

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 BRIAN HILL,

No. C 12-05719 YGR (PR)

ORDER OF DISMISSAL

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This action was opened when the Court received from Plaintiff Brian Hill a letter addressed to Special Master John Hagar expressing displeasure with the medical care at California State Prison - Centinela in Imperial, California. The Court assumes that Plaintiff claims to be a member of the plaintiff class in the *Madrid v. Gomez* class action -- litigation before Senior District Court Judge Thelton E. Henderson concerning the conditions at Security Housing Units (SHU) -- because the special master appointed by the *Madrid* court was Special Master Hagar. See 889 F. Supp. 1146 (N.D. Cal. 1995). Judge Henderson has ruled that the overall conditions of the SHU do not violate the Eighth Amendment for the non-mentally ill inmates therein. See *id.* at 1227-30, 1260-65.

In the present action, the Clerk of the Court opened a case file, 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 Plaintiff's 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 within thirty days. Plaintiff then sent a letter stating that he did not intend to commence a new action but only to inform Special Master Hagar of his concerns. (Docket No. 4.)

In light of Plaintiff's explanation that the letter he sent to Special Master Hagar was not intended to commence a new action, this action is DISMISSED as opened in error. The Clerk of the Court is directed to send an electronic copy of the original letter (docket no. 1) and this Order to Judge Henderson's courtroom deputy. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: February 19, 2013 _____


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE