

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No.76060 / September 30, 2015

Admin. Proc. File No. 3-16545

In the Matter of

Ruby Creek Resources, Inc.

ORDER DISMISSING PROCEEDING

On May 20, 2015, the Commission instituted an administrative proceeding against Ruby Creek Resources, Inc., and two other respondents under Section 12(j) of the Securities Exchange Act of 1934.<sup>1</sup> The Order Instituting Proceedings alleged that Ruby Creek had violated periodic reporting requirements and sought to determine, based on those allegations, whether it was "necessary and appropriate for the protection of investors to suspend . . . or revoke" the registration of Ruby Creek's securities.

On June 1, 2015, Ruby Creek filed a Form 15, seeking to terminate voluntarily the registration of its securities under Section 12(g) of the Exchange Act.<sup>2</sup> Under Exchange Act Rule 12g-4(a), an issuer's registration is terminated ninety days after the issuer files Form 15,<sup>3</sup> in this case, on August 31, 2015. The Division of Enforcement subsequently moved to dismiss the proceeding against Ruby Creek.<sup>4</sup>

We have determined to grant the Division's motion. Ruby Creek no longer has a class of securities registered under Section 12 of the Exchange Act. Because revocation and suspension

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<sup>1</sup> 15 U.S.C. § 78l(j). The other respondents defaulted, resulting in the revocation of the registration of their securities. *Composite Solutions, Inc.*, Initial Decision Release No. 825, 2015 WL 3929986 (June 26, 2015); *see also Composite Solutions, Inc.*, Securities Exchange Act Release No. 75635, 2015 WL 4709110 (Aug. 7, 2015) (finality notice).

<sup>2</sup> 17 C.F.R. § 240.12g-4(a) (providing for certification of termination of registration under Section 12(g), 15 U.S.C. § 78l(g)). Ruby Creek relied on Rule 12g-4(a)(1), which permits the termination of registration if the issuer certifies that the class of securities being deregistered is held of record by fewer than 300 persons. 17 C.F.R. § 240.12g-4(a)(1). In its Form 15, Ruby Creek certified that the approximate number of holders of record, as of June 1, 2015, was 158.

<sup>3</sup> 17 C.F.R. § 240.12g-4(a).

<sup>4</sup> Ruby Creek has not responded to the Division's motion.

of registration are the only remedies available in a proceeding instituted under Section 12(j), we find it appropriate to dismiss this proceeding against Ruby Creek.<sup>5</sup>

IT IS therefore ORDERED that this proceeding is dismissed with respect to Ruby Creek Resources, Inc.

By the Commission.

Brent J. Fields  
Secretary

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<sup>5</sup> See, e.g., *Tapslide, Inc.*, Exchange Act Release No. 67125, 2012 WL 2020908 (June 5, 2012) (dismissing proceeding against respondent who no longer had securities registered under Exchange Act Section 12); *TelcoBlue, Inc.*, Exchange Act Release No. 58061, 2008 WL 2574445 (June 30, 2008) (same).