

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**CORY L. WILLIAMS,**

**Plaintiff,**

**v.**

**TYSON FOODS, INC.,**

**Defendant.**

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**Case No. 4:18-cv-181-ALM-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 13, 2019, the report of the Magistrate Judge (the “Report”) (Dkt. #26) was entered containing proposed findings of fact and recommendations that Plaintiff’s Motion to Dismiss (Dkt. #22) and Plaintiff’s Agreed Amended Motion to Dismiss Without Prejudice (Dkt. #25) should be denied without prejudice. As explained in the Report, dismissal of this matter is improper until Plaintiff’s successor or representative has been identified and served the Suggestion of Death, or, if Plaintiff’s Counsel is unable to identify a successor or representative, he must show that he made good faith efforts to do so, in accordance with Federal and Texas Rules of Civil Procedures.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Dismiss (Dkt. #22) and Plaintiff's Agreed Amended Motion to Dismiss Without Prejudice (Dkt. #25) are **DENIED WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

**SIGNED this 15th day of March, 2019.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE