

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

In re ANTHONY MILLER,

No. C 13-5892 YGR (PR)

ORDER OF DISMISSAL

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This action was opened when the Court received from Plaintiff Anthony Miller a letter addressed to Senior District Court Judge Thelton E. Henderson expressing displeasure with the prison staff at the Richard J. Donovan Correctional Facility in San Diego, California.

In this 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 twenty-eight 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 twenty-eight days. Plaintiff then sent a letter stating that he did not intend to commence a new action but only to inform Judge Henderson 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 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: January 31, 2014



**YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE**

**United States District Court
For the Northern District of California**

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