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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IRA GORDON,
Petitioner,
v.
T. VIRGA,
Respondent.

No. 2:15-cv-1316 KJN P (TEMP)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner consented to magistrate judge jurisdiction for all purposes pursuant to 28 U.S.C. § 636(c) and Local Rule 305(a). (See ECF No. 4.)

By an order filed September 9, 2015, petitioner was ordered to either file an in forma pauperis affidavit or the required filing fee of \$5.00 within thirty days, and was cautioned that failure to do so would result in a recommendation that this action be dismissed. Nearly ninety days have now expired. Yet petitioner has neither filed an in forma pauperis affidavit nor paid the filing fee as ordered.

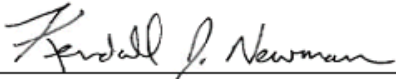
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Based on petitioner's consent to magistrate judge jurisdiction and his failure to either file an in forma pauperis affidavit or pay the required filing fee, IT IS HEREBY ORDERED that this action be dismissed without prejudice.

Dated: December 2, 2015

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE