

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

WILLIAM THOMAS BUSICK

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10-cv-190-WHB-FKB

MIKE HATTEN, ET AL.

OPINION AND ORDER

This cause is before the Court on the Report and Recommendation of United States Magistrate Judge F. Keith Ball. After considering the Report and Recommendation¹ and the other pleadings in this case, the Court finds the Report and Recommendation should be adopted as the finding of this Court.

I. Discussion

On April 6, 2010, Plaintiff, William Busick ("Busick"), who was then an inmate at the South Mississippi Correction Institution, filed this lawsuit alleging that various prison officials had violated his constitutional rights by failing to provide him appropriate medical care. On March 8, 2011, a Suggestion of Busick's Death was recorded. See Suggestion [Docket No. 44]. On June 21, 2011, Judge Ball entered a Report and Recommendation ("R & R") recommending that the case be dismissed pursuant to Rule

¹ The parties were required to file objections to Judge Ball's Report and Recommendation on or before July 5, 2011. No objections were filed.

25(a)(1) of the Federal Rules of Civil Procedure as (1) more than ninety days had elapsed since the Suggestion of Death was filed, and (2) no individual had moved to be substituted for Busick in this case. See R & R [Docket No. 46]. No objections to Judge Ball's findings or recommendations were filed.

After reviewing Judge Ball's R & R, the Court is satisfied that there is no clear error in his findings. Accordingly, Judge Ball's findings and recommendations will be adopted by the Court.

For the foregoing reasons:

IT IS THEREFORE ORDERED that the June 21, 2011, Report and Recommendation of United States Magistrate Judge F. Keith Ball [Docket No. 46], is hereby adopted as the finding of this Court.

IT IS FURTHER ORDERED that dismissal of this case is required under Rule 25(a)(1) of the Federal Rules of Civil Procedure. A Final Judgment dismissing this case without prejudice shall be entered this day.

SO ORDERED this the 19th day of July, 2011.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE