

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re FRANCISCO P. CASTILLO JR., No. C 10-04227 CW (PR)

ORDER OF DISMISSAL

\_\_\_\_\_ /

This action was opened in error when the Court received exhibits from Petitioner that were intended to be filed in a previously-filed action -- Case No. C 10-4149 CW (PR).

Petitioner currently has two separate habeas actions pending, although he meant to file only one action. Accordingly, the Clerk is directed to remove Petitioner's exhibits (docket nos. 1, 2) from this action. The Clerk is then directed to file them in his previously-filed action, Case No. C 10-4149 CW (PR). The Clerk is further directed to mark them as filed on September 17, 2010, the date they were received by the Court. The Court will review his petition filed in Case No. C 10-4149 CW (PR) in a separate written Order.

The present action is DISMISSED because it was opened in error. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: 10/19/2010



\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 IN RE: FRANCISCO P CASTLLO JR,

Case Number: CV10-04227 CW

5 Plaintiff,

**CERTIFICATE OF SERVICE**

6 v.

7 IN RE: FRANCISCO P CASTLLO JR et al,

8 Defendant.  
\_\_\_\_\_ /

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on October 19, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
14 receptacle located in the Clerk's office.

15 Francisco P. Castillo C-85768  
16 Correctional Training Facility  
17 CW329L  
18 P.O. Box 689  
19 Soledad, CA 93960

20 Dated: October 19, 2010

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California