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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DWAYNE EICHLER,
Plaintiff,

No. CIV S-06-2894-JAM-CMK-P

vs.

ORDER

TILTON, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil rights action pursuant to 42 U.S.C. § 1983. On September 29, 2010, Defendants filed a notice of the death of defendant Mark Nessenson. Pursuant to Federal Rule 25(a)(1), Plaintiff has 90 days from the date of this order to file a motion for substitution. If no motion is filed within 90 days, the court will recommend dismissal of the action as to defendant Nessenson only. See Fed. R. Civ. P. 25(a)(1).

IT IS SO ORDERED.

DATED: September 30, 2010



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE