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

MICHAEL LENA,

No. C 12-00492 YGR (PR)

Plaintiff,

ORDER OF DISMISSAL

vs.

MARIN SUPERIOR COURT, et al.,

Defendants.

This action was opened in error when the Court received from Plaintiff a civil rights complaint form and a motion for leave to proceed *in forma pauperis* (IFP) that were intended to be filed in a previously-filed action -- Case No. C 12-0378 YGR (PR). On January 25, 2012, Plaintiff had only filed a document entitled, "Motion and Declaration Seeking Orders from this Court Enjoining Respondents from Stopping Michael Lena from Filing a 42 U.S.C. § 1983 Action and 2 Petitions in this U.S. District Court," in Case No. C 12-0378 YGR (PR). In a letter filed on the same date, Plaintiff explained that he was attaching a "3 1/2 floppy external [disc]," which contained his "37 page § 1983 Action;" however, "[t]he sheriffs [sic] deputys [sic] refuse to print it" (Jan. 25, 2012 Letter in Case No. C 12-0378 YGR (PR) at 1-2.) Thereafter, Plaintiff was able to print and file with the Court the aforementioned 37-page civil rights complaint; however, he did not indicate that it was to be filed in Case No. C 12-0378 YGR (PR). In addition, he also filed a completed IFP application. Therefore, as mentioned above, a new action was opened.


Plaintiff currently has two separate civil rights actions pending, although he meant to file only one action. Accordingly, the Clerk is directed to remove Plaintiff's civil rights complaint and IFP application from this action, to file them in his previously-filed action, Case No. C 12-0378

1 YGR (PR), and to docket them as Plaintiff's "Complaint" and "Motion for Leave to Proceed *In*
2 *Forma Pauperis*," respectively. The Clerk is further directed to mark them as filed on January 31,
3 2012, the date they were received by the Court. The Court will review Plaintiff's "Complaint" in a
4 separate written Order in Case No. C 12-0378 YGR (PR).

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

7 IT IS SO ORDERED.

8 DATED: Feb 14, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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