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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5 **UNITED STATES OF AMERICA AND**  
6 **STATE OF CALIFORNIA ex rel. SCOTT H.M.**  
7 **DRISCOLL, M.D., AND SCOTT H.M.**  
8 **DRISCOLL, M.D., individually and personally,**

9 **Plaintiffs,**

10 **v.**

11 **TODD SPENCER M.D. MEDICAL GROUP, et**  
12 **al.,**

13 **Defendants.**

**1:11-cv-1776-LJO-BAM**

**ORDER DISMISSING CASE**

14 On January 11, 2017, counsel for Plaintiff Dr. Scott H.M. Driscoll (“Relator”) informed the  
15 Court that Dr. Driscoll had died. Doc. 85 at 1. Because both the federal government and the State of  
16 California indicated that they will not prosecute this case on behalf of Relator, the Court ordered counsel  
17 for Relator to file, on or before February 24, 2017, a motion to substitute Relator for an appropriate  
18 party who could prosecute this case on his behalf. The Court informed counsel that the Court would  
19 dismiss this case if he does not meet this deadline.

20 Counsel failed to meet the deadline. To date, counsel has not filed a motion to substitute.  
21 Accordingly, the Court DISMISSES this case without prejudice. The Clerk of Court is directed to  
22 CLOSE this case.

23 IT IS SO ORDERED.

24 Dated: February 27, 2017

/s/ Lawrence J. O’Neill  
25 UNITED STATES CHIEF DISTRICT JUDGE