

FILED

MAY 15 2008

UNITED STATES DISTRICT COURT RICHARD W. WIEKING
NORTHERN DISTRICT OF CALIFORNIA CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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VICTOR DANIEL SOLTERO,

Plaintiff,

No. C 08-1763 PJH (PR)

vs.

ORDER OF DISMISSAL


JOE McGRATH, et al.,

Defendants.

This case was opened in error when plaintiff's amended complaint intended for case number C 07-4256 PJH (PR) was treated as commencing a new case. Because the case was opened in error, it is **DISMISSED** without prejudice. The clerk shall file the complaint (document number 1 on the docket) in C 07-4256 PJH (PR), and also retain an electronic copy on the docket for this case for purposes of making a record. No fee is due.

IT IS SO ORDERED.

Dated: May 15, 2008.



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VICTOR D. SOLTERO,
Plaintiff,

Case Number: CV08-01763 PJH

CERTIFICATE OF SERVICE

v.

JOE MCGRATH et al,
Defendant.

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

That on May 16, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Victor Daniel Soltero K-36340
Kern Valley State Prison
D4-115
P.O. Box 5104
Delano, CA 93216

Dated: May 16, 2008



Richard W. Wieking, Clerk
By: Monica Narcisse, Deputy Clerk