

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CLETIS WAYNE WILLIAMS

PLAINTIFF

V.

3:10CV00049 JMM

KYLE FRENCH, et al

DEFENDANTS

ORDER

On November 1, 2011, the Defendants filed a Suggestion of Death which states that the Plaintiff died on Monday, October 31, 2011.

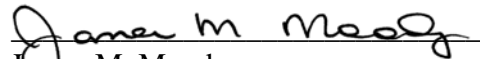
Rule 25 of the Federal Rules of Civil Procedure provides:

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.

Fed. R. Civ. P. 25(a)(1). The Court entered an Order on November 18, 2011 directing the decedent's successor or representative to file a motion by January 30, 2012 stating whether the successor should be substituted as the plaintiff in the case. No motion has been filed.

Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, the case is dismissed because of the death of the Plaintiff. The Clerk is directed to close the case.

IT IS SO ORDERED this 15th day of February, 2012.


James M. Moody
United States District Judge