

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEREMY M. WINE,

Plaintiff,

v.

Case No. 17-cv-1145-pp

WILLIAM POLLARD, *et al.*,

Defendants.

**ORDER DISMISSING CASE AS OF MAY 28, 2018 UNLESS THE
PLAINTIFF'S SUCCESSOR OR REPRESENTATIVE FILES A MOTION TO
SUBSTITUTE BY THE END OF THE DAY ON MAY 25, 2018**

In August of 2017, the plaintiff—at that time, an state inmate incarcerated at Dodge Correctional Institution—filed a complaint, alleging that the defendants had violated his constitutional rights. Dkt. No. 1. Magistrate Judge Joseph screened that complaint, and allowed the plaintiff to proceed on claims that the defendants retaliated against him in violation of the First Amendment, and subjected him to cruel and unusual punishment under the Eighth Amendment; the court also allowed him to proceed on a related state-law claim. Dkt. No. 15. The case was reassigned to this court on January 10, 2018. The defendants have answered the complaint. Dkt. No. 19.

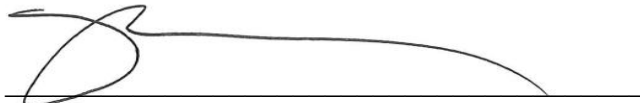
On February 23, 2018, the defendants filed a suggestion of death indicating that the plaintiff died on February 20, 2018. Dkt. No. 21. Because the plaintiff has passed away, the case can continue only if someone—his estate, or a “successor” or personal representative—notifies the court that that

person or party wishes to substitute for the plaintiff. The court will allow some time for the plaintiff's estate, successor or representative to file a motion to substitute. Fed. R. Civ. P. 25(a). If the court does not receive such a motion by the deadline below, however, the rule requires that the case "must be dismissed." Id.

The court **ORDERS** that this case is **DISMISSED** as of **May 28, 2018**, unless by the end of the day on May 25, 2018, the court receives from the plaintiff's estate, successor or representative a motion to substitute.

Dated in Milwaukee, Wisconsin this 26th day of April, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge