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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE

No. C-11-2735 EMC (pr)

HOMERO SANCHEZ AGUILAR,

Plaintiff.

ORDER OF DISMISSAL

This action was opened when the Court received an unsigned document with Homero Sanchez Aguilar's name on it. The document was captioned "United States District Court of Northern California - Office of the Clerk, Chief Judge Hon. Vaughn R. Walker" and was entitled "under 42 USC 1983 civil right action with the writ of summons and complaint for federal or the law of the state a grant, chief justice: John Roberts." (Docket # 1 (errors in source).) The Clerk opened a case file for the action and sent out a notice that Aguilar had not filed a complaint, and cautioned that the action would be dismissed if he did not submit a complaint within thirty days. The Clerk also sent out a notice that the action was deficient due to the failure to pay the filing fee or furnish a completed and signed court-approved *in forma pauperis* application, and cautioned that the action would be dismissed if he did not pay the fee or file the application materials within thirty days. Aguilar then sent a letter stating that he never sent any petition for filing and asked for the action to be dismissed. (Docket # 4.)


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In light of Aguilar's statement that he never sent a petition to the Court, this action is **DISMISSED** because it was opened in error. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: October 21, 2011


EDWARD M. CHEN
United States District Judge