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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **SILVESTRE SOTO,**

9 **Plaintiff,**

10 **v.**

11 **CASTLEROCK FARMING AND**
12 **TRANSPORT INC., and DOES 1 to 20**
13 **inclusive,**

Defendant

CASE NO. 1:09-CV-0701 AWI JLT

ORDER RE: MOTION TO DISMISS

(Doc. 182)

14 Defendant has made a motion to dismiss the case (Doc. 182), based on Fed. Rule Civ.
15 Proc. 25(a)(1): "If a party dies and the claim is not extinguished, the court may order substitution
16 of the proper party. A motion for substitution may be made by any party or by the decedent's
17 successor or representative. If the motion is not made within 90 days after service of a statement
18 noting the death, the action by or against the decedent must be dismissed." Fed. Rule Civ. Proc.
19 25(a)(1). The sole remaining plaintiff, Silvestre Soto, passed away in March 2014. Marco Palau,
20 Plaintiff's attorney, filed the notice of his death on September 8, 2014. More than 90 days has
21 passed since then. Of note, Plaintiff's counsel has filed no opposition to the motion.

22 Defendant's motion to dismiss is GRANTED. The Clerk of the Court is directed to close
23 this case.

24 IT IS SO ORDERED.

25 Dated: February 26, 2015

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27 **SENIOR DISTRICT JUDGE**
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