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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSH THOMAS,  
  
  Plaintiff,  
  
  v.  
  
J. BICK,  
  
  Defendants.

No. 2:16-cv-1425 TLN CKD P

FINDINGS AND RECOMMENDATIONS

On June 7, 2018, defendants Bick and Dhillon filed notice with the court, pursuant to Federal Rule of Civil Procedure 25(a), that plaintiff is deceased. Under that rule, a motion to substitute a party for a deceased party must be filed within 90 days of service of the notice of death. No motion for substitution has been made. That being the case, Rule 25 requires that this action be dismissed.

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 being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The

1 parties are advised that failure to file objections within the specified time may waive the right to  
2 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: September 24, 2018



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5 CAROLYN K. DELANEY  
6 UNITED STATES MAGISTRATE JUDGE

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