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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYDIA MONTOYA,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

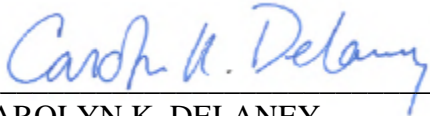
No. 2:12-cv-2483 CKD

SUGGESTION OF DEATH ON THE  
RECORD AND ORDER

Plaintiff, represented by counsel, has filed a petition for attorney fees under EAJA. Plaintiff's counsel indicates that plaintiff has died. No motion for substitution by the decedent's successor or representative has been filed. See Fed. R. Civ. P. 25(a).

Accordingly, IT IS HEREBY ORDERED that plaintiff shall file a motion for substitution within ninety days from the date of this order. Failure to file said motion shall result in denial of plaintiff's petition for EAJA fees.

Dated: September 30, 2016

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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