

Why Prediction Market Regulation Is At Major Inflection Point

By **Douglas Yatter, Yvette Valdez and Iris Xie** (March 16, 2026, 5:27 PM EDT)

The recent growth of prediction markets in the U.S. and around the world has been staggering. While these were smaller markets in 2024, annualized trading volume expanded nearly 200-fold last year, from roughly \$300 million in 2024 to an estimated \$40 billion to \$50 billion in 2025, with leading platforms Kalshi and Polymarket accounting for the majority of this volume.[1]

Instruments traded in these markets — event contracts — have proliferated across the worlds of sports, entertainment, politics and world affairs, financial markets, and beyond. This rapid growth has brought heightened regulatory attention, including a recent stream of initiatives that will shape the future of prediction markets.[2]

While important jurisdictional questions continue to be litigated across the country, authorities have wasted no time this year making clear that these are regulated markets where misconduct will be subject to enforcement.[3]

On Feb. 25, the Division of Enforcement of the U.S. Commodity Futures Trading Commission issued an advisory asserting broad enforcement authority in these markets and describing types of misconduct against which it may act.[4] The advisory followed two first-of-their-kind enforcement actions by Kalshi, a CFTC-registered exchange, against participants in Kalshi's own prediction markets.

More recently, CFTC Chairman Michael Selig observed in public remarks on March 9 that "[t]hese markets are comfortably within the CFTC's regulatory authority." He noted on March 3 that the agency will soon issue additional regulatory guidance on event contracts.[5]

Other federal regulators have expressed plans to oversee prediction markets, too. In congressional testimony on Feb. 12, U.S. Securities and Exchange Commission Chairman Paul Atkins stated that the SEC has authority over certain prediction market products.[6] U.S. Attorney for the Southern District of New York Jay Clayton stated publicly on Feb. 9 that his office will investigate criminal misconduct in these markets.[7]

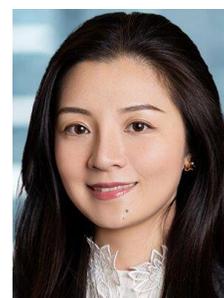
Meanwhile, 38 state authorities and the District of Columbia filed an amicus brief on Dec. 22 in *KalshiEx LLC v. Martin*, arguing that they have authority over sports gambling and aim to apply that authority to prediction markets.[8]



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This article provides an overview of the rapidly evolving enforcement landscape for prediction markets, including a brief introduction of the relevant authorities and key takeaways for market participants. These markets are quickly becoming a new environment for enforcement against insider trading, market manipulation and other types of misconduct.

Event Contracts and How They're Regulated

Prediction markets offer trading in event contracts, which are instruments whose payoff depends on a specified event or occurrence, such as corporate or political events, economic indicators, sporting events, or pop culture outcomes.[9] While event contracts can be structured in different ways, many are binary options whose payout, if the relevant event or condition occurs, is either a fixed amount or zero.

As explained below, prediction markets in the U.S. operate on the premise that event contracts constitute derivatives under the Commodity Exchange Act, placing them within the CFTC's jurisdiction.[10] At the same time, certain types of event contracts may constitute securities, triggering the SEC's jurisdiction.

However, state authorities maintain that they have jurisdiction over certain event contracts in other ways.

CFTC Jurisdiction Over Event Contracts as Swaps or Futures

The CEA grants the CFTC jurisdiction with respect to the U.S. derivatives markets. The CEA defines a "swap" broadly to encompass many forms of derivatives, including, as relevant here, any agreement that is (1) an "option of any kind that is for the purchase or sale, or based on the value, of 1 or more ... quantitative measures, or other financial or economic interests or property of any kind"; or (2) "dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence." [11]

A futures contract, per the CEA, can also be an instrument that settles based on "an occurrence, extent of an occurrence, or contingency" beyond the parties' control that is "associated with a financial, commercial, or economic consequence." [12]

Under CFTC rules, retail participants — i.e., those who are not "eligible contract participants" — must trade swaps or futures on regulated exchanges known as designated contract markets.[13] Therefore, prediction markets offering retail access to event contracts in the U.S. operate as DCMs, the same registration category as traditional futures exchanges.

DCM applications have more than doubled over the past year, with more expected to come online as the CFTC reviews pending submissions.[14] Among other regulatory obligations, DCMs operate as self-regulatory organizations and surveil their markets for manipulation or abuse.[15]

Such platforms maintain conduct rules and disciplinary procedures for their users. Intermediaries that provide their users with access to such markets have their own regulatory obligations as well, including anti-money laundering rules that require them to file suspicious activity reports.[16]

While certain state authorities disagree, the CFTC has taken the position that it has exclusive jurisdiction over the trading of event contracts. It argued in a Feb. 17 amicus brief in *North American Derivatives*

Exchange Inc. v. Nevada in the U.S. District Court for the District of Nevada that states cannot recharacterize derivatives trading on DCMs as illegal gambling, because doing so would "reintroduce precisely the regulatory fragmentation Congress deliberately displaced." [17]

SEC Jurisdiction Over Certain Event Contracts as Security Options or Security-Based Swaps

While the CFTC has broad jurisdiction over swaps and futures, the SEC may have jurisdiction depending on the underlying reference asset, event or condition.

For example, a binary option-style event contract may pay out depending on a particular change in the value of an underlying security. Commonly referred to as digital options, such instruments offer a fixed and predetermined all-or-nothing payout based on whether the underlying asset's price is above or below a specific level. [18] Under the U.S. securities laws, an option on a security — or group of securities — is itself a security. [19]

In 2013, the SEC sued Banc de Binary in the District of Nevada for offering binary options to U.S. investors without registration. [20] Notably, while the SEC focused on the options linked to securities, the CFTC filed a parallel action against Banc de Binary, also in the District of Nevada, because certain of the binary options at issue were tied to commodity prices — e.g., wheat, oil, sugar — an early example of collaboration between the agencies in this space. [21]

The SEC also has jurisdiction over instruments known as "security-based swaps," which are swaps tied to a single security or loan, a narrow-based security index, or an event affecting an issuer or issuers in a narrow-based index, provided the event directly affects the issuer's financial statements, condition or obligations. [22] Event contracts where the payout is contingent on such events may constitute security-based swaps.

For example, this could include contracts tied to outcomes specific to public companies, such as mergers and acquisitions or earnings announcements. Security-based swaps are subject to an extensive regulatory regime established under Title VII of the Dodd-Frank Act and, like security options, are themselves securities, subject to the anti-fraud and antimanipulation rules of the securities laws. [23]

Recent joint SEC and CFTC statements have emphasized the need for coordination to provide clarity on event contracts and the jurisdictional lines between CFTC-regulated swaps and SEC-regulated security-based swaps. [24]

On Feb. 12, Atkins testified before the U.S. Senate Banking Committee that prediction markets are "mostly, at least currently, on the CFTC side, but we need to be harmonized in the way we're addressing these markets." [25] Atkins went on to highlight the SEC's existing jurisdiction in these markets, noting that "a security is a security." [26]

The agencies have collaborated in areas of overlapping jurisdiction in the past, [27] and on March 11 executed a new memorandum of understanding to cooperate on, among other areas, surveillance and enforcement. [28]

State Authority in Regard to Gambling

In addition to federal regulators, state authorities have asserted in recent litigation, including in the aforementioned *Kalshi v. Martin*, that they retain jurisdiction over prediction markets offering sports

event contracts under state gambling laws, pursuant to their traditional police powers.[29]

The states emphasize that their regulatory frameworks are designed to protect consumers from gambling-related harm through robust licensing requirements, age restrictions and anti-fraud measures.[30]

Accordingly, depending on the outcome of these pending cases, state authorities may also exercise enforcement authority in connection with prediction markets.

The Emerging Enforcement Landscape for Prediction Markets

With multiple regulators actively studying and asserting authority over the prediction markets, the industry and its participants face a rapidly evolving enforcement landscape.

Exchanges Overseeing Their Own Markets

As self-regulatory organizations, prediction markets registered with the CFTC as DCMs exercise their own surveillance and enforcement functions. DCMs are required to establish, monitor and enforce compliance with market rules, including rules that prohibit abusive trading practices and other misconduct.[31]

For example, Kalshi, Polymarket US and Crypto.com rule books all prohibit trading by persons with access to material nonpublic information concerning contract underliers, and restrict trading by persons with influence over contract outcomes.[32] These rules may in some respects be even broader than federal law on insider trading.[33]

On Feb. 25, after announcing the appointment of its first-ever head of enforcement, Kalshi published two enforcement actions for violations of its rules.[34]

In the first action, the Kalshi Disciplinary Committee found that Artem Kaptur violated Kalshi Rule 5.17(y) by trading in event contracts related to the MrBeast YouTube channel, while employed by or legally affiliated with a source agency for those contracts, and trading on MNPI obtained because of his employment.[35]

In the second action, the committee found that Kyle Langford violated Kalshi Rule 5.17(z) by trading in an event contract on the 2026 California gubernatorial election while he was a candidate for that office and thus a decision-maker with influence over the outcome of the underlying event.[36]

The committee suspended both individuals from access to Kalshi for a certain period and imposed financial penalties.[37]

Kalshi also announced that it has opened numerous other investigations for potential violations of its rules.[38] As a self-regulatory organization, it may also refer matters to the CFTC or other law enforcement authorities.

CFTC Enforcing the CEA and CFTC Rules

As noted above, the CFTC advisory issued on Feb. 25 in connection with the Kalshi enforcement actions outlined the CFTC's own enforcement jurisdiction.[39] The advisory states that "the Commission has full

authority to police illegal trading practices occurring on any DCM, including those described above related to event contracts."^[40]

According to the advisory, such illegal trading practices include:

- "Misappropriation of confidential information in breach of a pre-existing duty of trust and confidence to the source of the information (commonly known as 'insider trading')";
- "Pre-arranged, noncompetitive trading and wash sales";
- "Other prohibited trading practices including disruptive trading"; and
- "Fraud and manipulation."^[41]

In addition to specific types of prohibited transactions and conduct, the CEA and CFTC rules broadly prohibit employing or attempting to employ manipulative or deceptive devices, material misstatements or omissions, and fraudulent practices in connection with any swap, commodity in interstate commerce or futures contract.^[42] The CFTC's enforcement authority thus reaches a broad range of conduct in CFTC-regulated markets.^[43]

As the current administration intends to avoid so-called regulation by enforcement, Selig emphasized on March 2 that the CFTC's Division of Enforcement will be "focused on its core purpose of policing fraud, abuse, and manipulation rather than setting policy."^[44]

On March 12, the CFTC signaled additional steps it intends to take regarding prediction markets that may advance its enforcement capabilities, including (1) coordinating with sports leagues on settlement integrity and encouraging cooperation between leagues and DCMs;^[45] and (2) potential rulemaking, reflected in its invitation for public comment on, among other topics, the application of insider trading principles and prohibitions on arranged trades and disruptive trading practices in prediction markets.^[46]

SEC Enforcing the Securities Laws

To the extent a particular event contract qualifies as a security, the SEC has its own enforcement jurisdiction.

For instance, Rule 10b-5, the SEC's principal anti-fraud enforcement tool, prohibits insider trading and other forms of fraud in connection with the purchase or sale of securities.^[47] In addition, SEC Rule 9j-1, adopted in 2023, broadly prohibits fraud, manipulation or deception in connection with security-based swaps.^[48]

Taken together, these rules provide the SEC with robust enforcement tools to pursue fraud and manipulation with respect to event contracts that constitute securities.

DOJ Authority for Criminal Misconduct

As noted above, Clayton, the U.S. attorney for the Southern District of New York, stated on Feb. 9 that his office expects to pursue fraud in prediction markets.^[49] There are examples in recent years of the U.S. Department of Justice pursuing such conduct in similarly novel or innovative markets.

For instance, the DOJ has prosecuted employees of digital asset trading platforms for leaking or trading on confidential information ahead of asset-listing announcements, one of which — U.S. v. Wahi, in the Southern District of New York — resulted in a 2023 guilty plea, while another, U.S. v. Chastain, was overturned on

appeal in July 2025 in the U.S. Court of Appeals for the Second Circuit for erroneous jury instructions regarding the property and scheme-to-defraud elements of wire fraud.[50]

Importantly, these insider trading cases involved charges under the general fraud statutes, highlighting that the DOJ's authority does not necessarily depend on whether a particular instrument is subject to the CEA or the securities laws. The DOJ's authority also may not depend on whether prediction markets are subject to exclusive federal jurisdiction or whether they continue to be regulated by state gambling authorities.

On Oct. 23, the DOJ charged current and former professional athletes and coaches with wire fraud and money laundering offenses for allegedly using non-public injury and lineup information to place wagers on games.[51] Those charges arose in the context of traditional gambling, but similar conduct could be pursued based on trading in prediction markets as well.

Key Takeaways

Prediction markets stand at a significant inflection point. While these markets are experiencing tremendous growth and rapid mainstream adoption, regulators have made clear their intent to exercise enforcement authority to ensure market integrity and protect participants.

Cases in this area may raise novel and thorny legal and factual issues, and it remains to be seen how aggressive the agencies will be, particularly when additional regulatory guidance is still to come but enforcement efforts can be expected to increase.

To navigate this evolving environment, market participants and those who work in industries that are increasingly tied to prediction markets may wish to consider a few key principles.

Be cognizant of platforms' rules.

Each DCM has its own rule book and, as Kalshi's recent actions demonstrate, DCMs are actively exercising their self-regulatory organization authority to impose discipline for violations, including insider trading and manipulation.

Consider updating policies and procedures on trading and confidential information.

Companies that maintain policies on the trading or handling of confidential information, like regulated financial institutions, should evaluate whether their policies adequately address prediction markets and the risk of misusing confidential information to profit from them.

Monitor the evolving landscape.

Market participants should stay informed about the developing regulatory landscape as various authorities pursue enforcement mandates. In addition to surveilling market data and partnering with exchanges and other regulated firms, government agencies can be expected to draw on their full range of enforcement tools to identify and pursue potential misconduct.

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[1] See Kalshi Maintains A 'Perfect Forecast Record' In Predicting Fed Rate Decisions, Beating Professional Forecasters, Study Finds Fortune (Jan. 28, 2026), <https://fortune.com/2026/01/28/kalshi-prediction-market-federal-reserve-betting-forecast-nber-working-paper/>; see also Prediction Markets Explode in 2025: Inside the Kalshi-Polymarket Duopoly and Challengers, The Block (Dec. 31, 2025), <https://www.theblock.co/post/383733/prediction-markets-kalshi-polymarket-duopoly-2025>.

[2] See, e.g., Memorandum of Understanding Between the Sec. & Exch. Comm'n and the U.S. Commodity Futures Trading Comm'n Regarding Harmonization in Areas of Common Regulatory Interest (Mar. 11, 2026), <https://www.sec.gov/files/mou-sec-cftc-2026.pdf> (hereinafter "SEC and CFTC MOU"); Prediction Markets, Advance Notice of Proposed Rulemaking, 17 C.F.R. ch. I, RIN 3038-AF65 (CFTC Mar. 12, 2026) (hereinafter "CFTC Proposed Rulemaking"); CFTC Staff Advisory, No. 26-08, Prediction Markets Advisory (Mar. 12, 2026), <https://www.cftc.gov/PressRoom/PressReleases/9193-26> (hereinafter "CFTC DMO Advisory").

[3] Of note, state authorities and Native American tribes are squaring off in the courts with prediction market participants as to whether event contracts tied to sports constitute illegal sports wagering under state gaming laws or derivative products regulated by the CFTC. See, e.g., Commonwealth of Massachusetts v. KalshiEX LLC, No. 2584-cv-02525 (Mass. Super. Ct. Suffolk Cnty. Sept. 12, 2025); Ho-Chunk Nation v. Kalshi Inc., et al., No. 25-cv-00698 (W.D. Wis. Aug. 20, 2025). The CFTC asserts that it has exclusive jurisdiction over these markets under federal law. See CFTC Release No. 9183-26, CFTC Reaffirms Exclusive Jurisdiction over Prediction Markets in U.S. Circuit Court Filing (Feb. 17, 2026), available at <https://www.cftc.gov/PressRoom/PressReleases/9183-26>.

[4] CFTC Release No. 9185-26, CFTC Enforcement Division Issues Prediction Markets Advisory (Feb. 25, 2026), available at <https://www.cftc.gov/PressRoom/PressReleases/9185-26> (hereinafter "CFTC Enforcement Advisory").

[5] See Michael S. Selig, Chairman, CFTC, The Next Era of American Markets Leadership at the FIA Global Cleared Markets Conference (Mar. 9, 2026), <https://www.cftc.gov/PressRoom/SpeechesTestimony/opaselig2>; CFTC Chair Previews Perpetual Futures, Event Contract Rules, Law360 (Mar. 3, 2026), <https://www.law360.com/fintech/articles/2448346>.

[6] Oversight of the Sec. & Exch. Comm'n, Hearing Before the S. Comm. on Banking, Hous., & Urb. Affs., 119th Cong. at 1:32:00-1:34:05 (Feb. 12, 2026), <https://www.banking.senate.gov/hearings/02/05/2026/oversight-of-the-us-securities-and-exchange-commission> (hereinafter "SEC Oversight Hearing").

[7] Keynote Q&A Discussion with U.S. Attorney Jay Clayton, YouTube at 19:08-19:14 (Feb. 9, 2026), <https://www.youtube.com/watch?v=EaWlqPlebDI> (hereinafter "Keynote with U.S. Attorney Clayton").

[8] See, e.g., Br. of Amici Curiae of Nevada, Ohio, 36 Other States, and the District of Columbia Supporting Appellees, *KalshiEX LLC v. Martin*, No. 25-1892 (4th Cir.) (hereinafter "States' Amicus Brief").

[9] CFTC, Contracts and Products, <https://www.cftc.gov/IndustryOversight/ContractsProducts/index.htm> (last visited Mar. 1, 2026).

[10] See CFTC Release No. 9183-26, CFTC Reaffirms Exclusive Jurisdiction over Prediction Markets in U.S. Circuit Court Filing (Feb. 17, 2026), available at <https://www.cftc.gov/PressRoom/PressReleases/9183-26>; Br. for the CFTC as Amicus Curiae Supporting Appellant and Supporting Reversal, *N. Am. Derivatives Exch., Inc. v. Nevada*, No. 25-7187 (9th Cir. Feb. 17, 2026), available at https://www.cftc.gov/media/13261/amicusbrief_02172026/download (hereinafter "CFTC Amicus Brief").

[11] 7 U.S.C. §§ 1a(47)(A)(i)-(ii).

[12] 7 U.S.C. §§ 1a(19)(iv), 1a(47)(B)(i).

[13] 7 U.S.C. §§ 2(e); 6(a); 7 U.S.C. § 7b-3.

[14] CFTC Proposed Rulemaking at 5, 10, n.10 (CFTC Mar. 12, 2026).

[15] See 17 C.F.R. Pt. 38, App. B (Guidance on, and Acceptable Practices in, Compliance With Core Principles) (2025).

[16] See 7 U.S.C. § 6d(a), (g); 17 C.F.R. §§ 1.17, 3.10, 42.2 (2025).

[17] CFTC Amicus Brief at 2.

[18] U.S. Sec. & Exch. Comm'n, Binary Options, Investor.gov, <https://www.investor.gov/introduction-investing/investing-basics/glossary/binary-options> (last visited Mar. 9, 2026).

[19] 15 U.S.C. § 78c(a)(10).

[20] See *SEC v. Banc de Binary Ltd.*, Release No. 22718 (June 7, 2013), <https://www.sec.gov/enforcement-litigation/litigation-releases/lr-22718>; *SEC v. Banc de Binary Ltd. et al.*, Release No. 23481 (Mar. 9, 2016), <https://www.sec.gov/enforcement-litigation/litigation-releases/lr-23481>.

[21] See CFTC Release No. 6602-13, CFTC Charges "Prediction Market" Proprietor Banc de Binary with Violating the CFTC's Off-Exchange Options Trading Ban and Operating as an Unregistered Futures Commission Merchant (June 6, 2013), available at <https://www.cftc.gov/PressRoom/PressReleases/6602-13>.

[22] See 15 U.S.C. § 78c(a)(68).

[23] See 15 U.S.C. § 78c(a)(10).

[24] See Joint Statement from the Chairman of the SEC and Acting Chairman of the CFTC, U.S. Commodity Futures Trading Comm'n (Sept. 5, 2025), <https://www.cftc.gov/PressRoom/SpeechesTestimony/phamatkinsstatement090525>; The Next Phase of Project Crypto: Unleashing Innovation for the New Frontier of Finance, U.S. Commodity Futures Trading Comm'n (Jan. 29, 2026), <https://www.cftc.gov/PressRoom/Events/opaeventcftcsec012926>.

[25] SEC Oversight Hearing.

[26] Id.

[27] See, e.g., Joint Statement on Activities Involving Digital Assets, U.S. Commodity Futures Trading Comm'n (Oct. 11, 2019), <https://www.cftc.gov/PressRoom/SpeechesTestimony/cftcfincensecjointstatement101119>; SEC Proposes Joint Rules with CFTC to Define Swap Related Terms, U.S. Sec. & Exch. Comm'n (Dec. 3, 2010) <https://www.sec.gov/news/press/2010/2010-237.htm>; CFTC And SEC Announce Agreement To Reform Shad-Johnson Accord, U.S. Commodity Futures Trading Comm'n (Sept. 14, 2000) <https://www.cftc.gov/sites/default/files/opa/press00/opa4447-00.htm>.

[28] See SEC and CFTC MOU at 10.

[29] States' Amicus Brief at 17-20.

[30] Id. at 25-30.

[31] See 7 U.S.C. § 7(d); 17 C.F.R. §§ 38.152-153 (2025).

[32] See, e.g., KalshiEX LLC, Rulebook R. 5.17(y)-(z) (as amended Feb. 16, 2026); Polymarket US Rulebook R. 2.9, 7.1(t) (as amended Dec. 30, 2025); North American Derivatives Exchange Inc. (CDNA) (d/b/a Crypto.com) Rules R. 2.8, 5.19(u), 14.68(q) (as amended Feb. 17, 2026).

[33] See In re: Motazed, CFTC No. 16-03 (Dec. 2, 2015) (noting that the CEA and CFTC Rule 180.1 prohibit trading on MNPI in breach of a duty of confidentiality or obtained by fraud).

[34] See Kalshi Announces Independent Surveillance Audit Committee, Partnerships with Director of Wharton Forensic Analytics Lab and Solidus Labs, and New Head of Enforcement, Kalshi News (Feb. 5, 2026), <https://news.kalshi.com/p/kalshi-surveillance-insider-trading-prevention>; see also Two Insider Cases We've Recently Closed, Kalshi News (Feb. 25, 2026), <https://news.kalshi.com/p/kalshi-trading-violation-enforcement-cases>.

[35] See KalshiEX LLC, Notice of Disciplinary Action (Feb. 25, 2026), [https://kalshi-public-docs.s3.amazonaws.com/regulatory/notices/Notice%20of%20Disciplinary%20Action%20\(2.25.2026\)%20\(1\).pdf](https://kalshi-public-docs.s3.amazonaws.com/regulatory/notices/Notice%20of%20Disciplinary%20Action%20(2.25.2026)%20(1).pdf).

[36] KalshiEX LLC, Notice of Disciplinary Action (Feb. 25, 2026), [https://kalshi-public-docs.s3.amazonaws.com/regulatory/notices/Notice%20of%20Disciplinary%20Action%20\(2.25.2026\)%20](https://kalshi-public-docs.s3.amazonaws.com/regulatory/notices/Notice%20of%20Disciplinary%20Action%20(2.25.2026)%20)

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[37] Two Insider Cases We've Recently Closed, Kalshi News (Feb. 25, 2026), <https://news.kalshi.com/p/kalshi-trading-violation-enforcement-cases>.

[38] Id.

[39] See CFTC Enforcement Advisory.

[40] Id.; see also CFTC DMO Advisory at 3.

[41] Id. For a primer on CFTC insider trading enforcement, see Douglas K. Yatter, Sohom Datta & Cameron J. Sinsheimer, Insider Trading in Commodities Markets: An Evolving Enforcement Priority, 54 Rev. Sec. & Commodities Reg. 143 (2021), https://www.rscrpubs.com/Cover_Yatter_Datta_Sinsheimer_RSCR_6-16-21.pdf. For background on market manipulation claims, see Douglas K. Yatter, Matthew Valenti & Deric Behar, Regulators Are Setting Sights on Crypto Market Manipulation, Law360 (Feb. 15, 2023), <https://www.law360.com/articles/1576286/regulators-are-setting-sights-on-crypto-market-manipulation>.

[42] See, e.g., 7 U.S.C. § 6c(a)(1), (2)(A) and 17 C.F.R. § 1.38(a); 7 U.S.C. § 6c(a)(5) (specific prohibited transactions and trading practices); 7 U.S.C. § 9(1) and 17 C.F.R. § 180.1 (broad anti-fraud and anti-manipulation authority).

[43] See 7 U.S.C. § 9(3) and 17 C.F.R. § 180.2; 17 C.F.R. § 166.3; 7 U.S.C. §§ 6(a), 7.

[44] CFTC Release No. 9187-26, CFTC Chairman Selig Announces David I. Miller as Director of Enforcement (Mar. 2, 2026), available at <https://www.cftc.gov/PressRoom/PressReleases/9187-26>.

[45] See CFTC DMO Advisory at 5-6.

[46] CFTC Proposed Rulemaking at 17-18, 25-27.

[47] See 17 C.F.R. § 240.10b-5.

[48] See 88 Fed. Reg. 42,546 (June 30, 2023); 17 C.F.R. § 240.9j-1.

[49] Keynote with U.S. Attorney Clayton.

[50] See *United States v. Wahi*, No. 22-cr-00392 (S.D.N.Y. July 19, 2022); *United States v. Chastain*, 2025 WL 2165839, at *22, 30-31 (2d Cir. July 31, 2025).

[51] U.S. Att'y's Off. for the E.D.N.Y., Current and Former National Basketball Association Players and Four Other Individuals Charged in Widespread Sports Betting and Money Laundering Conspiracy (Oct. 23, 2025), Press Release, <https://www.justice.gov/usao-edny/pr/current-and-former-national-basketball-association-players-and-four-other-individuals>.