

United States Court of Appeals
for the Fifth Circuit

No. 22-50892

United States Court of Appeals
Fifth Circuit

FILED

April 23, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

NOLYN WAYNE MCMARYION,

Defendant—Appellant,

CONSOLIDATED WITH

No. 22-50894

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

NOLYN MCMARYION,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC Nos. 7:22-CR-86-1, 7:17-CR-233-1

Before HIGGINBOTHAM, SMITH, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Attorney Susan J. Clouthier, representing appellant Nolyn Wayne McMaryion, has informed the Court by suggestion of death, that appellant McMaryion died in Beaumont, Texas, on April 15, 2024. Based on this information:

IT IS ORDERED that the appeal is abated and dismissed as moot. We assume that the district court, in due course, will take appropriate action to abate and dismiss the proceedings in that court. *See United States v. Cammarata*, 721 F.2d 134 (5th Cir. 1983) (“When a defendant dies pending direct appeal of his criminal conviction, not only the appeal but also all proceedings had in the prosecution from its inception are abated.”); *United States v. Pauline*, 625 F.2d 684, 685 (5th Cir. 1980).

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.