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

JOSEPH MARPEL,

Plaintiff,

No. 2:11-cv-0387 KJN P

vs.

SAUKHLA, et al.,

Defendants.

ORDER

_____ /

On March 28, 2012, defendants¹ filed a Notice of Plaintiff’s Death, together with a copy of plaintiff’s death certificate, and served a copy of the Notice and certificate on plaintiff’s last address of record, the California Medical Facility. (See Dkt. No. 38.) Although the Notice states that “[d]efendants’ counsel is not aware of any next of kin” (Dkt. No. 38 at 1), service of the Notice upon the record of this action commences the 90-day period for decedent’s successor or representative to file a motion for substitution. See Fed. R. Civ. P. 25(a)(1).

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¹ Pursuant to order and judgment filed March 27, 2012, this action now proceeds against only one defendant, defendant Saukhla. (See Dkt. Nos. 36, 37.)

1 Plaintiff's successor and/or representative is hereby informed that any motion for
2 substitution must be filed with this court on or before June 26, 2012. If no motion for
3 substitution is filed on or before June 26, 2012, this action will be dismissed.

4 DATED: April 6, 2012

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6 
7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

9 marp0387.death.
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