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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERICK MARCELES COOLEY,
Plaintiff,
v.
CITY OF VALLEJO, et al.,
Defendants.

No. 2:14-cv-0620-TLN-KJN PS

ORDER REGARDING
STATEMENT OF DEATH

Plaintiff, proceeding without counsel, commenced this action on March 6, 2014. (ECF No. 1.) The operative first amended complaint asserts 42 U.S.C. § 1983 claims for excessive force in violation of the Fourth Amendment against defendants and City of Vallejo police officers Brett Clark and Dustin Joseph, as well as a Monell claim against defendant City of Vallejo. (ECF No. 20.)

On April 23, 2015, defendants filed and served a statement of death, indicating that plaintiff has died. (ECF No. 56.) Accordingly, and pursuant to Federal Rule of Civil Procedure 25(a), IT IS HEREBY ORDERED that:

1. Plaintiff’s successor or representative shall file a motion for substitution within ninety (90) days from the date of this order. The motion shall be supported by briefing and adequate supporting documentation permitting the court to ascertain and verify that the movant is the proper successor or representative under applicable probate or intestate succession law. The

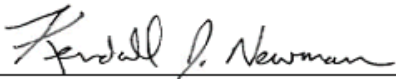
1 motion shall also be noticed for hearing in accordance with Local Rule 230.

2 2. Failure to file such a motion by the required deadline will result in a recommendation
3 that the action be dismissed.

4 3. Other than the deadline to move for substitution, all currently scheduled dates and
5 deadlines in this action are VACATED, subject to rescheduling at a later juncture, if appropriate.

6 IT IS SO ORDERED.

7 Dated: April 24, 2015

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE
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