

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

AMERICAN CIVIL RIGHTS UNION,
in its individual and corporate capacities
Plaintiff,

v.

ELECTION ADMINISTRATOR
RAFAEL R. MONTALVO,
in his official capacity; and TEXAS SECRETARY
OF STATE CARLOS CASCOS, in his official
Capacity,
Defendant.

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Civil Action No. 7:16-cv-00103

SUGGESTION OF DEATH AND MOTION TO ABATE

TO THE HONORABLE JUDGE OF THE COURT:

The attorney of record for Defendant Starr County Elections Administrator, Rafael R. Montalvo, files this Suggestion of Death and shows the Court:

1. Rafael Montalvo, Defendant, died on April 9, 2017. Mr. Montalvo was named in this case in his official capacity as Starr County Elections Administrator.
2. The position of county elections administrator is filled by appointment of the county election commission. A replacement Elections Administrator has not yet been appointed by the Starr County Election Commission.
3. These proceedings should be abated until a replacement Starr County Elections Administrator is named by the Starr County Elections Commission. *See Fed. R. Civ. P. 25.*
4. Currently, this case is set for a Status Conference on April 27, 2017. After conferring with opposing counsel no party is opposed to resetting the Status Conference for a later date.

WHEREFORE, Defendant requests these proceedings be abated until such time as a new party may be named and substituted as a party for Mr. Rafael Montalvo under Federal Rule of Civil Procedure 25(a).

Respectfully submitted,



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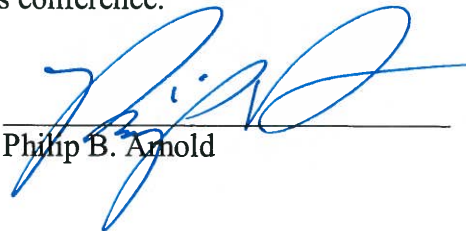
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Attorneys for Defendant

CERTIFICATE OF CONFERENCE

Under Local Rule 7.1D(1), the movant has conferred with opposing counsel and no party is opposed to a resetting of the April 27 status conference.



Philip B. Arnold

CERTIFICATE OF SERVICE

I certify that a copy of the Suggestion of Death and Motion to Abate was served via certified mail, return receipt requested and facsimile, to the following on this 20th day of April, 2017:

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