

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of)	
)	
Colt & Joe Trucking LLC)	Docket No. FMCSA-2020-0230
USDOT No. 926258)	AZ-2020-0135-US1623
)	(Western Service Center)
Respondent.)	
)	

MOTION TO WITHDRAW, TERMINATE PROCEEDING, AND CLOSE DOCKET

The Field Administrator for the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), Western Service Center, by and through counsel, and under 49 CFR § 386.51(b) hereby moves to withdraw the Notice of Claim in the above-referenced matter without prejudice, terminate proceedings before the Agency Decisionmaker, and close the corresponding docket.

I. BACKGROUND

FMCSA’s Arizona Division commenced this civil penalty proceedings under 49 CFR § 386.11(c) through the issuance of a Notice of Claim (NOC) served on Colt & Joe Trucking LLC (“Respondent”) on October 2, 2020. Respondent timely replied to the NOC on October 13, 2020. In its reply, Respondent requested administrative adjudication in the form of an informal hearing. On December 14, 2020, the Field Administrator served his Objection to Respondent’s Request for Informal Hearing. On March 25, 2021, the Agency Decisionmaker served an Order denying Respondent’s informal hearing request and ordering the Field Administrator to serve a Motion for Final Order stating the reasons why he is entitled to judgement as a matter of law. On April 20, 2022, the Agency Decisionmaker by Final Order found the violation and assessed the civil penalty. On May 9, 2022, Respondent served a Petition for Reconsideration of the Final

Order. On June 6, 2023, the Agency Decisionmaker issued an Order Denying Petition for Reconsideration.

On July 5, 2023, Respondent, via counsel, submitted a Petition for Review of the Order Denying Petition for Reconsideration in the United States Court of Appeals for the Tenth Circuit (“Tenth Circuit”). On October 4, 2023, the Tenth Circuit issued an Order directing a limited remand to FMCSA to conduct any and all proceedings necessary to permit the Agency to vacate the final agency decision under review. On October 10, 2023, Claimant filed a Motion to Vacate and Notice of Withdrawal, in which he requested that the Agency Decisionmaker vacate the orders issued in this proceeding and advised he was withdrawing certain pleadings. On November 2, 2023, the Agency Decisionmaker issued an Order Granting Claimant’s Motion to Vacate and Confirming Withdrawal of Pleadings.

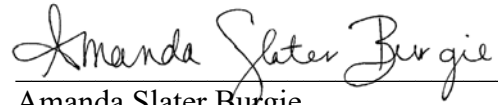
On May 15, 2024, the Agency Decisionmaker served an Order denying Respondent’s informal hearing request and ordering the Field Administrator to serve a Motion for Final Order stating the reasons why he is entitled to judgement as a matter of law.

II. REQUESTED RELIEF

Under 49 CFR § 386.51(b), Claimant moves to withdraw the NOC without prejudice. Withdraw of the NOC will not result in injustice, prejudice, or irreparable harm to Respondent, nor is it otherwise contrary to the public interest. Claimant requests the motion be granted and the proceedings terminated and the docket closed.

Date: July 15, 2024

Respectfully Submitted,

A handwritten signature in cursive script that reads "Amanda Slater Burgie". The signature is written in black ink and is positioned above a horizontal line.

Amanda Slater Burgie
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CERTIFICATE OF SERVICE

This is to certify that on the 15th day of July 2024, the undersigned served, as specified, the designated number of copies of the foregoing to each of the parties listed below:

Docket Services (Docket Operations) U.S. Department of Transportation 1200 New Jersey, SE West Building Ground Floor, Room W12-140 Washington, DC 20590-0001	One Copy Electronically Filed
Stanley Pettingill, Organizer Colt & Joe Trucking LLC 801 Nikanda Road, NE Albuquerque, NM 87107 <i>Respondent</i>	One Copy U.S. Mail & Email: stanp397@gmail.com
Stanley Pettingill, Organizer Colt & Joe Trucking LLC P.O. Box 46284 Rio Rancho, NM 87174 <i>Respondent</i>	One Copy U.S. Mail
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