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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 In Re.

No. C 09-2032 MHP (pr)

9 DUANE DIXON,

ORDER OF DISMISSAL

10 Petitioner.
11 _____/

12 This action was opened when the court received from petitioner an in forma pauperis
13 application. Upon receipt of the application, a notice was sent from the court to petitioner
14 informing him that he had to file a complaint or petition within thirty days or the action
15 would be dismissed. Petitioner then filed a motion for clarification or to correct erroneous
16 filing, in which he stated that he was unaware of what documents he had forwarded to this
17 court and therefore did not know why the notice had been sent to him. He also explained that
18 he did not intend to file an action here, although he did not explain why he had mailed an in
19 forma pauperis application to this court. Nonetheless, it does appear clear that petitioner did
20 not want to file an action in this court. The motion for clarification or to correct erroneous
21 filing is GRANTED. (Docket # 4.)

22 This action is dismissed because it was opened in error. The in forma pauperis
23 application is DISMISSED. (Docket # 1.) No filing fee is due. The clerk shall close the file.

24 IT IS SO ORDERED.

25 Dated: May 27, 2009

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Marilyn Hall Patel
United States District Judge
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