

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN RODRIGUEZ,
Plaintiff,

No. C 13-4822 MEJ (pr)

ORDER OF DISMISSAL

v.

ROSANA LIM JAVATE, et al.,
Defendants.

United States District Court
For the Northern District of California

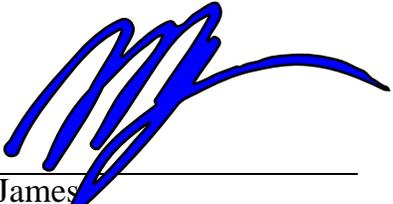
On October 17, 2013, Plaintiff, a prisoner at the Correctional Training Facility (“CTF”) in Soledad, California, filed a complaint with the notation “order of dismissal with leave to amend.” He asserts that prison officials at CTF improperly have denied him his treating physicians’ referrals for bunion surgery. The complaint contains the same claims stated in Plaintiff’s case in Rodriguez v. Javate, C 13-1819 CRB (pr), in which the court entered an order on August 12, 2013, dismissing Plaintiff’s amended complaint in that action with leave to further amend.

It is apparent that Plaintiff intended his complaint to be a second amended complaint in C 13-1819. Therefore, the Court directs the Clerk of the Court to close this action, re-file the complaint in action C 13-1819, and docket the complaint as a “Second Amended Complaint.”

This action is DISMISSED. No filing fee is due. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

DATED: December 17, 2013



Maria-Elena James
United States Magistrate Judge