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

WILLIAM THOMAS COATS,

Plaintiff,

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

vs.

T. KIMURA, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

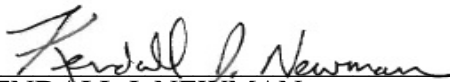
A suggestion of death upon the record pertaining to the death of plaintiff was filed on March 4, 2011. Pursuant to Federal Rule of Civil Procedure 25, a motion for substitution of a proper party must be made no later than ninety days after the death is suggested upon the record. On August 4, 2011, the parties were provided thirty days in which to notify the court if they object to the dismissal of defendant Dr. Evans from this action. That time period has now expired, and no motion for substitution has been filed, and no party has objected to the dismissal of defendant Dr. Evans.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Dr. Evans be dismissed from this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen

1 days after service of these findings and recommendations, any written objections may be filed
2 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
3 and Recommendations." Any response to the objections shall be filed and served within fourteen
4 days after service of the objections. Failure to file objections within the specified time may
5 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
6 1991).

7 DATED: September 13, 2011

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9 
10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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