

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

CHRISTOPHER PYLES,
Plaintiff,
vs.
DONALD GAETZ, WILLIAM SPILLER,
MICHAEL ATCHISON, RICK
HARRINGTON, KIM BUTLER,
GLADYSE C. TAYLOR, MICHAEL P.
RANDLE, SALVADORE GODINEZ, TY
BATES, BRAD THOMAS, MAJORS,
MELISSA SAUERWEIN, REBECCE
CREASON, and UNKNOWN PARTIES 1
and 2,
Defendants.

Case No. 13-cv-0299-MJR-SCW

ORDER

REAGAN, District Judge:

On July 24, 2013, pursuant to Federal Rule of Civil Procedure 25(a)(1), Defendants filed a Suggestion of Death on the Record relating to Defendant Melissa Sauerwein. That document was served upon Plaintiff, who has failed to identify Sauerwein’s successor or representative.

If no motion for substitution is made “within 90 days after service of a statement noting [a party’s] death, the action ... against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1); Russell v. City of Milwaukee, 338 F.3d 662, 663 (7th Cir. 2003). Ninety days having elapsed with no motion having been made, the undersigned DISMISSES with prejudice Plaintiff’s claims against Defendant Melissa Sauerwein. See Russell, 338 F.3d at 663 (affirming Rule 25(a)(1) dismissal with prejudice). The Clerk is directed to terminate Defendant Sauerwein from the docket, and this case shall proceed only as to the other fourteen Defendants.

IT IS SO ORDERED.
DATE: December 23, 2013

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge