

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

ALAN TROJACK, ET AL. §
VS. § CIVIL ACTION NO. 1:08cv593
UNITED STATES OF AMERICA §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

The above-styled lawsuit was filed through counsel by 47 inmates pursuant to the Federal Tort Claims Act. This matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

The undersigned has determined that counsel for the plaintiffs died on October 7, 2012. None of the plaintiffs have contacted the court since that date. Nor has anyone acting on behalf of any of the plaintiffs contacted the court. As a result, the undersigned is of the opinion that this matter should be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

Recommendation

This lawsuit should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

Objections

Objections must be (1) specific, (2) in writing, and (3) served and filed within 14 days after being served with a copy of this report. 28 U.S.C. § 636(b)(1).

Failure to file objections bars a party from (1) entitlement to *de novo* review by a district judge of the proposed findings and recommendations contained herein, *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court, *Douglass v. United Serv. Auto. Ass'n.*, 79 F.3d 1415, 1429 (5th Cir. 1996) (*en banc*).

SIGNED this 20 day of December, 2013.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE