

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

LARRY M. MAYFIELD

§

VS.

§

CIVIL ACTION NO. 9:16-CV-178

BILLY THOMPSON, ET AL.

§

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Larry M. Mayfield, a prisoner confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that this civil rights action be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

The Office of the Attorney General advised the Court that plaintiff passed away on April 21, 2018. A successor or representative of the plaintiff has not moved to substitute as a party to this action. *See* FED. R. CIV. P. 25(a)(1). Because there is no longer a party to prosecute this action, the action should be dismissed.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report and recommendation of the Magistrate Judge (document no. 5) is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED January 7, 2019**.



Ron Clark, Senior District Judge