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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN HOSEA HARDIN,
Plaintiff,
v.
REGINALD GOWAN,
Defendant.

No. 2:14-cv-1796-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On September 1, 2015, the court directed the United States Marshal to effect service of process on defendant Gowan, the sole defendant in this action. ECF No. 35. In response, Gowan’s counsel filed a notice indicating that Gowan had died on or around November 3, 2015. ECF No. 36. Defense counsel also served and filed a declaration identifying the likely executor of defendant Gowan’s estate. ECF No. 38.

Rule 25(a)(1) of the Federal Rules of Civil Procedure governs the substitution of parties after death, providing for substitution where the claim is not extinguished by the death of the party. If plaintiff wishes to file a motion for substitution of the deceased party, he must do so within 30 days from the date of this order. Failure to do so may result in a recommendation that this action be dismissed.

DATED: March 3, 2016.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE