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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 | JOHN CATANZARITE, | ) | Case No.: 1:12-cv-01502-LJO-SAB (PC) |

12 | Plaintiff, | ) | ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING |

13 | v. | ) | DEFENDANT J. RAMOS FROM ACTION PURSUANT TO RULE 25(a)(1) OF THE |

14 | D. PIERCE, et al., | ) | FEDERAL RULES OF CIVIL PROCEDURE |

15 | Defendants. | ) | [ECF No. 37] |

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17        Plaintiff John Catanzarite is appearing pro se and in forma pauperis in this civil rights action

18 pursuant to 42 U.S.C. § 1983.

19        On January 23, 2014, the U.S. Marshal returned the summons and USM-285 forms as to

20 Defendant J. Ramos with a notation that he is deceased. The USM-285 form was served by mail on

21 Plaintiff at his address of record.

22        On May 5, 2014, the Magistrate Judge issued Findings and Recommendation to dismiss

23 Defendant J. Ramos pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure for failing to

24 file a motion for substitution. The Findings and Recommendations were served on Plaintiff and

25 contained notice that objections to the Findings and Recommendations were to be filed within thirty

26 days. No objections were to be filed.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1.    The Findings and Recommendations, filed on May 5, 2014, is adopted in full; and

2.    Defendant J. Ramos is DISMISSED from the action for failure to comply with Rule 25(a)(1) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated:   **June 12, 2014**                              **/s/ Lawrence J. O'Neill**
                                                UNITED STATES DISTRICT JUDGE