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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOUGLAS PIPER,
Plaintiff,
v.
HARVEYS CASINO, et al.,
Defendants.

No. 2:16-cv-02374-GEB-CKD (PS)

ORDER

Presently pending before the court is defendants’ motion to dismiss plaintiff’s second amended complaint (ECF No. 25), which came on regularly for hearing on September 20, 2017. At the hearing, defense counsel, Helen Burkhart represented to the court that defendant Officer Mark Hounsell is deceased. Subsequently, defendants provided a copy of Officer Hounsell’s death certificate to the court and to plaintiff. (ECF No. 35.) Defendants’ service of said certificate has invoked the ninety day time limit for filing a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1).

Defendants’ pending motion to dismiss stands submitted. The court will reserve judgment on the motion, until the matter regarding defendant Officer Hounsell is resolved.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall serve on plaintiff a copy of the death certificate filed on October 12, 2017 (ECF No. 35), together with this order.

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2. Plaintiff has until **January 10, 2018**, to file a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1).

Dated: October 16, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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