

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

HUNG DUONG NGUON,

No. CIV S-11-0470-CMK-P

Petitioner,

vs.

ORDER

TIM V. VIRGA,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action.

On May 11, 2011, the court issued an order directing petitioner to show cause within 30 days why this action should not be dismissed for failure to comply with court rules and orders. In that order, the court stated:

On April 6, 2011, the court directed petitioner to submit either a completed application for leave to proceed in forma pauperis or the full filing fee for this action within 30 days. Petitioner was warned that failure to comply may result in dismissal of this action for lack of prosecution and failure to

1                    comply with court rules and orders. See Local Rule 110. To date,  
2                    petitioner has failed to comply.

3                    Petitioner was ordered to show cause, within 30 days of the date of that order,  
4                    why this action should not be dismissed for failure to resolve the fee status. Petitioner has not  
5                    filed a response to the order to show cause or resolved the fee status of this case. Accordingly,  
6                    this action is dismissed without prejudice. The Clerk of the Court is directed to enter judgment  
7                    of dismissal and close this case.

8                    IT IS SO ORDERED.

9  
10                   DATED: June 22, 2011

11                     
12                   

---

CRAIG M. KELLISON  
13                   UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26