

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD R. GATES,

Plaintiff,

Case No. 3:19-cv-00309-MMD-WGC

v.

R. BAKER, *et. al.*,

Defendants.

ORDER

10 On June 6, 2019, Plaintiff Richard Gates, then an inmate in the custody of the
11 Nevada Department of Corrections, initiated this prisoner civil rights action pursuant to 42
12 U.S.C. § 1983. (ECF No. 1-1.) On January 12, 2021, Defendants filed a suggestion of
13 death on the record. (ECF No. 26.) On January 13, 2021, pursuant to Federal Rule of
14 Civil Procedure 25(a)(1), the Court directed any party or the decedent's successor or
15 representative to file a motion for substitution within 90 days after service of a statement
16 noting death. (ECF No. 27.) That deadline has now expired, and no party has filed a
17 motion for substitution.

Under 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).

23 It is therefore ordered that this action is dismissed with prejudice because no
24 motion for substitution was made in accordance with the Court's January 13, 2021 order.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 26th Day of April 2021.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE