

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

DEBRA F. DAVIDSON

PLAINTIFF

v.

Case No. 4:14-cv-00748-KGB

**FAULKNER COUNTY SHERIFF'S
DEPARTMENT; et al.**

DEFENDANTS

ORDER

On October 6, 2015, defendants filed a notice of suggestion of death (Dkt. No. 36). In that notice, defendants represented that plaintiff Ms. Debra F. Davidson died on June 12, 2015. On December 7, 2016, the Court entered an Order directing defendants to serve notice upon Ms. Davidson's successors or representatives, to inform the Court within 14 days from the entry of this Order whether such service upon the successors or representatives of Ms. Davidson's estate had taken place, and to provide proof of service (Dkt. No. 37).

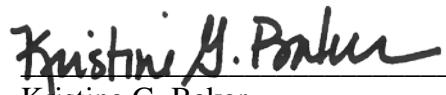
On December 9, 2016, defendants filed a response to the Court's order and requested leave to file an amended suggestion of death (Dkt. No. 38). Defendants also forwarded by certified mail to Daniel Seay and Elizabeth Wyatt, children of the plaintiff, a copy of defendant's response (Dkt. No. 38) and the amended notice of suggestion of death (Dkt. No. 38-1). On or about December 12, 2016, Mr. Seay and Ms. Wyatt received the amended notice of suggestion of death as evidenced by signed certified mail receipts (Dkt. No. 39). Subsequently, defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 25(a) (Dkt. No. 40).

A suggestion of death was filed in this matter; over 90 days have passed since the suggestion of death was filed. No motion has been made to substitute the proper party. Defendants have properly served the plaintiff and the plaintiff's nonparty successors or representatives with the notice of the suggestion of death. Accordingly, the Court grants defendants' motion to dismiss

(Dkt. No. 40). The Court dismisses this action pursuant to Federal Rule of Civil Procedure 25(a).

All other pending motions are denied as moot (Dkt. No. 18; 38).

It is so ordered this 20th day of October, 2017.



Kristine G. Baker

United States District Judge