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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HACKNEY,  
Plaintiff,  
v.  
CALIFORNIA HEALTH CARE  
FACILITY, et al.,  
Defendants.

No. 2:15-cv-2160 JAM DB P

FINDINGS AND RECOMMENDATIONS


Plaintiff was a state inmate proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. A suggestion of death upon the record pertaining to the death of plaintiff was filed on April 11, 2019. (ECF No. 58.) Pursuant to Federal Rule of Civil Procedure 25, a motion for substitution of a proper party must be made no later than ninety days after the death is suggested upon the record. That time period has now expired, and no motion for substitution has been filed.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after service of these findings and recommendations, any written objections may be filed with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and

1 Recommendations.” Any response to the objections shall be filed and served within fourteen  
2 days after service of the objections. Failure to file objections within the specified time may waive  
3 the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 Dated: August 8, 2019

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7 DEBORAH BARNES  
8 UNITED STATES MAGISTRATE JUDGE  
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