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


JAMES EARL HARVEY,)	
)	
Petitioner,)	No. C 08-4176 VRW (PR)
)	
v.)	ORDER OF DISMISSAL
)	
ROBERT HOREL, Warden,)	
)	
Respondent.)	
_____)	

This action for a writ of habeas corpus was filed on September 3, 2008. The court notified petitioner in writing on that date that the action was deficient because he did not pay the requisite \$5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. Petitioner was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, petitioner still has not filed the requisite items or sought an extension of time to do so. The action is DISMISSED without prejudice to filing a new action accompanied by the requisite filing fee or a signed and completed in forma pauperis application.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.



 VAUGHN R WALKER
 United States District Chief Judge