

the Order to Show Cause and Report and Recommendation until October 1, 2018.

By all appearances Ms. Cabrera has yet to retain counsel. She has, however filed, a motion and amended motion to substitute parties in an effort to “clean up” the case caption. In her amended motion she requests that the case caption be amended to read as follows:

Jose Luis Caberera, Deceased.
Claudia Jeaneth Jimenez Caberera,
North Dakota Personal Representative
On the Estate of Jose Louis Cabrera,
Surviving spouse, and Guardian of their Minors,

Plaintiffs,

vs

Pyramid Instrumentation and Electric Corporation
now know as PTW Energy Service,

Defendants.

(Doc. No. 9).

The undersigned deems as **MOOT**, the original motion to substitute (Doc. No. 6), **GRANTS** the amended motion to substitute (Doc. No. 9), and directs that the case caption be amended accordingly.

The undersigned cannot stress strongly enough that, regardless of the amendment to the case caption, Ms. Caberera cannot represent her deceased husband’s estate and that it remains incumbent upon her to secure representation if she wants to proceed with this action. Put another way, the amendment to the case caption does not fix the fundamental problem. The claim she is asserting belongs to her husband’s estate. It is not “personal” to her. Ms. Cabrera is reminded that she has until October 1, 2018, to respond to the undersigned’s order to show cause and report and recommendation. Should Ms. Cabrera fail to respond as directed or otherwise secure representation,

it remains the undersigned's **RECOMMENDATION** that this matter be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 21st day of August, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court