1		
2		
3		
4		
5		
6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
8		
9	MONICO J. QUIROGA III,	CASE NO. 1:15-CV-1697 AWI JDP
10	Plaintiff	ORDER ON FINDINGS AND
11	v.	RECOMMENDATIONS AND MOTIONS
12	C. CHAPA, et al.,	(Doc. Nos. 71, 74, 78)
13	Defendants	(Doc. Nos. 71, 74, 78)
14		
15		
16	Plaintiff Monico Quiroga is a state prisoner proceeding pro se and in forma pauperis in this	
17	civil rights action under 42 U.S.C. § 1983. Currently pending are Defendants' motion to declare	
18	Plaintiff a vexatious litigant, a document that has been construed as a motion for reconsideration,	
19	and a June 26, 2020 findings and recommendation ("F&R") regarding Defendant's vexatious	
20	litigant motion. However, on July 16, 2020, the Court received notice that Plaintiff died in April	
21	2020. Further, an inmate search with the CDCR reveals no record of Plaintiff. A certificate of	
22	service regarding the suggestion of death was filed on August 17, 2020. <sup>1</sup> Further, two pieces of	
23	mail that were sent to Defendant have been returned to the Court as undeliverable.	
24	Given the notice, the returned mail, and the absence of Plaintiff from the CDCR website	

inmate locator, it is apparent that Plaintiff is deceased. With the death of Plaintiff, Defendants'
vexatious litigant motion and the associated F&R are both moot. Thus, the Court will deny the
motion and decline to adopt the F&R.

<sup>28</sup> 

<sup>&</sup>lt;sup>1</sup> The time for a substitution of Plaintiff has not yet elapsed. See Fed. R. Civ. P. 25(a)(1).

1	Additionally, the document that was docketed as a motion for reconsideration is 2 pages,	
2	one of which is a proof of service. The motion is one sentence and comes nowhere close to	
3	explaining why an error was committed or why reconsideration is warranted. There is absolutely	
4	no basis to grant reconsideration on the basis of Plaintiff's single sentence. The "motion" utterly	
5	fails as a viable request for reconsideration and thus, will be denied as meritless.	
6		
7	ORDER	
8	Accordingly, IT IS HEREBY ORDERED that:	
9	1. Defendants motion to declare Plaintiff a vexatious litigant (Doc. No. 71) is DENIED as	
10	moot;	
11	2. The Court DECLINES to adopt the June 26, 2020 Findings and Recommendation (Doc.	
12	No. 78) as the underlying motion is moot; and	
13	3. Plaintiff's motion for reconsideration (Doc. No. 74) is DENIED.	
14	IT IS SO ORDERED.	
15		
16	Dated: <u>September 8, 2020</u> SENIOR DISTRICT JUDGE	
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	2	