

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01216-BNB

RANDY F. TINOGA,

Applicant,

v.

RON WILEY, Warden, Federal Prison Camp – Florence,

Respondent.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 09 2009

GREGORY C. LANGHAM  
CLERK

---

ORDER OF DISMISSAL

---

Applicant Randy F. Tinoga initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, a Motion to Certify the Class and for the Appointment of Counsel, and a document titled "Notice of Motion for the Court to Take Judicial Notice Pursuant to USCS Federal Rules of Evidence, Rule 201(d), that FPC-Florence is 'Categorically Denying' Both Pre-Release Inmates More than 6 Months of Halfway House and is also not Transferring Non Pre-Release Inmates to Halfway Houses." In an order filed on May 27, 2009, Magistrate Judge Boyd N. Boland directed the clerk of the Court to commence a civil action and directed Mr. Tinoga to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Tinoga either to pay the filing fee or to file a motion seeking leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Mr. Tinoga was warned that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Tinoga has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's May 27 order. Therefore, the action will be dismissed without prejudice for failure to cure the deficiencies.

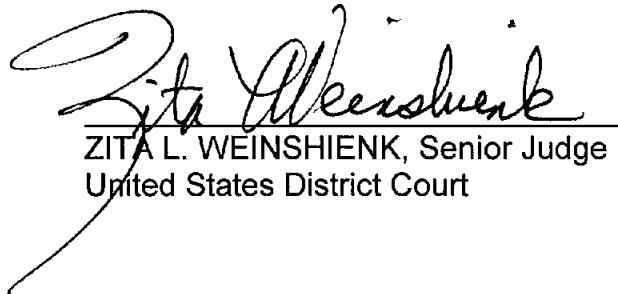
Accordingly, it is

ORDERED that the habeas corpus application is denied and the action is dismissed without prejudice for failure to cure the deficiencies. It is

FURTHER ORDERED that the Motion to Certify the Class and for the Appointment of Counsel filed on May 27, 2009, is denied as moot.

DATED at Denver, Colorado, this 8 day of July, 2009.

BY THE COURT:

  
ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 09-cv-01216-BNB

Randy F. Tinoga  
Reg No. 13708-081  
Federal Prison Camp  
P.O. Box 5000  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 7/9/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk