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1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 6 KENNETH FRIEDMAN, Case No. 3:17-cv-00433-MMD-WGC 7 Plaintiff, **ORDER** ٧. 8 ISIDRO BACA, et. al., 9 Defendants. 10 11 On July 17, 2017, Plaintiff Kenneth Friedman, then an inmate in the custody of the 12 Nevada Department of Corrections, initiated this prisoner civil rights action pursuant to 42 13 U.S.C. § 1983. (ECF No. 1-1.) On December 18, 2020, Defendants filed a suggestion of 14 death on the record. (ECF No. 226.) On January 13, 2021, pursuant to Federal Rule of 15 Civil Procedure 25(a)(1), the Court directed any party or the decedent's successor or 16 representative to file a motion for substitution within 90 days after service of a statement 17 noting death. (ECF No. 228.) That deadline has now expired, and no party has filed a 18 motion for substitution. 19 Under Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is 20 not extinguished, the court may order substitution of the proper party. A motion for 21 substitution may be made by any party or by the decedent's successor or representative. 22 If the motion is not made within 90 days after service of a statement noting the death, the 23 action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). 24 /// 25 /// 26 ///

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It is therefore ordered that this action is dismissed with prejudice because no motion for substitution was made in accordance with the Court's order.

The Clerk of Court is directed to enter judgment accordingly and close this case. DATED THIS 14th Day of April 2021.

MIRANDA M. DU CHIEF UNITED STATES DISTRICT JUDGE