

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

FMIA/PPIA Docket No. 09-0116

In re: MATTHEW STEVEN DAVIS  
and FOOD4FITNESS, INC.

Respondents

**ORDER**

This matter is before the Administrative Law Judge upon the Motion of the Complainant to cancel the hearing which has been scheduled in this action and to dismiss the proceeding. The Complainant was advised by Respondents' Counsel that the Respondents are withdrawing their request for federal inspection services.

Being sufficiently advised, it is **ORDERED** that the audiovisual hearing scheduled to commence at **9:00 AM local time on October 13, 2009** is **CANCELLED** and this action is **DISMISSED**, without prejudice.

Copies of this Order will be served upon the parties by the Hearing Clerk.

Done at Washington, D.C.  
September 28, 2009

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**PETER M. DAVENPORT**  
Administrative Law Judge

Copies to: Thomas N. Bolick, Esquire  
Michael S. Davis, Esquire  
Neal R. Gross & Co., Inc.