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

DAVID M. DAVID,)	No. C 11-6242 LHK (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
UNKNOWN,)	
)	
Defendant.)	
_____)	

On December 13, 2011, Plaintiff, proceeding *pro se*, filed a notice of unlawful seizure of legal materials and evidence of factual innocence, which commenced this action. The same day, the Clerk notified Plaintiff that he had not paid the filing fee, nor had he filed an application to proceed in forma pauperis (“IFP”). On January 17, 2012, Plaintiff submitted a motion for clarification and consolidation, stating that he intended to file the original notice in his previous case, *David v. Reno*, No. 95-4388 TEH. Plaintiff explains that this action was erroneously opened. Based on a review of Plaintiff’s submissions, the instant action is DISMISSED as improvidently opened. The Clerk shall file Plaintiff’s notice of unlawful seizure of legal materials (docket no. 1) in *David v. Reno*, No. 95-4388 TEH, and close the file in *David v. Unknown*, No. 11-6424 LHK.

This order terminates docket number 4.

IT IS SO ORDERED.

Dated: 1/23/12 _____



 LUCY H. KOH
 United States District Judge