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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 25, 2017, ECF No. 6, are vacated.
2. The Clerk of Court is directed to file the opening document in this case, ECF No. 1, in Green v. Martel et al., Case No. 2:17-cv-0429 JAM EFB P, with a notation that it was originally filed on February 17, 2017, by application of the mailbox rule,<sup>1</sup> and mistakenly designated as the commencement of the instant case.
3. The instant action is dismissed without prejudice. The Clerk of Court is directed to close this case.

DATED: May 5, 2017

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Pursuant to the prison mailbox rule, a document is deemed served or filed on the date a prisoner signs the document (or signs the proof of service, if later) and gives it to prison officials for mailing. See Houston v. Lack, 487 U.S. 266 (1988) (establishing prison mailbox rule); Campbell v. Henry, 614 F.3d 1056, 1059 (9th Cir. 2010) (applying the mailbox rule to both state and federal filings by prisoners).