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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **MONICO J. QUIROGA III,**

10 **Plaintiff**

11 **v.**

12 **C. CHAPA, et al.,**

13 **Defendants**
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CASE NO. 1:15-CV-1697 AWI JDP

**ORDER ON FINDINGS AND
RECOMMENDATIONS AND MOTIONS**

(Doc. Nos. 71, 74, 78)

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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, 2020.¹ 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
25 inmate locator, it is apparent that Plaintiff is deceased. With the death of Plaintiff, Defendants'
26 vexatious litigant motion and the associated F&R are both moot. Thus, the Court will deny the
27 motion and decline to adopt the F&R.

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¹ The time for a substitution of Plaintiff has not yet elapsed. See Fed. R. Civ. P. 25(a)(1).

