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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 COREY JEROME ELDER,

12 Plaintiff,

13 v.

14 JOKSCH,

15 Defendant.  
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No. 2:16-CV-1925-DJC-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding with limited purpose appointed counsel, brings this  
18 civil rights action under 42 U.S.C. § 1983. Pending before the Court is Plaintiff's renewed  
19 motion, ECF No. 87, for substitution of parties following the suggestion of death of Defendant  
20 Joksch. A hearing was held before the undersigned via Zoom on May 3, 2024. Plaintiff appeared  
21 through limited purpose appointed counsel Matthew Norris, Esq. Joshua Shuster, Esq., and Sarah  
22 Brattin, Esq., specially appeared for Defendant Joksch. Following discussions with counsel, the  
23 matter was submitted.

24 Consistent with the Court's rulings at the time of the hearing, defense counsel has  
25 timely filed a renewed notice of suggestion of death, with information identifying Defendant's  
26 next of kin filed under seal. See ECF No. 92. This filing re-starts the 90-day period within which  
27 a motion for substitution must be filed pursuant to Federal Rule of Civil Procedure 25. Plaintiff's  
28 counsel shall undertake an investigation to determine whether the next of kin identified in the

1 renewed suggestion is a successor-in-interest amenable to substitution. Pending completion of  
2 Plaintiff's counsel's investigation, the matter will be set for a status conference. The stay of  
3 proceedings shall remain in effect. Plaintiff's counsel's appointment shall also remain in effect  
4 pending further order of the Court.

5 Accordingly, IT IS HEREBY ORDERED as follows:

- 6 1. The renewed suggestion of death, filed on May 6, 2024, is deemed timely.
- 7 2. The 90-day period within which a motion for substitution must be filed  
8 commenced on May 6, 2024.
- 9 3. Plaintiff's current motion for substitution, ECF No. 87, is denied without  
10 prejudice.
- 11 4. Plaintiff's counsel shall undertake an investigation to determine whether  
12 the individual identified in the renewed suggestion of death filed on May 6, 2024, is a successor-  
13 in-interest amenable to substitution.
- 14 5. This matter is set for a status conference before the undersigned via Zoom  
15 on June 26, 2024, at 9:00 a.m.

16  
17 Dated: May 9, 2024



18 DENNIS M. COTA  
19 UNITED STATES MAGISTRATE JUDGE  
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