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

WILLIAM T. COATS,

Plaintiff,

No. 2:09-cv-1830 KJN P

vs.

T. KIMURA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed December 20, 2010, the United States Marshal was directed to serve process on defendants in this action, including defendant Dr. Evans. On February 16, 2011, the United States Marshal returned service unexecuted. On March 4, 2011, plaintiff filed a notice that defense counsel informed plaintiff that Dr. Evans is deceased.

In light of the suggestion of Dr. Evans' death upon the record, the Clerk of the Court is directed to serve a copy of the USM-285 form returned by the Marshal on plaintiff together with a copy of this order. Service of such form invokes the ninety day time limit for filing a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1). The order requiring plaintiff to provide service of process forms for defendant Evans is vacated.

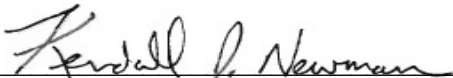
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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Clerk of the Court shall serve on plaintiff forthwith a copy of the USM-
3 285 form returned by the United States Marshal on February 16, 2011 (dkt. no. 33) together with
4 this order.

5 2. The February 24, 2011 order (dkt. no. 34) is vacated.

6 DATED: March 11, 2011

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9 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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