

UNITED STATES OF AMERICA  
U.S. DEPARTMENT OF HOMELAND SECURITY  
**UNITED STATES COAST GUARD**

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UNITED STATES COAST GUARD  
Complainant

vs.

DAVID MARION MILINA  
Respondent

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Docket Number 2023-0004  
Enforcement Activity No. 7601884

**ORDER GRANTING MOTION TO WITHDRAW AND  
ORDER CANCELING PREHEARING CONFERENCE CALL**

This matter comes before me on the United States Coast Guard's (Coast Guard) unopposed Motion for Withdrawal. Specifically, the Coast Guard asks that I dismiss this matter without prejudice pursuant to 33 C.F.R. § 20.311. In support of the motion, the Coast Guard advises that David Marion Milina (Respondent) voluntarily surrendered his credentials pursuant to 46 C.F.R. § 5.203, which provides:

§ 5.203 Voluntary surrender to avoid hearing.

- (a) Any holder may surrender a credential or endorsement to the Coast Guard in preference to appearing at a hearing.
- (b) A holder voluntarily surrendering a credential or endorsement shall sign a written statement containing the stipulations that:
  - (1) The surrender is made voluntarily in preference to appearing at a hearing;
  - (2) All rights to the credential or endorsement surrendered are permanently relinquished; and,
  - (3) Any rights with respect to a hearing are waived.

- (c) A voluntary surrender of a credential or endorsement to an investigating officer in preference to appearing at a hearing is not to be accepted by an investigating officer unless the investigating officer is convinced that the holder fully realizes the effect of such surrender.

Upon review of the file and the foregoing authority, I will **GRANT** the Coast Guard's unopposed request and **DISMISS** this matter **WITHOUT PREJUDICE**. Furthermore, the prehearing conference call scheduled for September 26, 2023, is **CANCELED**.

**SO ORDERED.**

Done and dated this 25th day of September 2023, at  
Houston, Texas



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HON. TOMMY CANTRELL  
ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD