

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RENODE COLLINS (#313898)

CIVIL ACTION

VERSUS

RICHARD L. STALDER, ET AL.

NO. 06-0163-JVP-CN

N O T I C E

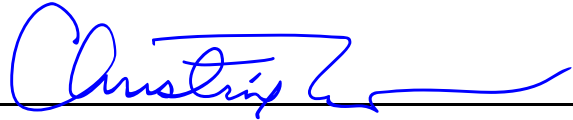
This matter comes before the Court on the plaintiff's "Response to Notice", rec.doc.no. 94, which the Court interprets to be a Motion for Substitution of a proper party-defendant in the place of deceased defendant Curley Alfred. See Suggestion of Death filed April 7, 2010, rec.doc.no. 82.¹ This motion shall be denied. The plaintiff states only in his motion that he "wish[es] to have defendant substituted as required by law." He does not, however, identify any specific person who should be substituted in the place of Curly Alfred, and it is incumbent upon the plaintiff to name that person in order that service of process may be undertaken and in order that the proper party-defendant may be brought before the Court. See Ray v. Koester, 85 Fed.Appx. 983 (5th Cir. 2004). Accordingly,

IT IS ORDERED that the plaintiff's Motion for Substitution, rec.doc.no. 94, be and it is hereby **DENIED**.

¹ Although the plaintiff's motion was not filed within the 90-day period set forth in Rule 25 of the Federal Rules of Civil Procedure (for the substitution of parties in the event of death), the plaintiff asserts in his motion that he attempted to file this motion in May, 2010, within the allowable time period, notwithstanding that the prior motion does not appear in the record.

IT IS FURTHER ORDERED that the plaintiff is hereby granted an extension of time of thirty (30) days from the date of this Order within which to file a motion to substitute pursuant to Rule 25 of the Federal Rules of Civil Procedure, identifying therein the person or persons to be substituted in the place of deceased defendant Curly Alfred.

Signed in chambers in Baton Rouge, Louisiana, September 1, 2010.



MAGISTRATE JUDGE CHRISTINE NOLAND