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

WILLIE BELTON, III,

Petitioner,

No. CIV S-09-1641 KJM P

vs.

MCDONALD,

Respondent.

ORDER

By an order filed July 13, 2009, petitioner was ordered to file an in forma pauperis affidavit or to pay the appropriate filing fee, within thirty days, or his application would be dismissed. The thirty day period has now expired, and petitioner has not responded to the court's order, has not filed an in forma pauperis affidavit, and has not paid the appropriate filing fee. Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice.

DATED: October 5, 2009.

  
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U.S. MAGISTRATE JUDGE

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