

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARVELLOUS AMIR WARRIOR GREENE,

No. C 11-6287 SBA (PR)

Plaintiff,

**ORDER VACATE THE COURT'S
JANUARY 19, 2012 ORDER OF
DISMISSAL; AND REOPENING CASE**

v.

PELICAN BAY STATE PRISON
R&R LINE STAFF,

Defendant.

This civil rights action was dismissed without prejudice by the Court on January 19, 2012.

The Court concluded that dismissal was required because Plaintiff failed to submit a timely application for leave to proceed in forma pauperis (IFP) by the January 14, 2012 deadline.

However, the record shows that Petitioner had in fact filed a complete IFP application along with a certificate of funds and his prisoner trust account statement on January 9, 2012. The Court notes that the envelope containing the complete IFP application included the required IFP supporting documents signed by prison officials on January 9, 2012; however, these documents were not received by the Clerk until January 23, 2012. However, Plaintiff's IFP application was not entered into the Court's electronic database until January 31, 2012, more than a week after the dismissal order was issued. In view of this, it is clear that the present petition was dismissed erroneously. Therefore, the Court's January 19, 2012 Order of Dismissal is VACATED.

Accordingly, the Clerk shall REOPEN this action, REINSTATE the complaint filed on December 14, 2011, and VACATE the Court's January 19, 2012 Order of Dismissal. The Court will review Plaintiff's complaint in a separate written Order.

IT IS SO ORDERED.

DATED: 2/5/12


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARVELLOUS AMIR WARRIOR GREENE,

Plaintiff,

v.

PELICAN BAY STATE PRISON et al,

Defendant.

Case Number: CV11-06287 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 February 16, 2012, 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.

Marvellous Amir Warrior Greene K29392
Corcoran State Prison
P.O. Box 3481
Corcoran, CA 93212

Dated: February 16, 2012

Richard W. Wieking, Clerk
By: Lorene DeBose, Deputy Clerk