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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEWEY JOE DUFF,

No. C-12-3720 EMC (pr)

Petitioner,

v.

ORDER OF DISMISSAL

KEVIN CHAPPELL, Warden,

Respondent.

This *pro se* action entitled "28 U.S.C. § 2403(b) - Intervention by United States or State: 'Constitutional Question,'" was filed on July 16, 2012, at which time the Court notified Petitioner in writing that the action was deficient due to the failure to pay the filing fee or furnish a completed and signed court-approved *in forma pauperis* application. Petitioner was advised that failure to pay the fee or file the application materials within thirty days would result in dismissal of the action. Petitioner did not pay the filing fee or file a completed *in forma pauperis* application, and the deadline by which to do so has passed. This action is **DISMISSED** without prejudice for failure to pay the filing fee or submit a completed *in forma pauperis* application. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: November 1, 2012


EDWARD M. CHEN
United States District Judge