Cooley v. Prison Health Services, Inc. et al Doc. 79

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

EMMETT COOLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:08-cv-313
	)	
PRISON HEALTH SERVICES, INC., *et al.*,	)	(WO- DO NOT PUBLISH)
	)	
Defendants.	)	

ORDER

On January 26, 2011 the defendants in this case filed a Suggestion of Death, notifying the Court that the Plaintiff Emmett Cooley was deceased. (Doc. # 70). Federal Rule of Civil Procedure 25(a) provides that "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."

No substitution of parties was made in this case, and the 90 day period for seeking substitution has passed. Accordingly, it is hereby ORDERED that all claims brought by Emmett Cooley in above referenced case are DISMISSED. A separate final judgment will enter.

Done this the 28th day of April, 2011.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE

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