

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JEFFREY HOSMER,  
  
Plaintiff,  
  
v.  
  
BRIAN SANDOVAL et al.,  
  
Defendants.

Case No. 3:17-cv-00056-RCJ-WGC

ORDER

**I. DISCUSSION**

On January 30, 2017, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1). According to the NDOC inmate database and an NDOC press release, Plaintiff died in prison on November 5, 2017.<sup>1</sup>

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). As such, if there is no motion for substitution within 90 days from the date of this order, the Court will dismiss the case.

---

<sup>1</sup> See Press Release, Nevada Department of Corrections, Hosmer Death (Nov. 7, 2017), [http://doc.nv.gov/uploadedFiles/docnvgov/content/About/Press\\_Release/Hosmer%20Death%20Release.pdf](http://doc.nv.gov/uploadedFiles/docnvgov/content/About/Press_Release/Hosmer%20Death%20Release.pdf).

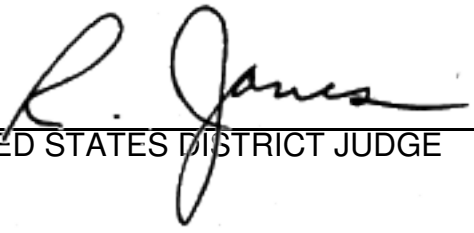
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**II. CONCLUSION**

For the foregoing reasons, it is ordered that the Court will dismiss this case in 90 days if there is no motion to substitute filed pursuant to Federal Rule of Civil Procedure 25(a)(1).

It is further ordered that the remaining motions (ECF No. 1, 4, 5) are denied as moot.

DATED THIS 12th day of February, 2018.

  
UNITED STATES DISTRICT JUDGE