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

10 KENNETH A. SMITH,

11 Petitioner,

No. CIV S-09-1347 GGH P

12 vs.

13 ATTORNEY GENERAL,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas
17 corpus pursuant to 28 U.S.C. § 2254. On May 28, 2009, petitioner consented to the jurisdiction
18 of the undersigned.

19 On July 20, 2009, the court issued an order stating that it was unclear whether
20 petitioner had exhausted state court remedies. The court ordered petitioner to inform the court
21 within ten days whether his claims had been presented to the California Supreme Court. Ten
22 days passed and petitioner did not respond to this order.

23 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without
24 prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

25 DATED: August 31, 2009

/s/ Gregory G. Hollows

26 sm1347.dis

UNITED STATES MAGISTRATE JUDGE