearingClerks@USDA.GOV

CERTIFICATE OF SERVICE

Joe Manis, Respondent

Docket No.: 23-J-0044

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct, and this is to certify that a copy of the STAY ORDER has been furnished and was served upon the following parties on April 10, 2025 by the following:

USDA (OGC) - Electronic Mail

Bianca Ricketts, OGC

Bianca.Ricketts@usda.gov

John V. Rodriguez, OGC

John.Rodriguez@usda.gov

Donna Erwin, OGC

Donna.Erwin@usda.gov

USDA (APHIS) - Electronic Mail

IESLegals, APHIS

IESLegals@usda.gov

AC CAS Mailbox, APHIS

AC.CAS.Mailbox@usda.gov

Counsel for Respondent – Electronic Mail

Thomas B. Kakassy

P.O. Box 2436

Gastonia, NC 28053

Phone: (704) 867-1795

Tom@kakassylaw.com

Amy Choate – (*Administrative Assistant*)

amy@kakassylaw.com

Respectfully Submitted,

OD Duhu

OD Duhu, Paralegal Specialist
National Appeals Division
USDA/Office of Hearings and Appeals
1320 Braddock Place, 4th Floor
Alexandria, Virginia 22314

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Joe Manis, an individual,

Respondent.

HPA Docket No. 23-J-0044

COMPLAINANT'S OBJECTION TO STAY
ORDER AND RESPONSE TO
RESPONDENT'S MOTION FOR STAY

Complainant, the United States Department of Agriculture ("USDA"), Administrator of the Animal and Plant Health Inspection Service ("APHIS"), hereby responds to Respondent's Motion for Stay, filed with the Hearing Clerk on April 8, 2025, and served on April 9, 2025, and objects to the Stay Order issued on April 10, 2025. The objection and response are based on section 1.143(d) of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.143(d)), on all pleadings and papers on file herein, and on the following:

On February 27, 2024, Respondent requested Administrative Law Judge Jill S. Clifton (ALJ Clifton) to stay these proceedings based on constitutional challenges he raised on various motions to dismiss and on the anticipation of raising those challenges in federal district court, the same constitutional challenges Respondent raised on his appeal and on his Motion to Stay filed on April 8, 2025. On February 28, 2024, ALJ Clifton declined to stay the case unless and until ordered to do so by a federal court. *See* Attachment 1.

On March 1, 2024, Respondent filed a complaint in the U.S. District Court for the Middle District of North Carolina¹ ("M.D.N.C.") raising the referenced constitutional challenges to this administrative enforcement. On March 6, 2024, Respondent filed a Motion for a Temporary

¹ *Manis v. USDA, et al.*, Case No. 1:24-cv-00175 (M.D.N.C.).



Restraining Order (“TRO”) and Preliminary Injunction (“PI”) in M.D.N.C. requesting the Federal District Court to stay these proceedings. The Federal District Court denied the TRO motion on March 27, 2024, because Respondent Manis “failed to establish that he is likely to suffer irreparable harm absent a temporary restraining order.”² The Federal District Court further denied the PI motion on April 24, 2024, because Respondent Manis “fail[ed] to show a likelihood of success on the merits of each of his claims.”³

On April 25, 2024, Respondent appealed the denial of his PI motion to the Fourth Circuit, requesting an emergency motion for injunction pending appeal.⁴ The Fourth Circuit denied Respondent’s emergency motion for injunction on April 20, 2025, for Respondent Manis’s “failure to satisfy the four-factor test set forth in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22-24 (2008).”⁵

Respondent now comes before the Judicial Officer, with similar arguments, and requests the Judicial Officer to stay the current proceedings. Respondent argues that “the commonality of [the claims he filed in Federal Court] to the issues on appeal here”⁶ warrant a stay. But there is no true commonality of issues. The administrative case pertains to the adjudication of a Complaint alleging that the Respondent violated the Horse Protection Act on or about May 20, 2022. Respondent attempts to self-create a commonality of issues by introducing constitutional challenges in the wrong forum.

The United States Supreme Court in *Axon Enter., Inc. v. Fed. Trade Comm’n, et al.*, 143 S.

² *Manis v. USDA, et al.*, Case No. 1:24-cv-00175 (M.D.N.C.), Document 16, at 4.

³ *Manis v. USDA, et al.*, Case No. 1:24-cv-00175 (M.D.N.C.), Document 21, at 22.

⁴ *Manis v. USDA, et al.*, Case No. 24-1367 (4th Cir.).

⁵ *Manis v. USDA, et al.*, Case No. 24-1367 (4th Cir.), Document 13. (“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter*, 555 U.S. at 20).

⁶ Respondent’s Motion for Stay.

Ct. 890 (2023) (“*Axon*”), held that constitutional challenges to the structure of administrative agencies can be raised in federal district court without first going through administrative proceedings. The Court in *Axon* found that such constitutional challenges are “collateral to any decisions the [agencies] could make in individual enforcement proceedings[,]” that “they fall outside the [agencies’] sphere of expertise[,]” and that they are not “of the type the statutory review schemes reach.” *Id.* at 906.

The *Axon* opinion quotes a prior Supreme Court case, *Carr v. Saul*, in stating that “agency adjudications are generally ill suited to address structural constitutional challenges.” *Id.* at 905; *Carr v. Saul*, 593 U.S. 83 (2021) (finding it “inappropriate to judicially impose an issue-exhaustion requirement [for claimants’] . . . challenges to the appointments of administrative law judges who heard their [disability] benefits claims [i.e., requiring that claimants exhaust such challenges in administrative proceedings in order to preserve them for judicial review], . . . given that Social Security Administration administrative law judges had no special expertise on constitutional challenges to whether they were constitutionally appointed under the Appointments Clause and also had no ability to accord the claimants relief on such constitutional claims.”). The *Axon* opinion further cites to another case, *Free Enter. Fund v. PCAOB*, for the proposition that claims of tenure protections violating Article II, precisely one of the arguments made by the Respondent, “raise ‘standard questions of administrative’ and constitutional law, detached from ‘considerations of agency policy.’” *Axon*, 143 S. Ct. at 905; *Free Enter. Fund v. PCAOB*, 561 U.S. 477, 491 (2010).

Respondent’s self-created commonality of issues through claims presented in the wrong forum should not give rise to a stay of the current proceedings. ALJ Clifton and both the M.D.N.C. and the Fourth Circuit decided not to stay the case based on Respondent’s

constitutional challenges. The Judicial Officer should equally proceed in his adjudication unless and until a federal court orders otherwise.

In his Motion for Stay, Respondent argues that “the Acting Solicitor General conceded the unconstitutionality of the ALJ’s two layers of tenure protection.” But the Department of Justice’s decision to no longer defend ALJ’s double tenure protection in litigation should not have any barring in this case for two reasons: first, in the same filing that gave notice to the Court that the Acting Solicitor General was changing the government’s approach on the issue, the government stated that, by doing so, it was not abandoning the position that the Fourth Circuit should affirm the denial of the preliminary injunction. The government reiterated arguments presented in the government’s answering brief and during oral argument to ask that the court affirm the M.D.N.C.’s denial of the PI.⁷ Second, and as stated in Complainant’s Response to Respondent’s Appeal, relief for Respondent’s claim is not due because the Respondent cannot show that the provision inflicted harm.⁸

The Stay Order issued on April 10, 2025, did not observe the time afforded to the opposing party to respond to a motion, as provided by section 1.143(d) of the Rules of Practice (7 C.F.R. § 1.143(d)). As such, Complainant respectfully objects to the issuance of said Stay Order and requests that this proceeding continue unless and until ordered otherwise by a federal court.

Conclusion

Respondent’s arguments have no merit and do not warrant a stay. Complainant objects to a stay of the current proceedings, requests that the Stay Order be lifted and the adjudication of


⁷ *Manis v. USDA, et al.*, Case No. 24-1367 (4th Cir.), Document 50.

⁸ See Complainant’s Response to Respondent’s Appeal Petition and Respondent’s Brief on Appeal to the Judicial Officer, at 13-14.

this case proceed in accordance with the Rules of Practice, and requests that a decision be issued pursuant to 7 C.F.R. 1.145(i).

Dated: April 21, 2025

Respectfully submitted,


JOHN V. RODRIGUEZ
Attorney for Complainant

Attachment 1

Rodriguez, John - OGC, DC

Subject: FW: 23-J-0044 HPA**From:** Clifton, Jill - OHA-OALJ, DC <jill.clifton@usda.gov>**Sent:** Wednesday, February 28, 2024 4:38 PM**To:** Ricketts, Bianca - OGC, DC <Bianca.Ricketts@usda.gov>; Thomas Kakassy <tom@kakassylaw.com>**Cc:** Amy Choate <amy@kakassylaw.com>; Kennedy, Marilyn - OHA-OALJ, DC <marilyn.kennedy@usda.gov>; Santana, Marisa - OHA-OALJ, DC <marisa.santana@usda.gov>**Subject:** 23-J-0044 HPA

Thank you, Ms. Ricketts.

Mr. Kakassy, I will NOT stay the case.

When you file in Court, you may want to request a stay.

Mr. Kakassy, please "reply all" to the specifics of when you are available for Hearing before me - - whether the week of 2024 April 22 thru 26 is acceptable for the Hearing regarding 23-J-0044 HPA Joe Manis; and, if not, your preferences for dates thereafter. Also, express your preferences as to type of Hearing, location, and other considerations.

Warm regards, s/ Jill Clifton

From: Ricketts, Bianca - OGC, DC <Bianca.Ricketts@usda.gov>**Sent:** Wednesday, February 28, 2024 4:26 PM**To:** Clifton, Jill - OHA-OALJ, DC <jill.clifton@usda.gov>; Thomas Kakassy <tom@kakassylaw.com>**Cc:** Amy Choate <amy@kakassylaw.com>; Kennedy, Marilyn - OHA-OALJ, DC <marilyn.kennedy@usda.gov>; Santana, Marisa - OHA-OALJ, DC <marisa.santana@usda.gov>**Subject:** RE: 23-J-0044 HPA

Good Afternoon, Judge Clifton,

Complainant acknowledges Respondent's request to stay the proceedings, Respondent's proffer to file a formal motion in that regard, and your honor's request for a quick response from the Complainant.

Complainant generally opposes a stay based on whatever motion the Respondent plans to file and opposes any further attempt to delay hearing in this matter. Complainant will provide a more fulsome response to Respondent's request to stay once said motion is filed, because Respondent's arguments are not set forth in the email below, but only alluded to. Complainant respectfully requests that there be no delay in advancing this case while these various motions play out, barring by order from a federal judge, and hearing be set.

Thank you,
Bianca Ricketts

Bianca Ricketts (she/her)
 Attorney Advisor
 Marketing, Regulatory, and Food Safety
 Programs Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Ave SW Rm 2338-S
 Washington, DC 20250

+1 (202) 845-6713 (Mobile)
Bianca.Ricketts@usda.gov

From: Clifton, Jill - OHA-OALJ, DC <jill.clifton@usda.gov>
Sent: Wednesday, February 28, 2024 8:31 AM
To: Thomas Kakassy <tom@kakassylaw.com>; Ricketts, Bianca - OGC, DC <Bianca.Ricketts@usda.gov>
Cc: Amy Choate <amy@kakassylaw.com>; Kennedy, Marilyn - OHA-OALJ, DC <marilyn.kennedy@usda.gov>; Santana, Marisa - OHA-OALJ, DC <marisa.santana@usda.gov>
Subject: 23-J-0044 HPA

Thank you, Mr. Kakassy,
I will respond to this email but prefer that APHIS respond to this email before I do.
I am not asking for a relatively quick APHIS response to Mr. Kakassy's filings. I am asking for a relatively quick APHIS response to this email.
Cheers! s/ Jill Clifton

From: Thomas Kakassy <tom@kakassylaw.com>
Sent: Tuesday, February 27, 2024 5:05 PM
To: Ricketts, Bianca - OGC, DC <Bianca.Ricketts@usda.gov>
Cc: Clifton, Jill - OHA-OALJ, DC <jill.clifton@usda.gov>; Amy Choate <amy@kakassylaw.com>; Kennedy, Marilyn - OHA-OALJ, DC <marilyn.kennedy@usda.gov>; Santana, Marisa - OHA-OALJ, DC <marisa.santana@usda.gov>
Subject: Re: 23-J-0044 HPA

To all:

While I am generally not this late with email responses, and do not mean to inconvenience anyone, I did want to make sure of various plans before responding fully. You will note that we have filed various motions to dismiss, and today have filed a discovery motion.

With co counsel, we will be filing a Federal District court case, very probably on Thursday of this week, regarding the subject of those motions to dismiss and pursuant to recent cases regarding administrative proceedings in other contexts.

In this matter, I ask that no hearing date be set, and will follow up with a formal motion to stay these proceedings, which I believe to be a more efficient procedure than to file an equivalent motion in the District Court action. I hope to file my motion in this case tomorrow or Thursday.

I welcome any response anyone believes to be appropriate.

THOMAS B. KAKASSY
Attorney at Law, NC Bar #9297
Post Office Box 2436
414 S. South Street
Gastonia, North Carolina 28053
Office: **704-867-1795 Ext. 102**
Fax: **704-867-1820**
Website: www.kakassy.com

On Wed, Feb 21, 2024 at 3:30 PM Ricketts, Bianca - OGC, DC <Bianca.Ricketts@usda.gov> wrote:

Good afternoon, Judge Clifton,

Complainant is available for a hearing during the week of April 22, 2024, and respectfully requests that the hearing to be scheduled for April 23-24, 2024, unless Respondent’s counsel believes that we need additional time, in which case we don’t object to including the 25th and 26th.

Complainant requests for the hearing to be held virtually, preferably via Microsoft Teams.

Thank you,



Bianca Ricketts (she/her)
 Attorney Advisor
 Marketing, Regulatory, and Food Safety
 Programs Division
Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Ave SW Rm 2338-S
 Washington, DC 20250
 +1 (202) 845-6713 (Mobile)
Bianca.Ricketts@usda.gov

From: Clifton, Jill - OHA-OALJ, DC <jill.clifton@usda.gov>
Sent: Wednesday, February 21, 2024 12:03 PM
To: Ricketts, Bianca - OGC, DC <Bianca.Ricketts@usda.gov>; Thomas Kakassy <tom@kakassylaw.com>; Amy Choate <amy@kakassylaw.com>
Cc: Kennedy, Marilyn - OHA-OALJ, DC <marilyn.kennedy@usda.gov>; Santana, Marisa - OHA-OALJ, DC <marisa.santana@usda.gov>
Subject: 23-J-0044 HPA

Dear Ms. Ricketts and Mr. Kakassy,

Please consider the week of 2024 April 22 thru 26 for the Hearing regarding 23-J-0044 HPA Joe Manis. Please "reply all" by email to state whether that week or some part of that week would do. If NOT, please express your preferences for dates thereafter. Also, express your preferences as to type of Hearing, location, and other considerations.

Warm regards,

s/ Jill S Clifton U.S. Administrative Law Judge

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.