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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM BROWN,
Petitioner,
v.
MONTEREY SUPERIOR COURT,
Respondent.

Case No. [16-cv-07169-DMR](#) (PR)

ORDER OF DISMISSAL

This action was opened on December 15, 2016, when the court received from Petitioner a document entitled, "Petition for a Writ of Habeas Corpus." Dkt. 1. In his "Notice to Court" filed on December 30, 2016, Petitioner explains that this action was opened in error because his petition was filed in the wrong court. Dkt. 3 at 2. The petition apparently was intended to be filed in the United States Court of Appeals for the Ninth Circuit rather than this court. *Id.* Thus, Petitioner requests that this court dismiss the instant action as opened in error and forward the petition to the Ninth Circuit for review.

Based on the foregoing, this court concludes that the petition was not intended to be filed in this court and was instead intended to be filed in the Ninth Circuit. Accordingly, this action is **DISMISSED** without prejudice because it was filed in the wrong court.

The Clerk of the Court shall send the original petition and its attachments to the Ninth Circuit for filing in that court. Prior to sending the petition, the Clerk shall substitute "United States Court of Appeals for the Ninth Circuit" as the caption on the top of page one of the petition, which currently states "United States District Court Northern District of California." The Clerk shall also send a copy of this Order and Petitioner's "Notice to Court" (dkt. 3) to the Ninth Circuit to explain why the petition is being redirected to that court.

No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: January 27, 2017



DONNA M. RYU
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 WILLIAM BROWN,
4 Plaintiff,

5 v.

6 MONTEREY SUPERIOR COURT,
7 Defendant.
8

Case No. [4:16-cv-07169-DMR](#)

CERTIFICATE OF SERVICE

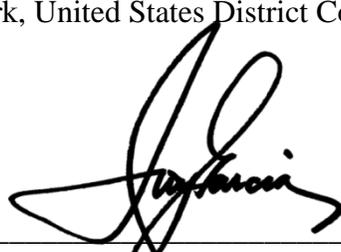
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on January 27, 2017, I SERVED a true and correct copy(ies) of the attached, by
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 William Brown ID: AS7822
18 P.O. Box 3030
19 Susanville, CA 96127

20 Dated: January 27, 2017

21 Susan Y. Soong
22 Clerk, United States District Court

23
24
25 By: 
26 Ivy Lerma Gatera, Deputy Clerk to the
27 Honorable DONNA M. RYU
28