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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GRESS,
Plaintiff,
v.
DR. CHRISTOPHER SMITH, et al.,
Defendants.

No. 2:13-cv-0328 TLN KJN P

ORDER

The court has been informally notified of plaintiff’s purported death on March 20, 2019. Therefore, defendants are directed to file a statement noting plaintiff’s death upon the record, and shall serve the statement pursuant to Federal Rule of Civil Procedure 25(a)(3). Also, defendants shall forthwith serve the statement noting death on the parties and any known successors or representatives of the deceased party as provided in Fed. R. Civ. P. 5 and 4, respectively. See Fed. R. Civ. P. 25(a)(3); see also Barlow v. Ground, 39 F.3d 231, 233-34 (9th Cir. 1994). In addition, counsel for defendants shall take steps to preserve plaintiff’s legal materials and written documents should plaintiff’s heirs seek to continue on plaintiff’s behalf with any claims that survive his death.

Accordingly, IT IS HEREBY ORDERED that:

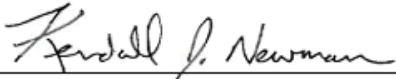
1. Within twenty-one days from the date of this order, defendants shall file and serve the notice and statement described above, and shall file a certificate of service with the court; and

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2. Defendants shall forthwith take steps to preserve plaintiff's legal materials and written documents for plaintiff's next of kin, including serving a copy of this order on the litigation coordinator at the prison where plaintiff was last housed.

Dated: April 2, 2019

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE