

U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he engages in professional practice. *See, e.g., Calvin Ramsey*, 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988); *Blanton*, 43 FR 27616 (1978).

Moreover, because "the controlling question" in a proceeding brought under 21 U.S.C. 824(a)(3) is whether the holder of a practitioner's registration "is currently authorized to handle controlled substances in the [S]tate," *Hooper*, 76 FR at 71371 (quoting *Anne Lazar Thorn*, 62 FR 12847, 12848 (1997)), the Agency has also long held that revocation is warranted even where a practitioner has lost his state authority by virtue of the State's use of summary process and the State has yet to provide a hearing to challenge the suspension. *Bourne Pharmacy*, 72 FR 18273, 18274 (2007); *Wingfield Drugs*, 52 FR 27070, 27071 (1987). Thus, it is of no consequence that the Mississippi Board has employed summary process in suspending Registrant's state license. What is consequential is that Registrant is no longer currently authorized to dispense controlled substances in the State in which he is registered. I will therefore order that his registrations be revoked.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificates of Registration Nos. FE2565779, FE2882226, and FE2882062 issued to Steven W. Easley, M.D., be, and they hereby are, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), I further order that any applications to renew or modify the above registrations be, and they hereby are, denied. This Order is effective immediately.<sup>1</sup>

Dated: May 30, 2017.

**Chuck Rosenberg,**

*Acting Administrator.*

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<sup>1</sup> For the same reasons that led the Mississippi Board to summarily suspend Registrant's medical license, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 16-6]

#### Patricia A. Newton, M.D.; Order

On review of the record, I noted that the expiration date of Respondent's Certificate of Registration was October 31, 2016. GX 1. I therefore took official notice of the Agency's registration records for Respondent to determine if she has filed a renewal application. According to the Agency's records, Respondent had not filed a renewal application whether timely or not.

Accordingly, on May 7, 2017, I issued an order directing the parties to address whether this case is now moot and provided the parties with seven calendar days to file their submissions. Order, at 1 (May 7, 2017). While the Government filed a response to my order, Respondent has not.

In its Response, the Government acknowledges that Respondent's registration has expired and states that "there is no record of any subsequent renewal application being filed for this registration." Certification of Registration History (May 15, 2017). Noting that there is neither a registration nor an application (whether timely or not) to act upon, the Government moves that this case be declared moot and that the Order to Show Cause be dismissed. Gov. Resp. to Order, at 1 (citing, *inter alia*, *Amy S. Benjamin*, 77 FR 72408 (2012); *Ronald J. Riegel*, 63 FR 67132, 67133 (1998)).

There being no showing of any collateral consequence which precludes a finding of mootness, I grant the Government's motion and dismiss the Order to Show Cause.

Dated: May 30, 2017.

**Chuck Rosenberg,**

*Acting Administrator.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 17-14]

#### Emmanuel O. Nwaokocha, M.D.; Decision and Order

On December 5, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Emmanuel O. Nwaokocha, M.D. (Respondent), of Harwood Heights, Illinois. The Show

Cause Order proposed the revocation of Respondent's DEA Certificate of Registration No. FN5571864 on the ground that he "do[es] not have authority to handle controlled substances in the State of Illinois, the [S]tate in which [he is] registered with the DEA." Order to Show Cause, at 1 (citing 21 U.S.C. 823(f) and 824(a)(3)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Respondent is the holder of Certificate of Registration No. FN5571864, pursuant to which he is authorized to dispense controlled substances as a practitioner in schedules II through V, at the registered address of 4740 N. Harlem Ave., Harwood Heights, Illinois. *Id.* The Order also alleged that this registration does not expire until October 31, 2018. *Id.*

Regarding the substantive grounds for the proceeding, the Show Cause Order alleged that on March 15, 2016, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (IDFPR), "indefinitely suspended [his] license to practice medicine due to [his] conviction for Medicaid fraud," and he is therefore "without authority to handle controlled substances in the State of Illinois, the [S]tate in which [he is] registered with the DEA." *Id.* Based on his "lack of authority to [dispense] controlled substances in . . . Illinois," the Order asserted that "DEA must revoke" his registration. *Id.* at 2 (citing 21 U.S.C. 823(f) and 824(a)(3)).

The Show Cause Order notified Respondent of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notified Respondent of his right to submit a corrective action plan. *Id.* at 2-3.

On December 13, 2016, a Diversion Investigator from the Chicago Field Division personally handed a copy of the Order to Show Cause to the Respondent at his residence located at 9453 Lorel Ave., Skokie, Illinois 60077. Government's Submission of Evidence and Request for Summary Disposition (hereinafter, Govt. Mot.), Exhibit (hereinafter, GX) 1, at 1. Following service of the Show Cause Order, Respondent requested a hearing on the allegations. The matter was placed on the docket of the Office of Administrative Law Judges and assigned to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, CALJ). On January 4, 2017, the CALJ ordered the Government to submit evidence to