

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SHARILYNE McDONOUGH AND MICHAEL McDONOUGH,)	
)	
PLAINTIFFS)	CIVIL No. 2:16-cv-579-DBH
)	
v.)	
)	
PORTLAND POLICE DEPARTMENT, ET AL.,)	
)	
DEFENDANTS)	

ORDER OF DISMISSAL

According to Fed. R. Civ. P. 25(a)(1), “If the motion [for substitution] is not made within 90 days after service of a statement noting the death [of a party], the action . . . against the decedent must be dismissed.” In this case, a Statement of Death of the defendant John McDonough was electronically filed with the Court on April 14, 2017, and accordingly resulted in electronic service on all the remaining parties. Since no motion for substitution has been filed and more than 90 days have elapsed, the action against the defendant decedent John McDonough is hereby **DISMISSED**.

SO ORDERED.

DATED THIS 14TH DAY OF JULY, 2017

/s/D. BROCK HORNBY _____
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE