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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re MIGUEL MARTINEZ,
Plaintiff.

No. C 10-2874 PJH (PR)

ORDER OF DISMISSAL

This case was opened when plaintiff wrote to the court regarding his appointed attorney and complaining about the conditions of confinement in the Alameda County Jail. In an effort to protect his rights, the letter was treated an attempt to file a new civil rights case. Plaintiff was informed that he had not filed a complaint and was given thirty days to do so. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis ("IFP"); again, he was allowed thirty days to either pay the fee or file the application. A copy of the court's form for applications to proceed IFP was provided with the notice, along with a return envelope.

No response has been received. This case is therefore **DISMISSED** without prejudice. Because the case was opened in error, no fee is due. The clerk shall close this file.

IT IS SO ORDERED.

Dated: August 19, 2010.



PHYLLIS J. HAMILTON
United States District Judge