

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JACK E. MACGREGOR,)	4:07CV3263
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHELE HILLMAN, et al.,)	
)	
Defendants.)	

This matter is before the court on its own motion. It has come to the court's attention that Plaintiff may be deceased. See Cory Matteson, *Inmate Dies at Tecumseh Prison*, Lincoln Journal Star, March 3, 2009, <http://journalstar.com/articles/2009/03/03/news/local/doc49adb4feed273482579974.txt>.

Defendants are directed to investigate and determine whether Plaintiff is, in fact, deceased. In the event Defendants determine that Plaintiff is deceased, Defendants shall file a suggestion of death within 30 days, in accordance with [Federal Rule of Civil Procedure 25](#).¹ Plaintiff's survivors will then be permitted 90 days in which to submit an appropriate motion for substitution. If no motion is filed, this matter will be dismissed. [Kaubisch v. Weber](#), 408 F.3d 540, 542 (8th Cir. 2005).

IT IS THEREFORE ORDERED that:

¹The court notes that Defendants have recently failed to comply with at least one of the court's orders. (See Filing No. [52](#) and Docket Sheet.) In the event that Defendants fail to comply with this Memorandum and Order, appropriate sanctions will be imposed.

1. Defendants shall conduct an investigation and determine whether Plaintiff in this action is, in fact, deceased.

2. In the event that Defendants determine that Plaintiff is deceased, Defendants shall file a "Suggestion of Death" no later than April 13, 2009.

3. The Clerk of the court is directed to set a pro se case management deadline in the matter with the following text: April 13, 2009: Deadline for submission of suggestion of death.

March 13, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge