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

ESTATE OF JOHNSON CLARK ET AL.,

No. C 12-00137 CRB

Plaintiffs,

**ORDER DISMISSING CASE**

v.

HORWICH ET AL.,

Defendants.

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For the reasons stated at the motion hearing on Friday, August 10, 2012, Plaintiff Peter Clark has failed to state a claim under the RICO Act. As Plaintiff already had an opportunity to amend that claim, and was informed that he would have no further opportunities to amend, the Court finds that further amendment would be futile, and dismisses the RICO claim with prejudice. As the Plaintiff's RICO claim was the only basis for the Court's jurisdiction, Plaintiff's case is **DISMISSED**, without prejudice to his raising his state law claims in state court.

**IT IS SO ORDERED.**

Dated: August 17, 2012

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE