

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JOHN McGLOTHIN,

Plaintiff,

v.

J. TORRES, et al.,

Defendants.

1:10cv00247 AWI DLB PC

ORDER DISMISSING
DEFENDANT J. TORRES

Plaintiff Michael John McGlothin (“Plaintiff”), a California state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 16, 2010. Plaintiff filed a Second Amended Complaint on June 13, 2011. This action is proceeding on Plaintiff’s Eighth Amendment claim against Defendants Castro, Jose, Steen and Torres. Defendants’ April 16, 2013, motion for summary judgment is currently pending before the Court.

On February 6, 2013, Defendants filed a Notice of Defendant J. Torres’ Death pursuant to Federal Rule of Civil Procedure 25(a).

Plaintiff has not filed a motion to substitute within 90 days of receiving notice of Defendant Torres’ death, as required by Rule 25(a)(1).

Accordingly, Defendant J. Torres is DISMISSED.

IT IS SO ORDERED.

Dated: May 21, 2013



SENIOR DISTRICT JUDGE