

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HERSEL JONES,

Plaintiff,

v.

THE CITY OF CENTREVILLE, ILLINOIS,
MARIUS JACKSON, and LARRY WYNN,

Defendants.

Case No. 07-cv-813-JPG

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. Hersel Jones filed this civil rights action in the circuit court of St. Clair County, Illinois on July 17, 2007, alleging that defendants had arrested him without probable cause. The case was removed to this Court on November 26, 2007. Jones filed a Motion for Partial Summary Judgment (Doc. 21) on May 19, 2008. Defendants were granted an extension of time to respond to the Motion until April 9, 2009. Jones died on December 24, 2008, and his death was suggested on the record on January 2, 2008.

Pursuant to Rule 25 of the Federal Rules of Civil Procedure, a motion for substitution of parties was due within 90 days. Fed. R. Civ. P. 25(a). Counsel for Jones informed the Court that Jones's successor was aware that if he did not file a motion for substitution within ninety days of the filing of the Suggestion of Death on the Record the action would be dismissed. The 90-day deadline has expired, without a request for an extension or a request for substitution of an executor or administrator of Jones's estate. These circumstances suggest that Jones's successor or representative will not pursue this case. Because the deceased was the sole plaintiff, the action is hereby **DISMISSED** pursuant to Rule 25 of the Federal Rules of Civil Procedure. All

pending Motions are **DENIED as moot**. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: April 8, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE