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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 In re ERNEST LEE, C-57246,
10 Plaintiff.
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) No. C 13-2485 CRB (PR)
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) ORDER OF DISMISSAL
)
) (Docket #5)
)

12 On June 3, 2013, the clerk filed as a new action a letter by plaintiff alleging
13 inadequate medical care at California State Prison, Corcoran. On that same date,
14 the court notified plaintiff in writing that the action was deficient because he did
15 not file an actual complaint or pay the requisite filing fee or, instead, submit a
16 signed and completed court-approved in forma pauperis application. Plaintiff was
17 advised that failure to file the requested items within 30 days would result in
18 dismissal of the action.

19 Plaintiff has filed a request/motion seeking dismissal of the action on the
20 ground that he did not intend to file a federal civil rights case, but rather a state
21 habeas case. Docket #5 at 1. Good cause appearing, plaintiff's request/motion
22 (docket #5) is GRANTED and the action is DISMISSED without prejudice.

23 The clerk shall close this matter as improvidently opened. No filing fee is
24 due.

25 SO ORDERED.

26 DATED: July 19, 2013

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CHARLES R. BREYER
United States District Judge