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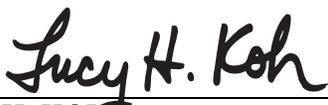
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NWADINAUME UBA,	)	No. C 10-4694 LHK (PR)
	)	
Plaintiff,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

On October 18, 2010, Plaintiff, proceeding *pro se*, filed a “Motion to Modify Restitution Based on Error.” Upon receipt of the motion, the Clerk’s Office opened a new case file and notified Plaintiff that he was required to submit a complaint or face dismissal. The Court notes, however, that on June 26, 2009, Plaintiff was convicted of three counts of filing a false tax return and sentenced to 18 months and ordered to pay \$258,741.00 in restitution, *inter alia*, in Case No. 08-CR-0158 JW. It appears that Plaintiff’s motion is more appropriately filed in his closed criminal case rather than as a new action. Accordingly, the Clerk shall re-file Plaintiff’s motion in Case No. 08-CR-0158 JW, DISMISS this action, and close the file.

IT IS SO ORDERED.

DATED: 10/28/10

  
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 LUCY H. KOH  
 United States District Judge