

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

JEREMY STEELE,

Plaintiff,

v.

BEAULIEU GROUP, LLC,

Defendant.

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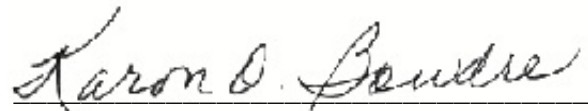
Case No. 5:15-cv-515-KOB

MEMORANDUM OPINION

On February 2, 2016, Plaintiff’s counsel filed a Suggestion of Death informing the court of Plaintiff’s death on October 9, 2015. (Doc. 21). Upon the filing of the Suggestion of Death, the court stayed all deadlines in this case for 90 days to allow for substitution of the Plaintiff. (Doc. 22). Neither Plaintiff’s counsel nor a representative of Plaintiff’s estate filed a motion for substitution. On May 5, 2016, the court Ordered Plaintiff’s counsel to show cause why this case should not be dismissed for failure to prosecute, (doc. 25), and Plaintiff’s counsel never responded to the court’s Order.

“If the motion [for substitution] is not made within 90 days after service of a statement noting death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1) (emphasis added). Pursuant to Fed. R. Civ. P. 25(a)(1) and because the Plaintiff’s counsel never filed a response to the court’s Order to show cause why this case should not be dismissed for failure to prosecute, this case is due to be **DISMISSED WITH PREJUDICE**. The court will enter a separate final judgment order contemporaneously with this opinion.

DONE and ORDERED this 18th day of May, 2016.

A handwritten signature in cursive script that reads "Karon O. Bowdre". The signature is written in black ink and is positioned above a horizontal line.

KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE