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\*E-Filed 12/10/12\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL LYNN WATERS,

No. C 12-4195 RS (PR)

Plaintiff,

**ORDER OF DISMISSAL**

v.

T.E. PUGET,

Defendant.

In this federal civil rights action, plaintiff alleges that defendants, his jailors at Pelican Bay State Prison, placed a false report in his central file. He brings this action to stay cell-placement proceedings at Folsom State Prison, where he is currently incarcerated, and to have the false report, which he alleges will adversely affect his cell-placement at Folsom, removed from his file. The complaint was dismissed with leave to file an amended complaint.

Plaintiff has filed an amended complaint, but he has failed to address the deficiencies contained in the prior complaint. Specifically, he has not provided sufficient factual information regarding the cell-placement proceedings at Pelican Bay during which the allegedly false document was generated. Because plaintiff has failed to comply with the Court's directions to correct the deficiencies in the prior complaint, the action is hereby

No. C 12-4195 RS (PR)  
ORDER OF DISMISSAL

1 DISMISSED pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. This  
2 dismissal is without prejudice. The action is also dismissed on grounds that the action is  
3 premature, there having been no cell-placement proceeding at Folsom. As there has been no  
4 such proceeding, there has been no constitutional violation related to the allegedly false  
5 document.

6 Related to this issue of prematurity, plaintiff's motion for a preliminary injunction to  
7 stay cell-determination proceedings at Folsom Prison is DENIED. Such motion should be  
8 filed in the Eastern District, as Folsom Prison lies therein. The Clerk shall enter judgment in  
9 favor of defendant, and close the file.

10 **IT IS SO ORDERED.**

11 DATED: December 10, 2012

  
RICHARD SEEBORG  
United States District Judge

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