

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 In re JAMES G. GARCIA  
5 Plaintiff,

Case No. 13-0666 JST (PR)

6 **ORDER OF DISMISSAL**

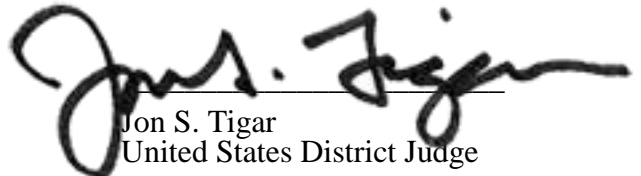
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8 On February 5, 2013, James G. Garcia, a California state prisoner, mailed to the Court a  
9 letter regarding "California State Prison Overcrowding and Lack of Medical Treatment." On  
10 February 14, 2013, the Clerk filed the letter as a new action and assigned it to the undersigned.  
11 The Clerk also advised Garcia that the action was deficient because Garcia did not pay the  
12 requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma  
13 pauperis application, including a completed certificate of funds in the prisoner's account and a  
14 copy of the prisoner's trust account statement for the last six months. See 28 USC § 1915(a)(2).  
15 Garcia was advised that failure to file the requested items within 30 days would result in dismissal  
16 of the action.

17 Garcia has responded by explaining that the document he submitted was not intended as a  
18 new action, but as a letter to the court-appointed monitor in Plata v Schwarzenegger, No C 01-  
19 1351 TEH (PR). Good cause appearing, this action is DISMISSED as improvidently opened.

20 The Clerk is DIRECTED to close the file and to forward a copy of Garcia's February 5,  
21 2013 letter (Dkt. No. 1), to the court-appointed monitor in Plata. No fee is due in this  
22 improvidently opened matter.

23 **IT IS SO ORDERED.**

24 Dated: March 11, 2013

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27 Jon S. Tigar  
28 United States District Judge