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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM V. STICKLE,  
Plaintiff,  
v.  
R. COOK, et al.,  
Defendants.

No. 2:12-cv-1397-KJM-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff was a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On May 13, 2015, defendants Williams and Wohlers notified the court of plaintiff’s death by filing a “Formal Notice of Death of Plaintiff.” ECF No. 85. Once such a notice is filed and served, a person who wishes to substitute for the deceased has 90 days to file a motion to be substituted as the plaintiff. Fed. R. Civ. P. 25(a)(1). Dismissal is mandatory if no such motion is filed within the 90-day period. *Id.*

The court finds that 90 days have passed since defendants filed the statement noting death, and no motion for substitution has been filed.

Accordingly, it hereby is RECOMMENDED that this action be dismissed pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure.

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

1 after being served with these findings and recommendations, any party may file written  
2 objections with the court and serve a copy on all parties. Such a document should be captioned  
3 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
4 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
5 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: August 25, 2015.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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