

1 Fed. R. Civ. P. 25(a)(1).

2 As just stated, Plaintiff was served with the notice of death on August 24, 2009, and ninety
3 days have passed and Plaintiff has failed to file a motion for substitution, and/or respond to the order
4 to show cause. Accordingly, Defendant Deering is subject to dismissal.

5 Accordingly, the Court HEREBY RECOMMENDS that Defendant Deering be dismissed from
6 the action.

7 This Findings and Recommendation will be submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30) days**
9 after being served with the Findings and Recommendation, the parties may file written objections with
10 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
11 Recommendation.” The parties are advised that failure to file objections within the specified time may
12 waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13
14 IT IS SO ORDERED.

15 Dated: May 21, 2014



16 UNITED STATES MAGISTRATE JUDGE