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

JEFFREY WILLIAMS,

Plaintiff,

vs.

1:03 CV 06048 OWW YNP SMS (PC)

ORDER ACCEPTING SUGGESTION OF
DEATH UPON THE RECORD

A. SANTA CRUZ,

Defendant.

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

On August 27, 2009, counsel for Defendant filed Notice of Defendant’s Death. Counsel for Defendant Santa Cruz is informed that the Defendant has died. Pursuant to Fed. R. Civ. P. 25(a)(1), successors or representatives of a deceased party may make a motion for substitution “not later than 90 days after the death is suggested upon the record” and continue the action. The court accepts the suggestion of death upon the record. Under Rule 25(a)(1), unless a motion for substitution is made, “the action shall be dismissed as to the deceased party.” Absent

1 such a statement, this case will be dismissed on November 30, 2009.

2 IT IS SO ORDERED.

3 **Dated:** August 31, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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