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

LAWRENCE PAMER,
Plaintiff,

No. CIV S-07-1902-MCE-CMK-P

vs.

ORDER

ARNOLD SCHWARZENEGGER, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983. On December 20, 2011, defendants filed a notice that plaintiff died in prison on October 16, 2011. Notice of the suggestion of death pursuant to Barlow v. Ground, 39 F.3d 231, 233 (9th Cir. 1994) was served on April 23, 2012. No motion for substitution has been filed.

Federal Rule of Civil Procedure 25(a)(1) provides that if a “motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Here, the notice of plaintiff’s death was served on April 23, 2012, and no motion for substitution has been filed. Thus, the court is required to dismiss this action.

///

1 Accordingly, IT IS HEREBY ORDERED that this action is dismissed due to
2 plaintiff's death pursuant to Rule 25(a).

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4 DATED: August 27, 2012

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6 **CRAIG M. KELLISON**
7 UNITED STATES MAGISTRATE JUDGE

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