

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re FRANKLIN LYNCH,
Plaintiff.

No. C 15-5257 MEJ (PR)
ORDER OF DISMISSAL

In October 2015, Franklin Lynch, a California state prisoner, wrote a letter to the Honorable Thelton E. Henderson complaining of the medical care at San Quentin State Prison, where he is currently housed. On November 17, 2015, the Clerk filed the letter as a new action and assigned it to the undersigned. The Clerk also advised Lynch that the action was deficient because Lynch did not pay the requisite \$400.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application. See 28 U.S.C. § 1915 (a)(2). Lynch was advised that failure to file the requested items within 28 days would result in dismissal of the action.

Lynch has responded by explaining that the document he submitted was not intended as a new action, but as a letter to the three judge panel in Plata v. Brown, No C 01-1351 TEH (PR). He now seeks guidance on how to direct his letter to the Receiver in the Plata action.

Good cause appearing, this action is DISMISSED as improvidently opened. No filing fee is due. Per Lynch's request, the Clerk is directed to send Lynch a copy of his October 2015 letter with attachments (dkt. no. 1). The Clerk is further directed to close the file.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff may send his medical healthcare complaints directly to the Receiver at the following address: J. Clark Kelso, Receiver; California Prison Health Care Receivership; P.O. Box 4038; Sacramento, CA 95812-4038.

IT IS SO ORDERED.

DATED: December 14, 2015



Maria-Elena James
United States Magistrate