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

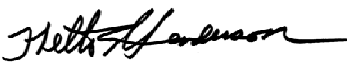
PETER M. BERGNE,	)	
	)	
Plaintiff,	)	No. C 09-0053 TEH (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

Plaintiff, a prisoner of the State of California currently incarcerated at California Men’s Colony in San Luis Obispo, California, has filed a civil rights action seeking leave to “file amicus curiae brief for review by the federal panel in the California Prison system overcrowding case.” In his pleading, Plaintiff identifies numerous pending lawsuits, but does not specifically identify on which case he wishes to file his brief.

However, because Plaintiff’s pleading makes clear that he is not seeking to file a new civil rights action, but is instead seeking to file an amicus brief on a pending case, this case will be dismissed without prejudice. In order to file a pleading in a pending action, Plaintiff must provide the proper case number and header for that case on his application. Therefore, this action is DISMISSED. The clerk shall close the file and enter judgment in accordance with this order.

SO ORDERED.

DATED: 01/26/09

  
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 THELTON E. HENDERSON  
 United States District Judge