

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DEMETRICE NORWOOD,
by his next friend and mother,
LINDA REDDEN,**

Plaintiff,

v.

**WEXFORD HEALTH SOURCES, INC.,
et al.,**

Defendants.

Case No. 08-cv-599-DRH

ORDER

HERNDON, Chief Judge:

On November 13, 2009, the Court entered an Order (Doc. 35), pursuant to the Suggestion of Death regarding defendant Brenda Cole (Doc. 34). The Order gave the parties ninety (90) days to make a motion for substitution of party, pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 25(a)**. The Order further stated that if no timely motion to substitute defendant Cole was made, that the claims against her would be dismissed with prejudice. To date, no such motion has been filed nor has an extension of time to file been sought.

As more than ninety days have passed since the Court's November 13,

2009 Order, it hereby **DISMISSES WITH PREJUDICE** Plaintiff's claims against defendant Brenda Cole (a.k.a. "Lieutenant Cole"). As such, defendant Cole is hereby terminated as a party defendant in this suit.

IT IS SO ORDERED.

Signed this 17th day of February, 2010.

/s/ David Herndon

**Chief Judge
United States District Court**