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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHARLES A. SUMMERS,  
Petitioner,  
vs.  
E. K. MCDANIELS, et al.,  
Respondents.

Case No. 3:09-cv-00613-LRH-(RAM)

**ORDER**

The Court directed (#3) Petitioner to file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not complied within the allotted time.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for Petitioner's failure to comply with the Court's Order (#3). The Clerk of the Court shall enter judgment accordingly.

DATED this 10<sup>th</sup> day of December, 2009.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE