

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRUCE BIRCH,

Plaintiff,

v.

ARMUNCCHI, *et al.*,

Defendants.

Case No. 3:20-cv-00485-RCJ-CLB

ORDER

I. DISCUSSION

On January 15, 2021, the Court took judicial notice of the suggestion of death filed in Case No. 3:19-cv-00043-MMD-CLB at ECF No. 150 as to Plaintiff Bruce Birch (#61203) and issued an order allowing a 90-day period from the date of that order for a motion for substitution to be filed by any party or by the decedent's successor or representative. (ECF No. 14).

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.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Court dismisses this case pursuant to Fed. R. Civ. P. 25(a)(1).

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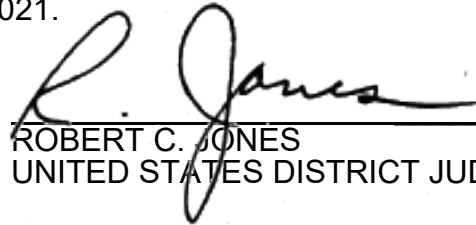
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1 IT IS FURTHER ORDERED that the Clerk of the Court will close the case and
2 enter judgment accordingly.

3 DATED THIS 28th day of April 2021.

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5 ROBERT C. JONES
6 UNITED STATES DISTRICT JUDGE
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