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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARTHUR OWENS,
Plaintiff,
v.
FRESNO FOODS, LLC, et al.,
Defendants.

Case No. 1:15-cv-01526-SAB
ORDER DISCHARGING ORDER TO
SHOW CAUSE
(ECF Nos. 42, 43)

On October 20, 2016, Plaintiff’s counsel filed a statement of death informing the Court that Plaintiff is deceased. (ECF No. 40.) On October 31, 2016, the Court ordered that a motion for substitution be filed on or before December 23, 2016. (ECF No. 41.) However, a motion for substitution or other response to the October 31, 2016 order was not filed in compliance with the Court’s October 31, 2016 order.

On December 28, 2016, an order issued requiring Plaintiff’s counsel to show cause why this action should not be dismissed for failure to file a motion for substitution in compliance with the Court’s October 31, 2016 order. (ECF No. 42.) On January 10, 2017, Plaintiff’s counsel filed a declaration in response to the order to show cause. (ECF No. 43.) Plaintiff’s counsel states that she has been in contact with Plaintiff’s brother, Charles Owens, who she believes to be Plaintiff’s next of kin. Plaintiff’s counsel also states that she does not represent Charles Owens nor any other representative of Plaintiff’s estate. Plaintiff’s counsel indicates that she advised

1 Charles Owens that the Court has issued the order to show cause and advised him that she has no
2 independent ability to proceed in this action. On January 10, 2017, Plaintiff's counsel served a
3 copy of the Court's order to show cause and her declaration in response to the order to show
4 cause on Charles Owens. Based on Plaintiff's counsel's response, the order to show cause shall
5 be discharged.

6 Accordingly, IT IS HEREBY ORDERED that the December 28, 2016 order to show
7 cause is DISCHARGED.

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9 IT IS SO ORDERED.

10 Dated: January 11, 2017


UNITED STATES MAGISTRATE JUDGE

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