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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re.

No. C 12-4861 SI (pr)

MITCH SMILEY,

**ORDER OF DISMISSAL**Plaintiff.  

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This action was opened on September 17, 2012, when the court received from Mitch Smiley a letter concerning the medical care and crowding in his prison. On that date, the court notified plaintiff in writing that his action was deficient in that he had not attached a complaint or petition and had not filed an *in forma pauperis* application. The court further notified plaintiff that this action would be dismissed if he did not submit a complaint or petition within thirty days. Plaintiff has failed to provide the court with either a complaint or petition and the deadline to do so has passed. Accordingly, this action is DISMISSED without prejudice for failure to submit a pleading showing the court has subject matter jurisdiction. The clerk shall close the file.

IT IS SO ORDERED.

Dated: December 17, 2012

  
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SUSAN ILLSTON  
United States District Judge