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

10 ANTHONY R. TURNER,

11 Plaintiff,

No. CIV S-08-2078 EFB P

12 vs.

13 STEVE MOORE, Warden, et al,

14 Defendants.

ORDER

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

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

23 Plaintiff has not paid the filing fee, submitted an application for leave to proceed *in forma*
24 *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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