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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 11, 2018 are adopted in full.

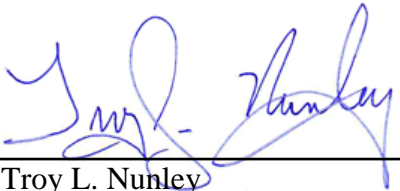
2. Plaintiff's amended motion for substitution, (ECF No. 124), is GRANTED.

3. The Clerk of Court is directed to substitute Julia Bogle, Administrator of the Estate of Carlos Kinkeade, as Plaintiff in this action.

4. Defendant D. Amparano is DISMISSED without prejudice based on Plaintiff's failure to timely serve the summons.

5. The matter is referred back to the magistrate judge to reset the dispositive motions deadline governing this case.

Dated: September 10, 2018



Troy L. Nunley
United States District Judge