

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD**

UNITED STATES COAST GUARD

Complainant

vs.

Markell Maurice Sellers

Respondent

**Docket Number: 2023-0312
Enforcement Activity Number: 7774112**

**ORDER GRANTING COAST GUARD’S NOTICE OF WITHDRAWAL AND CONSENT
ORDER APPROVING AMENDED SETTLEMENT AGREEMENT**

This matter comes before me on the United States Coast Guard’s (Coast Guard) Notice of Withdrawal of Settlement Agreement (Notice of Withdrawal) and Motion for Approval of Amended Settlement Agreement and Entry of Consent Order (Motion for Approval), filed on November 2, 2023. In its Notice of Withdrawal, the Coast Guard seeks to withdraw the settlement agreement submitted with the Coast Guard’s initial Motion for Approval of Settlement Agreement and Entry of Consent Order (Initial Motion), filed on September 12, 2023.¹ In its Motion for Approval, the Coast Guard requests I issue a consent order approving the amended settlement agreement, which corrects several discrepancies and clarifies the text of the original agreement filed on September 12, 2023.

¹ In the Notice of Withdrawal, the Coast Guard states Respondent filed an Answer on September 1, 2023, in which Respondent “did not contest the allegations in the Complaint, and...admitted to all jurisdictional allegations and factual allegations alleged in the Complaint.” The administrative record, however, does not contain Respondent’s Answer and there is no other indication demonstrating Respondent filed an answer or attempted to do so. Nevertheless, as the parties have agreed to a settlement, any issues raised by the absence of an answer are rendered moot.

Turning first to the Notice of Withdrawal, I note the Coast Guard does not expressly withdraw the Initial Motion, but only seeks to withdraw the previously filed settlement agreement. I will construe the Notice of Withdrawal as a motion requesting withdrawal of the Initial Motion. Having done so, I **GRANT** the Coast Guard's request.

I now turn to the Motion for Approval. Having carefully reviewed the request and terms of the amended settlement agreement, I find it is fair, reasonable, and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

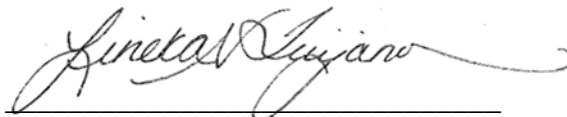
WHEREFORE,

ORDER

IT IS HEREBY ORDERED, the Coast Guard's Notice of Withdrawal is **GRANTED**.

IT IS FURTHER ORDERED, the Motion for Approval is **GRANTED** and the Amended Settlement Agreement is **APPROVED** in full and incorporated herein by reference. This Consent Order shall constitute full, final, and complete adjudication of this proceeding.

Done and dated this November 22, 2023,
at Baltimore, Maryland

A handwritten signature in cursive script, reading "Lineka N. Quijano", written in dark ink over a horizontal line.

**HON. LINEKA N. QUIJANO
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD**