

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

REYNALDO MUÑOZ, )  
Plaintiff, ) Case No. 23 CV 03210  
v. ) Honorable Judge Sharon Johnson Coleman  
REYNALDO GUEVARA, et al., ) Honorable Magistrate Judge Young B. Kim  
Defendants. ) JURY TRIAL DEMANDED

**MOTION TO DISMISS DECEASED DEFENDANT MICHAEL O'GRADY**

Counsel for deceased Defendant Michael O'Grady ("O'Grady"), The Sotos Law Firm, P.C., pursuant Fed. R. Civ. P. 25(a)(1), moves for an order dismissing O'Grady from this case with prejudice because more than 90 days have passed since Plaintiff was provided notice of his death and Plaintiff has not filed a motion to substitute any other party in his stead.

1. On May 22, 2023, Plaintiff filed a twelve-count complaint for various federal and state law claims arising out of his 1985 arrest and subsequent conviction for the murder of Ivan Mena and attempted murder of Bouvier Garcia. (Dkt. 1.) Plaintiff named former Chicago Police Detective Michael O'Grady as a defendant, among others. (*Id.*)

2. Michael O'Grady died during the pendency of this litigation on November 14, 2024.

3. On November 19, 2024, counsel for O'Grady filed with the Court, and served on all parties, a Suggestion of Death Upon the Record, noting O'Grady's death, pursuant to Fed. R. Civ. P. 25(a)(1). (*See* Dkt. 143.)

4. More than 150 days have passed since all parties were served with the Suggestion of O'Grady's Death.

5. No party has filed a motion to substitute deceased defendant O'Grady, as

specifically provided for in Fed. R. Civ. P. 25(a)(1).

6. When a motion to substitute a deceased party is not made within 90 days after service of a statement noting the party's death, Federal Rule 25(a)(1) requires that the action against that party "must be dismissed." Fed. R. Civ. P. 25(a)(1).

Wherefore, undersigned counsel respectfully requests that Michael O'Grady be dismissed from the present action with prejudice.

Dated: April 23, 2025

Respectfully submitted,

/s/ Caroline P. Golden  
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**CERTIFICATE OF SERVICE**

I, Caroline P. Golden, certify under penalty of perjury, pursuant to 28 U.S.C.A. § 1746, that on **Wednesday, April 23, 2025**, I electronically filed the foregoing **Motion to Dismiss Deceased Defendant Michael O'Grady** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants listed in the below service list.

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