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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

| | | |
|----------------|---|--------------------------------------|
| ABEL VALENCIA, |) | Case No.: 1:12-cv-01446-AWI-SAB (PC) |
| |) | |
| Plaintiff, |) | |
| |) | ORDER GRANTING PLAINTIFF’S MOTION TO |
| v. |) | EXTEND THE TIME TO SUBMIT SERVICE |
| |) | DOCUMENTS |
| RUIZ, et. al., |) | |
| |) | [ECF No. 88] |
| Defendants. |) | |
| |) | |
| |) | |

Plaintiff Abel Valencia is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff due process claim against Defendant Ruiz and an official capacity claim for injunctive relief against Defendant Jeffrey Beard.

On December 8, 2015, the Court sent Plaintiff the necessary service of process forms for completion and return to effectuate service of process as to Defendant Jeffrey Beard. (ECF No. 84.)

On December 28, 2015, Plaintiff filed a motion requesting a stay and extension of time for service as to Defendant Beard. Plaintiff submits that Jeffrey Beard will retire on December 31, 2015, and Plaintiff will need to name his successor as the Defendant for whom he seeks injunctive relief. (ECF No. 88.)

Plaintiff is advised that pursuant to Federal Rule of Civil Procedure 25(d), “[a]n action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases

1 to hold office while the action is pending.” Fed. R. Civ. P. 25(d). Thus, Plaintiff is not required to
2 name Beard’s successor as he/she will be substituted automatically pursuant to Rule 25. In the interest
3 of justice, Plaintiff is granted thirty (30) days from the date of service of this order to complete and
4 submit the necessary service of process forms.

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IT IS SO ORDERED.

Dated: December 30, 2015


UNITED STATES MAGISTRATE JUDGE