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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 JOE ABBOTT,
8 Plaintiff,
9 v.
10 E. TOOTELL, et al.,
11 Defendants.

Case No. [17-cv-04004-SI](#)

**ORDER SETTING DEADLINE FOR
SUBSTITUTION OF PARTY DUE TO
PLAINTIFF'S DEATH**

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13 This civil rights action was filed *pro se* by a prisoner on death row at San Quentin State
14 Prison. Efforts are underway to serve defendants with the summons and complaint, but no
15 defendant has yet appeared.

16 In another one of plaintiff's cases, *Abbott v. Tootell*, No. 11-cv-183 LHK, plaintiff was
17 represented by counsel who, in a joint status report filed February 6, 2018, confirmed that plaintiff
18 died on January 31, 2018. In light of the death of plaintiff, the clerk shall send a copy of this order
19 to the warden of San Quentin State Prison. Prison officials are requested to forward this order to
20 whomever the prison records show as plaintiff's next of kin. If plaintiff's next of kin desires to
21 continue with this case, he or she shall file a notice of substitution within **ninety days** after the
22 date of this order. *See* Fed. R. Civ. P. 25(a). If no such notice is filed, the case will be dismissed
23 without further notice.

24 **IT IS SO ORDERED.**

25 Dated: February 7, 2018



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27 SUSAN ILLSTON
United States District Judge
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