

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

MOSES ROBINSON,	:	
AIS # 206225,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO. 1:17-cv-75-TFM-MU
	:	
JEFFERSON DUNN, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

Plaintiff Moses Robinson (“Plaintiff”) filed his original complaint, pursuant to 42 U.S.C. § 1983, on February 13, 2017, and the case proceeded until January 2020. However, on January 8, 2020, the served defendants in this matter filed a Suggestion of Death/Motion to Stay in which they requested the Court stay this matter due to Plaintiff’s untimely death. Doc. 144. The Court noted the served defendants’ Suggestion of Death and granted their motion to stay this matter. Doc. 145. On July 23, 2020, the Court ordered, to the extent there is an interested party who intends to proceed on Plaintiff’s behalf, they were to file by August 13, 2020, a motion to substitute the party in interest and show cause why they failed to timely do so. Doc. 152. The Court further warned this matter would be dismissed if a motion to substitute the party in interest was not filed. *Id.*

As of the date of this Order, more than seven (7) months have elapsed since the suggestion of death was filed and a motion to substitute the party in interest has not been filed. Fed. R. Civ.

P. 25(a)(1) states:

If a party dies and the claim is not extinguished, the court may order substitution of the proper 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.

FED. R. CIV. P. 25(a)(1).

Since more than ninety (90) days have elapsed since the suggestion of death and a motion to substitute the party interest has not been filed, it is hereby **ORDERED** Plaintiff's claims in this matter are **DISMISSED without prejudice**, pursuant to Fed. R. Civ. P. 25(a)(1), with each party to bear their own attorneys' fees and costs.

The Clerk of Court is **DIRECTED** to close this case.

**DONE** and **ORDERED** this the 21st day of August 2020.

s/Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE