

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

GERALD THOMAS PONDER

PLAINTIFF

v.

Case No. 1:13-cv-01088

CAPTAIN MITCHELL; DEPUTY BRIAN BAKER;
WHITNEY FOSTER; BRIAN WEST; LIEUTENANT
S. FAULNER; SERGEANT PENNITON; SHERIFF
MIKE MCGOUGH; NICOLE CONLEY a/k/a NICOLE
THURMAN; ERICK LEE MEADOW; and JOHN
DOES (1-5)

DEFENDANTS

ORDER

Plaintiff Gerald Ponder filed this § 1983 action on November 13, 2013. The Court, after Plaintiff had failed to take action in his case, learned that Plaintiff had passed away on June 13, 2014. On March 19, 2015, the Court directed the Clerk to send an Order to Plaintiff's address of record so as to advise any potential successor or representative that, should they wish to proceed with the case, the successor or representative should file a motion for substitution within ninety days. (ECF No. 20). Since the Court entered that Order, 180 days have passed and no successor or representative has filed any motion for substitution. Because no motion for substitution was filed within the time prescribed by the rules, this case is hereby **DISMISSED** in accordance with Federal Rule of Civil Procedure 25(a).

IT IS SO ORDERED, this 15th day of September, 2015.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge