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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES F. LUDDON,
Petitioner,

v.

B. CURRY, Warden, B.P.H.
COMMISSIONERS,
Respondents.

No. C 08-0275 MMC (PR)

ORDER OF DISMISSAL

On January 16, 2008, petitioner, a California prisoner incarcerated at the Correctional Training Facility at Soledad and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the denial of parole by the California Board of Parole Hearings.

Together with his petition, petitioner filed an application to proceed in forma pauperis (“IFP”). After reviewing the IFP application and the trust account statement and Certificate of Funds in Prisoner’s Account submitted by petitioner in support of said application, the Court determined that petitioner is able to pay the \$5.00 filing fee in this matter. Consequently, the Court, by order filed September 29, 2008, directed petitioner, within thirty days, to pay the \$5.00 filing fee by submitting such payment to the Clerk of the Court. Petitioner was informed that his failure to do so would result in the dismissal of this action without prejudice.

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More than thirty days have passed since the Court's order was filed and petitioner has not paid the \$5.00 filing fee or otherwise responded to the Court's order. Accordingly, this action is hereby DISMISSED without prejudice.

The Clerk shall close the file.

IT IS SO ORDERED.

DATED: November 4, 2008


MAXINE M. CHESNEY
United States District Judge