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

HAROLD E. CARMONY,

Plaintiff and Petitioner,

v.

STEPHEN MAYBERG, Director of D.M.H.,
et al.,

Defendants-Respondents.

Case No. CIV S-10-3381 GGH P

ORDER

Respondent has notified this Court, in accordance with Rule 25 (a) of the Federal Rules of Civil Procedure, of the death of petitioner Harold E. Carmony, and has alleged that petitioner’s claims in this action do not survive his death, but are extinguished.

Accordingly, unless this Court receives a motion for substitution of another party or an opposition to respondent’s motion to dismiss, within 90 days of the service of this order, the matter will be dismissed. During this period, respondent is relieved of the need to file a response to the amended petition as required by this Court’s order dated April 29, 2011.

Dated: June 29, 2011

/s/ Gregory G. Hollows

The Honorable Gregory G. Hollows

Carm3381.ord