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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 DARRYL KEITH PHILLIPS,

No. C 14-2146 SI (pr)

8 Plaintiff,

ORDER OF DISMISSAL

9 v.


10 MELISSA McKOWAN; et al.,

11 Defendants.
12 _____/

13 This action was opened due to an error at the courthouse that is more difficult to explain
14 than to undo. Plaintiff sent to the court a form civil rights complaint with the notations
15 "Amendment" and "CV 13-5044" clearly written on the first page. The document was stamped
16 "received" and docketed as Docket # 14 in Case No. C 13-5044 MEJ. There has been no ruling
17 in Case No. C 13-5044 MEJ as to whether to permit the post-judgment amendment to the
18 complaint in that action. However, someone at the courthouse made a copy of the document,
19 crossed out the word "Amendment" and the case number, and marked the document as a "new
20 case" – activity that caused the document to be filed as a complaint and Case No. 14-2146 SI to
21 be opened. Plaintiff then sent a letter in which he stated the document "is not a new case but an
22 amended complaint to Case CV 13-5044." Docket # 4 at 1. Since it is now abundantly clear that
23 plaintiff did not intend to file a new action, this action (i.e., Case No. 14-2146) is now
24 DISMISSED because it was opened in error. No filing fee is due in this action because it was
25 opened due to a mistake at the courthouse. No further documents may be filed in this action.
26 The clerk shall close the file.

27 IT IS SO ORDERED.

28 Dated: June 26, 2014



SUSAN ILLSTON
United States District Judge