

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

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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