

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
 )  
David Latham, ) HPA Docket No. 21-J-0025  
 )  
Respondent. )

**ORDER GRANTING COMPLAINANT’S MOTION TO WITHDRAW COMPLAINT  
AND DISMISS CERTAIN VIOLATIONS WITH PREJUDICE**

Appearance:

*Thomas N. Bolick, Esq., with the Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant, the Administrator of the Animal and Plant Health Inspection Service (“APHIS”)*

This is a proceeding under the Horse Protection Act, as amended (15 U.S.C. §§ 1821 *et seq.*); the regulations promulgated thereunder (9 C.F.R. §§ 11.1 *et seq.*); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 *et seq.*). The matter initiated on April 9, 2021, with a complaint filed by the Administrator of the Animal and Plant Health Protection Service, United States Department of Agriculture (“Complainant”), against Respondent David Latham.

On May 3, 2021, Complainant filed a “Motion to Withdraw Complaint and Dismiss Certain Violations with Prejudice.” The Motion states:

Complainant respectfully requests that the complaint filed in [Docket No. 21-J-0025] on April 9, 2021, be dismissed as complainant has determined that it is not necessary to pursue this matter at this time in order to effectuate the purposes of the program involved. Complainant further requests that the two violations that were set forth in paragraphs 6 and 7 of the Allegations section of the complaint be dismissed with prejudice.

Motion at 1. Accordingly, the following Order shall be entered.

## ORDER

1. Complainant's "Motion to Withdraw Complaint and Dismiss Certain Violations with Prejudice" is GRANTED.
2. The Complaint in Docket No. 21-J-0025, regarding Respondent David Latham, is hereby DISMISSED.
  - a. The "Allegations" set forth in paragraphs 1 through 5 of the Complaint<sup>1</sup> are dismissed WITHOUT PREJUDICE.
  - b. The "Allegations" set forth in paragraphs 6 and 7 of the Complaint<sup>2</sup> are dismissed WITH PREJUDICE.

Copies of this Order shall be served upon the parties and counsel by the Hearing Clerk.

Done at Washington, D.C.,  
this 10th day of May 2021

CHANNING STROTHER Digitally signed by CHANNING STROTHER  
Date: 2021.05.10 10:49:38 -04'00'

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Channing D. Strother  
Chief Administrative Law Judge

Hearing Clerk's Office  
U.S. Department of Agriculture  
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<sup>1</sup> See Complaint at 3-4, ¶¶ 1-5.

<sup>2</sup> See *id.* at 4, ¶¶ 6-7.