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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOE NATHAN SCOTT, JR.,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

Case No. 3:16-cv-00719-RCJ-WGC

ORDER

I. DISCUSSION

On February 16, 2017, this Court issued an order noting that Plaintiff had died in prison and confirmed the death in the NDOC inmate database. (ECF No. 5 at 1). Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

The 90-day period has passed and there has been no motion for substitution. As such, the Court dismisses the case.

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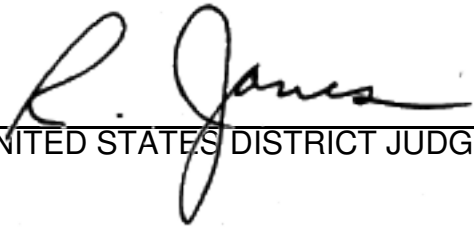
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II. CONCLUSION

For the foregoing reasons, it is ordered that the Court dismisses this case pursuant to Fed. R. Civ. P. 25(a)(1).

It is further ordered that the Clerk of the Court shall enter judgment accordingly.

DATED THIS June 14, 2017


UNITED STATES DISTRICT JUDGE