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\*E-Filed 10/2/13\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DIETRICH PENNINGTON,  
Petitioner,

No. C 13-1725 RS (PR)

**ORDER OF DISMISSAL**

v.

G. LEWIS, Warden,  
Respondent.

United States District Court  
For the Northern District of California

Petitioner has failed to comply with the Court's order to pay the filing fee. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion **must** contain full payment for the filing fee of \$5.00. The Clerk shall enter judgment in favor of respondent, and close the file.

**IT IS SO ORDERED.**

DATED: October 1, 2013

  
RICHARD SEEBORG  
United States District Judge

No. C 13-1725 RS (PR)  
ORDER OF DISMISSAL