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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRONE FUNCHES,
Petitioner,
v.
MICHAEL D. McDONALD, Warden,
Respondent.

No. 2:13-cv-1981-EFB P

ORDER

Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹

On October 7, 2013, the court found that petitioner had neither paid the \$5.00 filing fee nor submitted an application to proceed *in forma pauperis*. Accordingly, the court ordered petitioner to pay the filing fee or submit a completed *in forma pauperis* application. ECF No. 5. The order gave petitioner 30 days to pay the fee or file the required application and warned him that failure to do so may result in this action being dismissed. *Id.*

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¹ This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to petitioner’s consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

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The 30-day period has expired and petitioner has not filed a completed an *in forma pauperis* affidavit or otherwise responded to the court's order.

Accordingly, this action is dismissed without prejudice.

Dated: November 15, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE