

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANGEL MATURINO RESENDIZ
Plaintiff,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

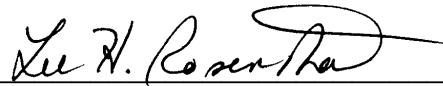
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CIVIL ACTION NO. H-06-CV-818

ORDER

The State of Texas executed the plaintiff, Angel Matruino Resendiz, on June 27, 2006. Rule 25(a) of the Federal Rules of Civil Procedure applies in the event of a party's death. Once a suggestion of death exists, an action involving a claim that is not extinguished may proceed in favor of a proper successor. FED. R. CIV. P. 25(a). Here, however, Resendiz's death moots his request for injunctive relief, meaning that there is no continuing claim for a successor to maintain. Because Resendiz's death extinguished the claim s raised by his lawsuit, this case is dismissed.

SIGNED on June 28, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge