-SRW United States of America v. Bahr et al Doc. 378

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:08-cv-573
	)	
JAMARLO GUMBAYTAY, *et al.*,	)	(WO- DO NOT PUBLISH)
	)	
Defendants.	)	

ORDER

On February 21, 2011 the defendants in this case filed a Suggestion of Death, notifying the Court that the defendant Jamarlo Gumbaytay was deceased. (Doc. # 264). 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 against Jamarlo Gumbaytay in above referenced case are DISMISSED. The Clerk of the Court is DIRECTED to dismiss him as a party to this lawsuit.

Done this the 24th day of May, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE

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