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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COREY JEROME ELDER,

Plaintiff,

v.

SILVA, et al.,

Defendant.

Case No. 2:16-cv-01925-TLN DMC (PC)

ORDER

Good cause appearing, Defendant’s Ex Parte Application to Vacate the Pretrial Schedule and Trial and Temporarily Stay This Matter Pending the Substitution of a Party Pursuant to FRCP (25)(a)(1) is GRANTED.

Plaintiff has 90 days from the service of the Notice of Death to file a motion for substitution. *See* Fed. R. Civ. P. 25(a)(1). Accordingly, any motion for substitution must be filed by Wednesday, April 12, 2023. Failure to file a motion for substitution will result in the dismissal of the action against the decedent. *Id.*

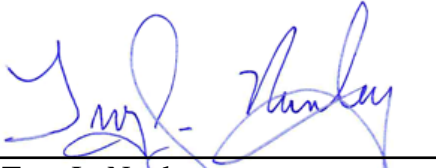
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If a proper party is timely substituted, then the stay should be lifted at that time and trial will be placed back on calendar.

IT IS SO ORDERED.

Dated: January 26, 2023



Troy L. Nunley
United States District Judge