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

JULIUS JONES,

Plaintiff,

No. CIV S-09-2974 GEB GGH P

vs.

A. DAZO, et al.,

Defendants.

FINDINGS and

RECOMMENDATIONS

_____ /

According to CDCR, plaintiff died on or about April 25, 2010. Pursuant to order filed September 15, 2010, the undersigned noted that a motion for substitution of a proper party was required to be brought within ninety days pursuant to Fed. R. Civ. P. 25(a)(1). The ninety days has expired, and no substitution has been filed. Therefore, IT IS HEREBY RECOMMENDED that this case be dismissed.

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 days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Findings and Recommendations." Any reply to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to

1 file objections within the specified time may waive the right to appeal the District Court's order.

2 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: February 10, 2011

/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

5 GGH:035
6 jone2974.dism

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