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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PETER CLARK,

No. C 12-3559 RS

Plaintiff,

v.

**ORDER RE STATUS**

CHARLES BOYLE, et al.,

Defendants

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By order filed January 17, 2013, the original complaint in this action was dismissed pursuant to 28 U.S.C. §1915, with leave to amend. After requesting and being granted several extensions of time, *pro se* plaintiff Peter Clark eventually filed an amended complaint. The adequacy of that complaint for pleading purposes, however, has never been formally evaluated because Clark represented he was seeking counsel and that further amendments would be forthcoming. Based on an initial review, the amended complaint has not cured many of the deficiencies previously identified, and it may again be subject to dismissal.

Clark has responded to prior orders to show cause why the action should not be dismissed for failure to prosecute by listing various health, financial, and other difficulties he has encountered, and he has reported his continuing efforts to obtain counsel. He has also suggested that legal proceedings in other courts may have a bearing on his claims in this action, and that relevant

1 decisions in those matters have been or are imminent. At this juncture, further indefinite delay will  
2 potentially cause undue prejudice to any defendants that may eventually be called on to respond to  
3 the action. Accordingly, no later than August 22, 2014, Clark shall file either (1) a voluntary  
4 dismissal of this action, (2) a second amended complaint, or (3) a statement that he intends to stand  
5 on the existing first amended complaint. If Clark fails to file anything, this action will be dismissed  
6 without further notice, for failure to prosecute. If Clark files a second amended complaint or a  
7 statement that he elects not to amend, the adequacy of the relevant pleading will be evaluated and a  
8 further order will issue in due course.

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10 IT IS SO ORDERED.

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12 Dated: 7/29/14

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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE