

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,

Plaintiff, No. CIV S-08-2078 EFB P

VS.

STEVE MOORE, Warden, et al,

Defendants. ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The matter is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

With the filing of his complaint, plaintiff neither paid the fee nor submitted a proper application for leave to proceed *in forma pauperis*. Accordingly, on October 22, 2008, the court gave plaintiff 30 days to pay the filing fee or submit a proper application to proceed *in forma pauperis*.

Plaintiff has not paid the filing fee, submitted an application for leave to proceed *in forma pauperis* nor otherwise responded to this court's order.

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1 Accordingly, this action is dismissed without prejudice.

2 DATED: January 14, 2009.

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4 EDMUND F. BRENNAN
5 UNITED STATES MAGISTRATE JUDGE

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