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**\*E-FILED - 12/9/08\***

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

|                  |   |                        |
|------------------|---|------------------------|
| THOMAS MCCOY,    | ) | No. C 08-4687 RMW (PR) |
|                  | ) |                        |
| Petitioner,      | ) | ORDER OF DISMISSAL     |
|                  | ) | WITHOUT PREJUDICE      |
| v.               | ) |                        |
|                  | ) |                        |
| WARDEN B. CURRY, | ) |                        |
|                  | ) |                        |
| Respondent.      | ) |                        |

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Petitioner, a state prisoner proceeding pro se, filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2254 on October 9, 2008. That same day, the court sent a notification to petitioner informing him that he failed to pay the filing fee and, alternatively, failed to file an application to proceed in forma pauperis. The court provided a copy of the correct in forma pauperis application, along with a return envelope, and a notification that the case would be dismissed if petitioner failed to pay the fee or file a completed application with supporting documentation within thirty days. No response has been received from petitioner.

As petitioner has not filed a completed in forma pauperis application or paid the filing fee, this case is DISMISSED without prejudice.

The clerk shall terminate any pending motions and close the file.

///

1 IT IS SO ORDERED.

2 DATED: 12/5/08

*Ronald M. Whyte*

RONALD M. WHYTE  
United States District Judge

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