

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

4 In re SAMUEL ANDERSON,

No. C 11-06318 YGR (PR)
C 12-00018 YGR (PR)

6 **ORDER DISMISSING ACTIONS AS
7 OPENED IN ERROR**

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9 These actions were opened on December 14, 2011 (Case No. C 11-06318 YGR (PR)) and
10 January 4, 2012 (Case No. C 12-00018 YGR (PR)), when the Court received from Plaintiff Samuel
11 Anderson letters addressed to Senior District Court Judge Thelton E. Henderson expressing
12 displeasure with the conditions Plaintiff has been living in at High Desert State Prison (HDSP),
13 including allegations of deliberate indifference to his serious medical needs. In each action, the
14 Clerk of the Court opened a case file, and sent out a notice that Plaintiff had not filed a complaint,
15 and cautioned that the action would be dismissed if he did not submit a complaint within thirty days.
16 The Clerk also sent out notices that the actions were deficient due to the failure to pay the filing fee
17 or furnish a completed and signed Court-approved *in forma pauperis* application, and cautioned that
18 the actions would be dismissed if he did not pay the fee or file the application materials within thirty
19 days.

20 The Court notes that Plaintiff filed a previous action, Case No. C 11-06230 YGR (PR) in
21 which he had filed a similar letter addressed to Judge Henderson on December 13, 2011. In that
22 letter, Plaintiff claimed that "for the last six (6) months [he has] been trying to receive proper and
23 adequate medical care for pain." (Pl.'s Dec. 13, 2011 Letter at 1.) He claimed that prison officials
24 stopped his "pain medications for severe scoliosis with degenerative disc; small cell cancer, [and]
25 neuropathy with severe nerve pain in both feet." (*Id.*) As in his other cases, the Clerk opened a case
26 file and sent out similar notices that Plaintiff had neither filed a complaint nor furnished a completed
27 and signed Court-approved *in forma pauperis* application. On January 12, 2012, Plaintiff responded
28 to the Clerk's notices by filing a document entitled, "Affidavit," in which he names various HDSP

1 prison officials as Defendants and states that he "wishes to file motions and file an Order to Show
2 Cause/Temporary Order because [Defendants] intentionally discontinued . . . medications . . .
3 causing plaintiff to have headaches and lost [sic] of sleep." (Pl.'s Jan. 12, 2012 Aff. at 3.) Plaintiff
4 has also filed a completed and signed *in forma pauperis* application.

5 As evident from his responses to the Clerk's notices in his previous action, Case No. C 11-
6 06230 YGR (PR), it is clear that Plaintiff wishes to pursue that action only. Because Plaintiff has
7 not filed any responses to the Clerk's notices in his two other actions, Case Nos. C 11-06318 YGR
8 (PR) and C 12-00018 YGR (PR), the Court assumes that he did not intend to commence new actions
9 but only to further inform Judge Henderson of his concerns.

10 In light of the above, the letters he sent to Judge Henderson in Case Nos. C 11-06318 YGR
11 (PR) and C 12-00018 YGR (PR) were not intended to commence new actions; therefore, both
12 actions are DISMISSED because they were opened in error. The Clerk is directed to remove the
13 letters filed in both actions, to file them in his previously-filed action, Case No. C 11-06230 YGR
14 (PR), and to docket them as Plaintiff's "Follow-up Letters." The Clerk is further directed to mark
15 them as filed on the dates they were received by the Court.

16 The Clerk shall enter judgment and close the files in Case Nos. C 11-06318 YGR (PR) and C
17 12-00018 YGR (PR). No filing fee is due in those cases.

18 IT IS SO ORDERED.

19 DATED: January 27, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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