

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JOHNNY REYNOLDS, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 ALABAMA DEPARTMENT OF)
 TRANSPORTATION, et al.,)
)
 Defendants.)

CIVIL ACTION NO.
2:85cv665-MHT
(WO)

OPINION AND ORDER

This case is before the court on the defendants' suggestions of death upon the record for several plaintiff class members who have individual contempt claims pending, and defendants' motion to dismiss their claims. In particular, the defendants make the following claims of death: Donnie Whitted (doc. no. 9268); Chauntege Mathews-Robinson (doc. no. 9269); James Garlington (doc. no. 9270). Each of these claims of death were filed May 23, 2018, pursuant to Rule 25(a) (1) of the Federal Rules of Civil Procedure.

Rule 25(a)(1) provides that, upon the death of a 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." More than 90 days have passed since the filing of the above-noted suggestions of death, but no motion for substitution has been filed. Therefore, the decedents' claims must be dismissed.

Accordingly, it is ORDERED that:

(1) Defendants' motion to dismiss (doc. no. 9280) is granted.

(2) All claims of Donnie Whitted, Chauntege Mathews-Robinson, and James Garlington are dismissed pursuant to the requirements of Fed. R. Civ. P. 25(a)(1).

(3) The clerk of the court shall mark the docket in this case so as to indicate the death Donnie

Whitted, Chauntege Mathews-Robinson, and James Garlington.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE, this the 28th day of August, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE