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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS SCOTT McFARLAND,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

No. 2:16-cv-2568-EFB P

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. 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).

On October 31, 2016, the court found that petitioner had failed to pay the \$5 filing fee required by 28 U.S.C. § 1914(a) or request leave to proceed in forma pauperis and submit the affidavit and trust account statement required by 28 U.S.C. § 1915(a). Accordingly, the court ordered petitioner to submit either the filing fee or the application required by § 1915(a) within thirty days and warned him that failure to do so may result in this action being dismissed.

The time for acting has passed and petitioner has not paid the filing fee, submitted an application for leave to proceed in forma pauperis or otherwise responded to the court’s order.

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Accordingly, this action is dismissed without prejudice.

Dated: December 5, 2016.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE