

**MOULTON CHINCHILLA RANCH**

**Daniel J. Moulton**  
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December 7, 2021

Clifton, Jill—OHA-OALJ, Washington, DC  
[jill.clifton@usda.gov](mailto:jill.clifton@usda.gov)

Re: DANIEL J. MOULTON, an individual, also known as DAN MOULTON, doing business  
as MOULTON CHINCHILLA RANCH  
AWA Docket No. 19-0004

Dear Judge Clifton:

Please see attached letter from (b) (6) Dan is asking for an extension on his appeal.

Thank you.

Sincerely,

*/s/ Dan Moulton*  
Dan Moulton

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Daniel J. Moulton, an individual, also	)	
known as Dan Moulton, doing business	)	
as Moulton Chinchilla Ranch	)	AWA Docket No. 19-0004
	)	
Respondent.	)	

**ORDER GRANTING SECOND REQUEST TO EXTEND THE TIME TO FILE AN APPEAL**

On December 7, 2021, Respondent filed a second request to extend the time to file an appeal to the Judicial Officer. In support thereof, Respondent filed a letter from (b) (6)

(b) (6) The letter offers the following opinion (b) (6)

(b) (6)

(b) (6)

(b) (6) However, in my medical opinion, it will not be possible (b) (6) (b) (6) for at least three months.

For good reason shown, Respondent’s request is GRANTED. The time for Respondent to file an appeal is ORDERED extended to **March 8, 2022, at 4:30 p.m. (Eastern)**.

Done at Washington, D.C.,  
this 8th day of December 2021

JOHN  
WALK

Digitally signed by  
JOHN WALK  
Date: 2021.12.08  
15:26:07 -05'00'

John Walk  
Judicial Officer

Hearing Clerk’s Office  
United States Department of Agriculture  
South Building, Room 1031  
1400 Independence Avenue, SW  
Washington, DC 20250-9203  
Tel.: 202-720-4443  
Fax: 844-325-6940  
[SM.OHA.HearingClerks@USDA.GOV](mailto:SM.OHA.HearingClerks@USDA.GOV)

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 19-0004
	)	
DANIEL J. MOULTON, an individual,	)	
also known as DAN MOULTON,	)	
doing business as MOULTON	)	
CHINCHILLA RANCH,	)	
	)	COMPLAINANT’S RESPONSE
	)	TO RESPONDENT’S REQUEST
	)	FOR A FURTHER EXTENSION
Respondent	)	OF TIME TO FILE AN APPEAL

Complainant, the Administrator of the Animal and Plant Health Inspection Service (APHIS), hereby files the complainant’s objection to respondent’s request for a further extension of time to file an appeal in the above-captioned case. This response is based on sections 1.143 and 1.147 of the Rules of Practice applicable to this proceeding (7 C.F.R. §§ 1.143 and 1.147), on all the pleadings and papers on file herein, and on the following:

I. Improper Motion

On October 29, 2021, the Judicial Officer granted an extension of time to file an appeal to the respondent. As such, the respondent has had sixty days in which to file an appeal. Respondent now seeks another extension of time. The motion filed on December 7, 2021 on behalf of the respondent is improper.

Page 2 is purportedly (b) (6)

(b) (6)

(b) (6) First, even though Page 1 of the request is signed as “/s/ Dan Moulton” the court cannot accept this request from the respondent. The respondent is

(b) (6) and as such respondent is incapable of signing or

authorizing any such request. Second, (b) (6) is neither a party to the proceeding, nor a representative of record of a party; if the court finds this motion a motion by (b) (6) the motion must be summarily dismissed as he has no legal right to have any motion heard in these proceedings.<sup>1</sup> Third, and more logically, it is the respondent's secretary that filed the request for the respondent as the language on Page 1 reads, "Dan is asking for an extension on his appeal." Again respondent is purportedly (b) (6) and respondent's secretary is neither a party to the proceeding, nor a representative of record of a party; if the court finds this motion a motion by the secretary the motion must be summarily dismissed as she has no legal right to have any motion heard in these proceedings.

## II. Good faith

Respondent has not demonstrated good faith. In her bench decision, Judge Clifton stated:

With regard to your good faith, I know you don't want me to find that you did not show good faith. That would be devastating especially since you practice law. I am on the fence about that. As I've already indicated, I think there's something wrong with your perceptions and your judgment. I think you had a propensity that was wrong-headed even before (b) (6) but I don't think (b) (6) have made your situation better. I think you're not entirely well, and that also makes me sad.

Bench Decision 2447-2448.

This request was filed last minute. This is particularly noteworthy as it demonstrates more of the same from the respondent and must not be tolerated. Respondent continues to engage in delay tactics. Though currently his law license is suspended, respondent was a practicing attorney for numerous years. Respondent should be familiar with legal standards and practices. If he was incapable of representing himself, he could have hired counsel. He did not.

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<sup>1</sup> See *In re Irvin Wilson, et al*, 54 Agric. Dec. 111 (1995) ("Because he is not an attorney, however, he may not represent Pet Paradise, a corporation, in federal court.") citing *Strong Delivery Ministry Association v. Board of Appeals of Cook County*, 543 F.2d 32 (7th Cir. 1976) (per curiam).

III. Conclusion

For all the reasons set forth above, the complainant, APHIS, respectfully requests the Court deny this request, in full. If the Court is inclined to grant the request, APHIS asks that the request be granted for no more than 30 additional days

Respectfully submitted,

/s/ \_\_\_\_\_  
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