

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

10 || WILLIAM THOMAS COATS,

Plaintiff,

No. 2:09-cv-1830 MCE KJN P

VS.

13 T. KIMURA, et al.,

## Defendants.

## ORDER

On March 4, 2011, plaintiff filed a notice that defendant Dr. Evans is deceased. Ninety days have passed, Rule 25(a)(1) of the Federal Rules of Civil Procedure, and it does not appear appropriate to substitute a successor or representative in place of defendant Dr. Evans. Smith v. Planas, 151 F.R.D. 547 (S.D. N.Y. 1993). Within thirty days from the date of this order, the parties shall notify the court if they have objection to the dismissal of defendant Dr. Evans from this action.

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1           Accordingly, IT IS HEREBY ORDERED that any party who objects to the  
2 dismissal of defendant Dr. Evans, deceased, shall file said objection within thirty days from the  
3 date of this order. Failure to object will result in the dismissal of defendant Evans.

4 DATED: August 2, 2011

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6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE

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