

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

David Stevens, #117557,) C/A: 9:10-2635-JFA-BM
vs.)
Plaintiff,)
vs.) ORDER
Samuel B. Glover, in his individual capacity)
as Director of the Department of Probation,)
Parole and Pardon Services; Mark Sanford,)
Governor; Jon Ozmint, Director, South)
Carolina Department of Corrections, in their)
individual and official capacities,)
Defendants.)

This action was filed by the plaintiff, *pro se*, asserting various claims for violations of due process, the Americans with Disability Act (ADA), and the Eighth Amendment. The defendants filed an answer to the complaint. The court has recently learned that the plaintiff died of natural causes on January 6, 2011, while incarcerated at the Kirkland Correctional Institution of the South Carolina Department of Corrections (SCDC).

The defendants filed a Suggestion of Death (ECF No. 18) on February 22, 2011. An Addendum to the Suggestion of Death (ECF No. 19) was filed on May 6, 2011, noting that there has been no probate estate opened on the plaintiff, David Stephens, #117557. Counsel for the defendants attests that plaintiff's personal effects were retrieved from the SCDC by a family member. Counsel further attests that no family member or representative of the

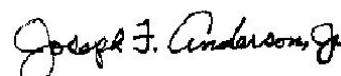
deceased plaintiff has contacted counsel and that counsel is unaware of any addresses of any family members.

Pursuant to Federal Rule of Civil Procedure 25, if the successor, personal representative of plaintiff's estate, or other appropriate party wishes to proceed on the decedent's behalf, he or she may file a motion for substitution with the court. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed. Fed. R. Civ. P. 25(a)(1).

No party having filed such a motion for substitution, the undersigned hereby dismisses this action without prejudice.

IT IS SO ORDERED.

June 29, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge