

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD PHILLIPS,  
Petitioner,  
v.  
NAPA STATE HOSPITAL,  
Respondent.

Case No. 17-CV-05949 LHK (PR)

**ORDER OF DISMISSAL**

Petitioner, a state prisoner proceeding *pro se*, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 22, 2018, the court denied petitioner’s motion for leave to proceed *in forma pauperis* and directed him to pay the \$5.00 filing fee within twenty-eight days. Dkt. No. 4. The court also dismissed the petition with leave to amend within twenty-eight days, and advised petitioner that the failure to pay the filing fee and file an amended petition would result in the dismissal of his case. To date, petitioner has failed to comply with the court’s order, and has had no further communication with the court. Accordingly, this case is DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

DATED: 3/7/2018

  
LUCY H. KOH  
UNITED STATES DISTRICT JUDGE

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