

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re GREGORY A. SMITH,

No. C 11-04467 SBA (PR)

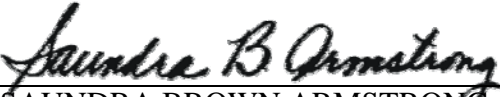
**ORDER OF DISMISSAL**

\_\_\_\_\_ /  
This action was opened when the Court received from Plaintiff Gregory A. Smith a letter addressed to Senior District Court Judge Thelton E. Henderson expressing his displeasure with the "conditions [he has] been living in for the past several months, with rogue prison guards putting dangerous foreign substances in [his food]" in the prison at which he is currently housed, Salinas Valley State Prison. In this action, the Clerk of the Court opened a case file, and sent out a notice that Plaintiff had not filed a complaint, and cautioned that the action would be dismissed if he did not submit a complaint within thirty days. The Clerk also sent out a notice that this action was deficient due to the failure to pay the filing fee or furnish a completed and signed Court-approved in forma pauperis application, and cautioned that the action would be dismissed if he did not pay the fee or file the application materials within thirty days. Plaintiff then sent a letter stating that he did not intend to commence a new action but only to inform the judge of his concerns. (Docket no. 4.)

In light of Plaintiff's explanation that the letter he sent to Judge Henderson was not intended to commence a new action, this 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: 11/7/11

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GREGORY ANDRE SMITH,

Plaintiff,

v.

// et al,

Defendant.

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Case Number: CV11-04467 SBA

**CERTIFICATE OF SERVICE**

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

That on November 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gregory Andre Smith P42354  
Salinas Valley State Prison  
P.O. Box 1050  
Soledad, CA 93960

Dated: November 9, 2011

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk