IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA LARRY FRANCIS DURDEN, No. 2:13-CV-0535-CMK-P Petitioner, **ORDER** VS. EL DORADO COUNTY SUPERIOR COURT, 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 3, 2013, 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 comply with court rules and orders. See Local Rule 110. As of July 29, 2013, petitioner had not complied and the court directed petitioner to show cause in writing

within 30 days why the action should not be dismissed for lack of prosecution and failure to comply with court rules and orders. More than 30 days have elapsed and petitioner has not responded or resolved the fee status for this case.

Accordingly, IT IS HEREBY ORDERED that:

- 1. This action is dismissed for lack of prosecution and failure to comply with court rules and orders; and
 - 2. The Clerk of the Court is directed to enter judgment and close this file.

DATED: December 13, 2013

CRAIG M. KELLISON

UNITED STATES MAGISTRATE JUDGE