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

RUSSELL BERNARDINI,

Petitioner,

No. CIV S-09-2186 EFB P

vs.

UNKNOWN,

Respondent.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____/

Petitioner is a prisoner proceeding without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

On November 5, 2009, the court found that petitioner had failed to pay the filing fee required by 28 U.S.C. § 1914(a) or a request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). Petitioner was granted thirty days in which to pay the filing fee or file an application to proceed *in forma pauperis* and was warned that failure to comply would result in a recommendation that this action be dismissed.

The 30-day period has expired and petitioner has not paid the filing fee, filed a completed *in forma pauperis* application, or otherwise responded to the court's order.

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