

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

UNITED STATES COAST GUARD

Complainant

vs.

JOHN BARRY JOHNSON, JR.

Respondent

**Docket Number: 2023-0279
Enforcement Activity Number: 7730378**

**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 Settlement Agreement and Entry of Consent Order (Motion for Approval),¹ filed on September 28, 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 August 16, 2023. In its Motion for Approval, the Coast Guard requests I issue a consent order approving the amended settlement agreement, which incorporates modifications pursuant to my September 26, 2023 Order Memorializing Pre-Hearing Conference.

¹ On September 29, 2023, the Coast Guard filed a second Motion for Approval of Settlement Agreement and Entry of Consent Order (Second Motion for Approval) and Certificate of Service (COS). The COS for the Second Motion for Approval corrected a clerical error in the COS filed on September 28, 2023. Apart from the certificates, the motions and attached settlement agreements are identical. As such, I will rule on the Motion for Approval filed on September 28, 2023, and will disregard the Second Motion for Approval filed on September 29, 2023. In the future, the parties are advised that non-substantive, clerical errors in certificates of service may be corrected through a notice accompanied by an amended certificate of service as an attachment. Refiling an identical copy of the motion is not necessary.

Turning 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.

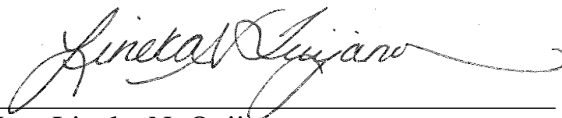
WHEREFORE,

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 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 October 19, 2023,
at Baltimore, Maryland

A handwritten signature in cursive script, reading "Lineka N. Quijano", written in black ink. The signature is positioned above a horizontal line.

Hon. Lineka N. Quijano
Administrative Law Judge
United States Coast Guard