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

PAUL WILLIAM JENSEN,

Plaintiff,

vs.

D. ADAMS, et al.,

Defendants.

1:08 CV 1214 AWI WMW PC

ORDER CONSTRUING COPY OF
DEATH CERTIFICATE AS SUGGESTION
DEATH UPON THE RECORD

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

On January 30, 2009, an order was entered, granting Plaintiff leave to file an amended complaint. On February 10, 2009, the order was returned with a notation that Plaintiff is deceased. 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. Ninety days have expired since the court received notice of plaintiff’s death. The court accepts the suggestion of death upon the record. Under

1 Rule 25(a)(1), unless a motion for substitution is made, “the action shall be dismissed as to the
2 deceased party.” Absent such a statement, this case will be dismissed on May 12, 2009.

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4 IT IS SO ORDERED.

5 **Dated: February 18, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE

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