

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01381-BNB

PABLO BARRERA,

Applicant,

v.

RON WILEY, Warden, Federal Prison Camp – Florence,

Respondent.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 31 2009

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Applicant Pablo Barrera initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, a “Notice of Motion to Certify the Class and for the Appointment of Counsel to Represent the Class,” a “Notice of Motion for an Order Directing All Proceedings in the Above-Entitled Case be Presided Over by any Available Magistrate Judge,” and a “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 June 15, 2009, Magistrate Judge Boyd N. Boland directed the Clerk of the Court to commence a civil action and directed Mr. Barrera to cure certain deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Boland ordered Mr. Barrera 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. Barrera was warned

that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

Mr. Barrera has failed to cure the deficiencies within the time allowed and he has failed to respond in any way to Magistrate Judge Boland's June 15 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 pending motions filed on June 15, 2009, are denied as moot.

DATED at Denver, Colorado, this 3/day of July, 2009.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF MAILING

Civil Action No. 09-cv-01381-BNB

Pablo Berrera
Reg. No. 56494-198
FPC – Florence
PO 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 7/31/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk