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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,
Plaintiff,
v.
MR. J. BURNS, et al.,
Defendants.

No. 1:19-cv-00715-NONE-SAB (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
DEFENDANT SEXTON, WITHOUT
PREJUDICE
(Doc. No. 47)

Kareem J. Howell (“Plaintiff”), a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 9, 2021, Defendants filed a statement of fact of Defendant Sexton’s death on the record, and served Defendant Sexton’s successor in interest. (Doc. No. 33.) On June 10, 2021, the magistrate judge issued findings and recommendations recommending that defendant Sexton be dismissed from the action, without prejudice, pursuant to Federal Rule of Civil Procedure 25(a)(1). (Doc. No. 47.) The findings and recommendations were served on the parties and contained notice that objections were due within thirty days. (*Id.* at 2.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.


1 Accordingly:

2 1. The findings and recommendations issued on June 10, 2021 (Doc. No. 47), are adopted
3 in full; and

4 2. Defendant Sexton is dismissed from the action, without prejudice, pursuant to Federal
5 Rule of Civil Procedure 25(a)(1).

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7 IT IS SO ORDERED.

8 Dated: July 30, 2021



UNITED STATES DISTRICT JUDGE

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