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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAGEORGE PIERRE,
Plaintiff,
v.
JENNY NIKLAUS, et al.,
Defendants.Case No. [13-cv-03803-WHO](#)**ORDER OF DISMISSAL**

Re: Dkt. No. 6

Currently before the Court is the Administrative Motion for Dismissal Because No Complaint Pending by defendants Jenny Niklaus and Teresa Schmitz. Dkt. No. 6.

Plaintiff George Pierre filed this case in the Superior Court of California, County of Santa Clara. The complaint was dismissed by that court in its entirety with leave to file an amended complaint by September 3, 2013. The case was removed to this Court on August 16, 2013. Dkt. No. 1. Plaintiff failed to file an amended complaint. On October 11, 2013, this Court issued an Order to Show Cause ordering plaintiff to file an amended complaint by November 4, 2013. Dkt. No. 7. The Court extended the deadline to file an amended complaint to November 20, 2013. Dkt. No. 8. On November 20, 2013, plaintiff filed a motion to remand, which the Court denied on December 17, 2013. Dkt. Nos. 9, 11. As of today's date, no amended complaint has been filed.

Under ordinary circumstances, the Court would dismiss this case at this time. But given that plaintiff is pro se and that he did file something by the deadline to file an amended complaint, albeit not the document required by the Court, the Court will delay dismissing this case until **January 17, 2014**. If no amended complaint has been filed by that date, the Court will dismiss this action *sua sponte*. *Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (stating that courts may dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil

United States District Court
Northern District of California

1 procedure or the court's orders).

2 **IT IS SO ORDERED.**

3 Dated: January 2, 2014

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5 WILLIAM H. ORRICK
6 United States District Judge

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