

3. Defendant is not an infant, nor incompetent. *Id.* at ¶ 5. Defendant is not eligible for relief under the Servicemembers Civil Relief Act of 2003 [50 U.S.C. Appendix, § 501 *et seq.*]. *Id.*

WHEREFORE, premises considered, the Commission requests that the Clerk of this Court enter default against Defendant.

Dated: April 17, 2014.

Respectfully submitted,

By: /s/Timothy S. McCole
TIMOTHY S. McCOLE
Mississippi Bar No. 10628
United States Securities and Exchange
Commission
Fort Worth Regional Office
801 Cherry Street, Suite 1900
Fort Worth, Texas 76102
(817) 978-6453
(817) 978-2700 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2014, I electronically filed the foregoing document with the Clerk of the Court for the Western District of Texas, Austin Division, by using the CM/ECF system, which will send a notice of electronic filing to the following CM/ECF participants, and that I notified non-CM/ECF participants in the manner listed below:

Timothy S. McCole, *Counsel for Securities and Exchange Commission*

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s/ Timothy S. McCole
Timothy S. McCole

1933 [15 U.S.C. § 77q(a)] and Sections 10(b) and 15(a) of the Securities Exchange Act of 1934, [15 U.S.C. §§ 78j(b) and 78o(a)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

Dkt. 1.

1. Defendant was served with the Summons and Complaint on December 5, 2013. Dkt. 34 at 2. The executed service of Summons and Complaint was filed with this Court on December 11, 2013. *Id.*

2. Defendant has not filed an answer to the Complaint or otherwise defended in this civil action.

3. Defendant is not an infant, nor incompetent. As reflected in the report by the Department of Defense-Manpower Data Center, attached as **Exhibit 1**, Defendant is not eligible for relief under the Servicemembers Civil Relief Act of 2003 [50 U.S.C. Appendix, §501 et seq.].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2014.

/s/ Timothy S. McCole
TIMOTHY S. McCOLE
Attorney for Plaintiff
Securities and Exchange Commission



**Status Report
Pursuant to Servicemembers Civil Relief Act**

Last Name: BARRERA

First Name:

Middle Name:

Active Duty Status As Of: Apr-11-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

EXHIBIT 1

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: O8H2ZF3EY09DHC0

WHEREFORE the default of Defendant Roland Barrera is hereby entered on this

_____ day of _____ 2014.

Clerk, United States District Court
Western District of Texas