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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	VANCE BLAINE,	No. 2:13-cv-2163 KJM AC	
12	Plaintiff,		
13	V.	<u>ORDER</u>	
14	CALIFORNIA HEALTH CARE FACILITY, et al.,		
15	Defendants.		
16	Defendants.		
17	By order filed April 14, 2017, this con	urt directed defense counsel to file a formal notice of	
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19	successor or representative for plaintiff. See ECF No. 100. On May 1, 2017, defense counsel		
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21	representative is an attorney whom plaintiff asked to be notified in the event of his death. ECF		
22	No. 101. Defense counsel filed a certificate of service on attorney Marc E. Grossman in Upland,		
23	California, id. at 3, who has not, to date, contacted the court. Although Mr. Grossman may be attempting to locate a potential successor or representative for plaintiff, the court has not been so informed.		
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1	A motion for substitution must be made within 90 days after service of the notice of death	
2	Fed. R. Civ. P. 25(a)(1). If a motion is not made within 90 days, the action must be dismissed.	
3	Id.	
4	Because it appears that a substitution, if any, may not be imminent, IT IS HEREBY	
5	ORDERED that:	
6	1. Plaintiff's appointed pro bono counsel, Ms. Kristin Nichole Capritto, is released from	
7	her appointment at this time. Should a motion for substitution be filed and approved, the court	
8	will inquire whether Ms. Capritto is willing to assume representation for plaintiff's successor or	
9	representative.	
10	2. The settlement conference scheduled in this case for June 8, 2017, before United States	
11	Magistrate Judge Kendall J. Newman, is vacated without prejudice to the setting of new	
12	settlement conference if a successor is appointed to represent plaintiff.	
13	3. Any remaining deadlines, except the 90-day deadline set forth in Federal Rule of Civil	
14	Procedure 25, are vacated.	
15	4. There are no further matters to be resolved until a motion for substitution is filed or the	
16	time for doing so expires.	
17	IT IS SO ORDERED.	
18	DATED: May 11, 2017	
19	DATED: May 11, 2017 Muss Clane ALLISON CLAIRE	
20	UNITED STATES MAGISTRATE JUDGE	
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