

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NORMAN GRAY #108144,

Plaintiff,

Case No. 1:14-CV-947

v.

HON. ROBERT HOLMES BELL

CORIZON HEALTH SERVICES  
and WILLIAM D. NELSON,

Defendants.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On April 27, 2014, Magistrate Judge Phillip J. Green issued a Report & Recommendation (“R&R”) (ECF No. 27) recommending that Defendants’ motion for summary judgment (ECF No. 11) be granted, dismissing this case and Defendants Corizon Health Services and Dr. William D. Nelson without prejudice. The R&R was served on Plaintiff via United States mail at the Muskegon Correctional Facility where he had been incarcerated. On May 5, 2015, the mailing to Plaintiff was returned to the Court with a handwritten notation, “RTS [Return to Sender] Death.” (ECF No. 28.)

On May 7, 2015, Defendants filed a Suggestion of Death under Federal Rule of Civil Procedure 25(a)(2), stating that Plaintiff died on March 13, 2015. (ECF No. 29.) Attached to the suggestion of death is a print-out from the Michigan Department of Corrections’ Inmate Tracking Information System (OTIS), reflecting that Plaintiff was discharged on March 13, 2015. (*Id.*) In accordance with Rule 25(a), on May 11, 2015, this Court ordered Defendants to make a good faith effort to identify and locate Plaintiff’s successor, and serve him or her with the Suggestion of Death.

(ECF No. 30.)

Rule 25(a)(1) provides that if the successor does not file a motion for substitution within 90 days after service of a statement noting the death, the action by the decedent must be dismissed. Fed. R. Civ. P. 25(a)(1). On May 26, 2015, Defendants served the Suggestion of Death on Plaintiff's daughter via certified mail. (ECF No. 31.) Plaintiff's successor has not filed a motion for substitution within the required 90-day period. Accordingly,

**IT IS HEREBY ORDERED** that the Magistrate Judge's April 27, 2014, R&R (ECF No. 27) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' motion for summary judgment (ECF No. 11) is **GRANTED** and this case is **DISMISSED**.

A judgment will enter that is consistent with this order.

Dated: August 31, 2015

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE