

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 in forma pauperis and without counsel in an action brought under 42 U.S.C. § 1983. Reginald Gowans, the sole defendant in this action, died on or around November 3, 2015. ECF No. 36. Plaintiff moves to substitute Daphne Benson Gowans, the apparent executor of defendant Gowans’s estate, as defendant pursuant to Rule 25 of the Federal Rules of Civil Procedure. ECF Nos. 38, 40, 43. The record reflects that on August 26, 2016, Ms. Gowans was personally served with plaintiff’s motion, along with a court order directing her to file a response to the motion within 30 days of service. ECF Nos. 44, 45. Ms. Gowans has not responded to plaintiff’s motion. Pursuant to Local Rule, 230(l), a responding party’s failure “to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.”

////

1 Accordingly, IT IS HEREBY ORDERED that within 21 days of the date of this order,
2 Ms. Gowans shall file a written response to plaintiff's motion to substitute. Failure to comply
3 with this order will be construed as a waiver of any opposition to the motion and result in the
4 motion being granted. The Clerk of the Court shall serve a copy of this order on Ms. Gowans c/o
5 KP-Affiliated Provider Services, 393 E. Walnut Street, 5th Floor, Pasadena, California, 91188.

6 DATED: January 25, 2017.

7 
8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28