



In Re James G. Garcia

2013 | Cited 0 times | N.D. California | March 12, 2013

AMENDED ORDER OF DISMISSAL

On February 5, 2013, James G. Garcia, a California state prisoner, mailed to the Court a 9 letter regarding "California State Prison Overcrowding and Lack of Medical Treatment." On 10 February 14, 2013, the Clerk filed the letter as a new action and assigned it to the undersigned. 11

The Clerk also advised Garcia that the action was deficient because Garcia did not pay the 12 requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma 13 pauperis application, including a completed certificate of funds in the prisoner's account and a 14 copy of the prisoner's trust account statement for the last six months. See 28 USC § 1915(a)(2). 15

Garcia was advised that failure to file the requested items within 30 days would result in dismissal 16 of the action. 17

Garcia has responded by explaining that the document he submitted was not intended as a 18 new action, but as a letter to the three judge panel in *Plata v Schwarzenegger*, No C 01-1351 TEH 19 (PR). Good cause appearing, this action is DISMISSED as improvidently opened. 20

The Clerk shall forward a copy of Garcia's February 5, 2013 letter (Dkt. No. 1), and this Order to Judge Thelton Henderson via his courtroom deputy. No filing fee is due. The Clerk 22 shall close the file. 23

IT IS SO ORDERED.

