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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA


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

No. 2:13-cv-0328 KJN P

ORDER

Plaintiff is a state prisoner proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. On January 23, 2014, the court ordered the United States Marshal to serve the amended complaint on defendants. Process directed to defendant Eldon Evans was returned unexecuted because the litigation coordinator reported that Dr. Eldon Evans is deceased.¹ In light of the suggestion of Eldon Evans' death upon the record, this order will invoke the ninety day time limit for filing a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1). IT IS SO ORDERED.

Dated: February 12, 2014


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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¹ The California Department of Consumer Affairs website, <https://www.breeze.ca.gov>, confirms that Physician and Surgeon Eldon Leroy Evans, License Number 18212, is deceased.