

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

* * *

LARRY HANSEN

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 3:17-cv-00387-MMD-WGC

ORDER

On March 6, 2014, Plaintiff, then 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. 8.) On July 5, 2018, this Court issued a screening order and stayed the case to give the parties an opportunity to settle their dispute. (ECF No. 3.) On August 30, 2018, Defendants filed a suggestion of death on the record, informing the Court that Mr. Hansen had died on August 28, 2018. (ECF No. 12.)

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. (See ECF No. 15.) Therefore, the Court dismisses the case.


///

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

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 enter judgment accordingly.

DATED THIS 16th day of January 2019.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE