

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

In re: )  
)  
Joe Fleming )  
d/b/a Joe Fleming Stables, ) EAJA Docket No. 21-J-0061<sup>1</sup>  
)  
Applicant. )

**ORDER GRANTING APPLICANT’S MOTION TO DISMISS  
AND DISMISSING WITH PREJUDICE**

Appearances:

*David Broiles, Esq., and Karin Cagle, Esq., Fort Worth, TX, counsel for Applicant Joe Fleming.*

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

On November 1, 2021, Respondent, the United States Department of Agriculture, Animal and Plant Health Inspection Service (“APHIS”) filed a Notice of Settlement and Settlement Agreement. The Settlement Agreement, at 2, para. 3, states:

Upon receipt of the Settlement Payment, Applicant, acting by and through his counsel, shall file a notice with the presiding Administrative Law Judge acknowledging receipt of the same and voluntarily move to dismiss the current administrative proceeding (EAJA Docket No. 21-J-0061) with prejudice.

On November 30, 2021, the Applicant, Joe Fleming, doing business as Joe Fleming Stables, filed a Motion to Dismiss the above referenced case with prejudice. Applicant Fleming explained that the case was settled, “[t]he parties have executed all documents and the USDA has paid the Applicant the agreed amount,” so the case should be dismissed with prejudice.

Applicant’s Motion to Dismiss with prejudice is hereby **GRANTED**. Therefore, EAJA Docket No. 21-J-0061, regarding Joe Fleming, doing business as Joe Fleming Stables, is

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<sup>1</sup> Prior case: USDA HPA Docket No. 17-0123.

**DISMISSED WITH PREJUDICE.**

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

Done this 2nd day of December 2021, at Washington, D.C.

Tierney Carlos /S/

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Tierney Carlos  
Administrative Law Judge

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