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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RYKER WILLIAM SCHENCK, No. C 11-00449 CW (PR)

Petitioner, ORDER DISMISSING CASE

v.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,Respondents.
_____ /

The Clerk of the Court erroneously opened this case when Petitioner filed a document entitled, "Petition for Writ of Mandate," which is related to his other pending action, Schenck v. People of the State of California, Case No. C 11-0448 CW (PR). Petitioner also filed a document entitled, "Amended Petition," which is a duplicate copy of the amended petition filed in Case No. C 11-0448 CW (PR). He has also filed a letter to the Court and a motion for leave to proceed in forma pauperis.

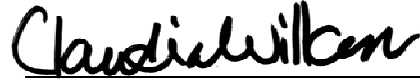
The Court directs the Clerk to refile the following in Case No. C 11-0448 CW (PR) using the date they were filed: (1) the "Petition for Writ of Mandate" (docket no. 1), which shall be renamed as a "Supplement to the Petition;" (2) Petitioner's letter (docket no. 3), which shall be renamed as a "Letter re: Entrapment;" and (3) the "Amended Petition," which shall be renamed as a "Duplicate Copy of the Amended Petition". The Court will review Petitioner's "Amended Petition" in a separate written Order in Case No. C 11-0448 CW (PR).

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The present action is DISMISSED because it was opened in error. The in forma pauperis application (docket no. 5) is DENIED as moot. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED

Dated: 3/31/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 RYKER WILLIAM SCHENCK,

5 Plaintiff,

6 v.

7 PEOPLE OF STATE OF CA et al,

8 Defendant.

Case Number: CV11-00449 CW

CERTIFICATE OF SERVICE

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 March 31, 2011, 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 Ryker William Schenck
16 Marin County Jail
17 Prisoner No. 0092899
18 13 Peter Behr Drive
19 San Rafael, CA 94903

20 Dated: March 31, 2011

21 Richard W. Wiekling, Clerk
22 By: Nikki Riley, Deputy Clerk
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