

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LARRY A. SERMENO,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-16-1196-C
)	
JOE M. ALLBAUGH. et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge Shon T. Erwin on June 21, 2017. The Court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 24), and for the reasons announced therein:

1. Denies Defendants' Motion to Dismiss (Dkt. No. 16) which asserted a loss of standing and subject matter jurisdiction due to Ms. Hilberling's death;
2. Grants Defendants' Motion in part and dismisses Plaintiff's claims for injunctive relief and future damages based on mootness; and
3. Denies Defendants' Motion in part as it pertains to Plaintiff's claims for compensatory and punitive damages, which are not rendered moot owing to Ms. Hilberling's death.

This matter is returned to Judge Erwin for further proceedings consistent with the original Order of Referral.

IT IS SO ORDERED this 21st day of July, 2017.


ROBIN J. CAUTHRON
United States District Judge