

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 PHILIP FOND,

No. C 14-0406 SBA (PR)

**ORDER OF DISMISSAL**

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This action was opened when the Court received from Plaintiff Philip Fond a letter addressed to Senior District Court Judge Thelton E. Henderson expressing his displeasure with the conditions of confinement in the prison at which he is currently housed, i.e., Valley State Prison in Chowchilla, California. In turn, the Clerk of the Court opened a case file, and sent a notice to Plaintiff advising him that he 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 separately sent out a notice that this action was deficient due to the 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 materials within twenty-eight days.

In response, Plaintiff sent a letter stating that he did not intend to commence a new action, but that he only intended to inform Judge Henderson of his concerns. Dkt. 4. In addition, Plaintiff states that he wishes to exhaust his administrative remedies prior to filing any new complaints.<sup>1</sup> Id. 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 because it was opened in error. No filing fee is due. The Clerk shall close the file.

This Order terminates Docket nos. 4 and 5.

IT IS SO ORDERED.

DATED: 2/25/2014

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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<sup>1</sup> In the alternative, Plaintiff has filed a request to stay proceedings pending exhaustion. Dkt. 5. Because this action will be dismissed as filed in error, Plaintiff's request to stay is DENIED as moot.