

**In re: DAVID NOBLE, d/b/a NOBLE FARMS.  
A.Q. Docket No. 09-0033.  
Default Decision.  
Filed October 14, 2009.**

**AQ - Default.**

Darlene Bolinger, for Complainant.  
Respondent, Pro se.

Decision and Order issued by Peter M. Davenport, Chief Administrative Law Judge.

This is an administrative proceeding for the assessment of a civil penalty for a violation of the Animal Health and Protection Act of May 13, 2002, as amended (7 U.S.C. §§ 8301 et seq.)(the Act) and the regulation promulgated thereunder (9 C.F.R. §§ 77.1 et seq. ), hereinafter referred to as the regulation, in accordance with the Rules of Practice in 7 C.F.R. § 1.130 et seq.

This proceeding was instituted under the Act by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture on November 20, 2008. The complaint was served by FEDEX delivery on the respondent on April 8, 2009 and by certified mail on June 1, 2009. The respondent was informed that filing an answer which does not deny the material allegations of the complaint shall constitute an admission of those allegations and a waiver of the right to an oral hearing

On April 22, 2009, within the time allotted for the filing of an answer, Complainant's counsel filed the Respondent's response to the complaint. That response admitted all the material allegations of the complaint. Sections 1.136 (a) and 1.139 of the Rules of Practice (7 C.F.R. §§ 1.136(a) and 1.139) provide that an admission of the allegations in the complaint constitutes a waiver of hearing. Accordingly, based on the admissions in Respondent's April 22, 2009 Answer, he waived his right to a hearing. (7 C.F.R. § 1.139).

Consequently, the material allegations in the complaint which were admitted are adopted and set forth in this Decision as the Findings of Fact, and this Decision is issued pursuant to section 1.139 of the Rules of Practice applicable to this proceeding. (7 C.F.R. § 1.139).

**Findings of Fact**

1. David L. Noble d/b/a Noble Farms, hereinafter referred to as respondent, is an entity with a mailing address of 317 FM229, Crockett, Texas 75835.
2. On or about April 12, 2005, Respondent moved 161 head of cattle interstate without the required certificate accompanying the movement from Texas to Iowa in violation of 9 C.F.R. § 77.10(d).

**Conclusions of Law**

1. The Secretary has jurisdiction in this matter.
2. By reason of the Findings of Fact set forth above, the respondent has violated the Act and the regulation issued under the Act.

**Order**

The respondent is hereby assessed a civil penalty of five thousand dollars (\$5,000.00). The respondent shall send a certified check or money order for the five thousand dollars (\$5,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this

proceeding, A.Q. Docket No. 09-0033.

This order shall have the same force and effect as if entered after a full hearing and shall be final and effective thirty five (35) days after service of this Default Decision and Order upon respondent, unless there is an appeal to the Judicial Officer pursuant to section 1.145 of the Rules of Practice applicable to this proceeding. (7 C.F.R. § 1.145).

A copy of this Decision and Order shall be served upon the parties.

Done at Washington, D.C.

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