

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Larry Jerome Rainey,)	C/A No. 0:17-2773-RMG-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Sgt. D. Clark, <i>Correctional Officer, Evan</i>)	
<i>Corr. Inst.,</i>)	
)	
Defendant.)	
_____)	

The plaintiff, Larry Jerome Rainey, a self-represented inmate, filed this civil action pursuant to 42 U.S.C. § 1983. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

It has come to the court’s attention that Plaintiff has died while in prison. Rule 25(a)(1) of the Federal Rules of Civil Procedure states:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Accordingly, it is hereby

ORDERED that the appropriate party for the decedent shall file a motion for substitution pursuant to Rule 25 of the Federal Rules of Civil Procedure within ninety (90) days from the date of this order. Failure to do so may result in dismissal of this civil action. It is further

ORDERED that the Clerk of Court is directed to mail a copy of this Order to the Plaintiff’s next of kin as provided by the South Carolina Department of Corrections.

PJG

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

November 20, 2017
Columbia, South Carolina