

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES GREEN,

Plaintiff,

Case No. 16-11587

v.

Paul D. Borman  
United States District Judge

GRAND TRUNK WESTERN  
RAILROAD, INC.,

Mona K. Majzoub  
United States Magistrate Judge

Defendant.

**ORDER:**

**1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (ECF NO. 58);**

**2) DISMISSING CASE PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 25(A)(1)**

On June 20, 2018, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation (ECF No. 58) recommending that this Court dismiss this action in light of the death of *pro se* Plaintiff James Green on September 17, 2017. As the Magistrate Judge noted in the Report and Recommendation, on March 20, 2018, Defendant Grand Trunk Western Railroad, Inc. filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25 (ECF No. 56), and mailed a copy of the filing to Plaintiff's last known address, which was the same address as the expected administrator of Plaintiff's estate. Because no motion to substitute was filed within 90 days of the filing and service of the suggestion of death, the

Magistrate Judge recommended that this action be dismissed under Rule 25(a)(1).

Having thoroughly reviewed the Report and Recommendation and there being no timely objections filed pursuant to 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court will adopt the Magistrate Judge's Report and Recommendation.

Accordingly, the Court hereby:

- ADOPTS the Magistrate Judge's June 20, 2018 Report and Recommendation (ECF No. 58); and
- DISMISSES this case pursuant to Federal Rule of Civil Procedure 25(a)(1).

IT IS SO ORDERED.

Dated: July 9, 2018

s/Paul D. Borman  
Paul D. Borman  
United States District Judge