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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 subsequently filed a declaration identifying Daphne Benson Gowans as the likely executor of defendant Gowan’s estate. ECF No. 38. Plaintiff now moves to substitute Ms. Gowans as the proper party pursuant to Rule 25 of the Federal Rules of Civil Procedure. ECF No. 40. In light of plaintiff’s in forma pauperis status and in accordance with Rules 25(a) and 4(c)(3), the court finds that service of the motion by the United States Marshal is appropriate.

Accordingly, IT IS HEREBY ORDERED that:

1. Service of plaintiff’s motion for substitution (ECF No. 40) is appropriate for Ms. Gowans.

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2. The Clerk of the Court shall send plaintiff 1 USM-285 form.
3. Within 30 days from service of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit it to the court with the completed USM form. Failure to comply with this order will result in a recommendation that plaintiff's motion for substitution be denied.
4. Upon receipt of the necessary materials, the court will direct the U.S. Marshal to serve Ms. Gowans with the motion for substitution pursuant to Federal Rule of Civil Procedure 4 without prepayment of costs.

DATED: May 17, 2016.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION OF  
DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's order:

1 completed forms USM-285

\_\_\_\_\_  
Plaintiff

Dated: