

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE SECRETARY OF AGRICULTURE**

In re: ) 2002 AMA Docket No. F&V 989-5  
 )  
Lion Raisins, Inc., )  
 )  
Petitioner ) **Order**

On May 16, 2003, Lion Raisins, Inc. filed an Amended Petition for relief under 7 U.S.C. §608c (15)(A), from actions by the Secretary that Petitioner alleges were arbitrary, capricious and contrary to the requirements of the Marketing Order governing the handling of California Raisins. The Amended Petition complained of the calculation of the trade demand and the establishment of reserve and free tonnage percentages for California raisins for the 2002-2003 crop year. On June 27, 2003, Respondent filed a Motion To Dismiss the Amended Petition.

The allegations of the Amended Petition are not sufficiently clear and concise to fully comply with the governing rules of practice 7 C.F.R. §900.52(b). The Judicial Officer has recently explained in another proceeding involving the Petitioner, that a Petition that does not fully comply with the requirements of the Rules of Practice must be dismissed.

As was the case in *Boghosian Raisins Packing Co., Inc.* 2002 AMA Docket No. F&V 989-6, in which a similarly phrased Amended Petition was filed and dismissed when challenged by a Motion To Dismiss, such lack of clarity and conciseness in a Petition or Amended Petition requires dismissal under 7 C.F.R. 52 (b).

The Order of Dismissal in *Boghosian, supra*, attached and incorporated, herewith sets forth in detail why dismissal of the Amended Petition is required in the instant proceedings.

Accordingly, it is ORDERED that the Amended Petition filed in this proceeding is DISMISSED in its entirety.

Copies of this Order shall be served by the Hearing Clerk upon each of the parties.

\_\_\_\_\_  
Date

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VICTOR W. PALMER  
Administrative Law Judge