

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-00347-CMA-BNB

JOE M. TONEY, JR.,,

Petitioner,

v.

WARDEN D. A. BERKEBILE,

Respondent.

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**FINAL JUDGMENT**

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In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Order Dismissing Petitioner's Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 as Moot of Judge Christine M. Arguello entered on May 16, 2014 it is

ORDERED that the Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [1] filed February 6, 2014, is DISMISSED AS MOOT and this case is DISMISSED IN ITS ENTIRETY; and it is

FURTHER ORDERED that there is no basis on which to issue a certificate of appealability pursuant to 28 U.S.C. § 2253 (c).

Dated at Denver, Colorado this 21st day of May, 2014.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/ Sandra Hartmann

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Sandra Hartmann  
Deputy Clerk