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E-Filed 8/19/14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES EDWARD FOSTER,

No. C 14-3070 RS (PR)

Petitioner,

ORDER OF DISMISSAL

v.

STATE OF CALIFORNIA,

Respondent.

This is a federal habeas corpus action filed pursuant to 28 U.S.C. § 2254 by a state prisoner proceeding pro se. Petitioner has failed to comply with the Court's order to (1) perfect his application to proceed *in forma pauperis* ("IFP"), or (2) pay the filing fee of \$5.00. He also has failed to file a petition. Accordingly, this habeas action is DISMISSED without prejudice for failure to respond to the Court's order and for failure to prosecute under Federal Rule of Civil Procedure 41(b). Because this dismissal is without prejudice, petitioner may move to reopen the action. Any motion to reopen **must** contain (1) a petition using this Court's form, **and** (2) a complete IFP application **or** (3) full payment for the filing fee. The Clerk shall enter judgment in favor of respondent and close the file.

IT IS SO ORDERED.

DATED: August 19, 2014


RICHARD SEEBORG
United States District Judge