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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7

8 In Re.

No. C 14-108 SI (pr)

9 JOEL P. WHITNEY,


ORDER OF DISMISSAL

10 Plaintiff.
11 _____/

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13 Plaintiff sent to the court a letter complaining about his medical care in prison. In an
14 effort to protect his rights, a new action was opened and the letter was filed on January 8, 2014.
15 Plaintiff was informed that he had not filed a complaint, and was given 28 days to do so or the
16 action would be dismissed. He also was sent a notice that he had not paid the filing fee or
17 applied for leave to proceed *in forma pauperis*, and was given 28 days to either pay the fee or
18 file the application or the action would be dismissed. Plaintiff did not file a complaint or file an
19 *in forma pauperis* application or pay the fee. He did, however, send a letter in which he stated
20 that he had not intended to file a new civil action; rather, he had intended his earlier letter to be
21 for informational purposes and was not yet prepared to file a complaint because he has several
22 things to take care of before he could file a complaint (e.g., exhausting administrative remedies
23 and file a government control claim for his state law claims). This action therefore is
24 DISMISSED because it was opened in error. No fee is due because the action was opened in
25 error. The clerk shall close the file.

26 IT IS SO ORDERED.

27 Dated: February 11, 2014

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SUSAN ILLSTON
United States District Judge