

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM WASHINGTON,

CASE NO. C17-5728 BHS-TLF

Plaintiff,

ORDER OF DISMISSAL

V.

WASHINGTON STATE DEPT OF
CORRECTIONS, et al.,

Defendants.

This matter comes before the Court on sua sponte in light of Defendant's certificate of service of the notice of Plaintiff's death. Dkts. 61, 63. Federal Rule of Civil Procedure 25 provides that, “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” Fed. R. Civ. P. 25(a)(1). However, if a motion to substitute “is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” *Id.* On April 28, 2018, Defendants served the notice of Plaintiff's death on his successor. Dkt. 63. As more than 90 days have passed since service of the statement noting Plaintiff's death and no motion to

1 substitute has been filed, this action must be dismissed. The Clerk shall enter judgment
2 and close this case.

3 **IT IS SO ORDERED.**

4 Dated this 15th day of August, 2018.

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7 BENJAMIN H. SETTLE
United States District Judge

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