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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LATWAHN McELROY,

1:08-cv-01221-LJO-GSA-PC

Plaintiff,

ORDER GRANTING REQUEST FOR
SUBSTITUTION OF PARTIES
(Doc. 141.)

v.

ROY COX, et al.,

ORDER SUBSTITUTING LVN M. HANKINS
IN PLACE OF DEFENDANT M. HANKINS

Defendants.

_____ /

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Latwahn McElroy (Plaintiff), a state prisoner proceeding pro se and in forma pauperis. This case is scheduled for jury trial to commence on June 19, 2012 at 8:30 a.m. before District Judge Lawrence J. O’Neill.

On May 10, 2012, the Court held a telephonic trial confirmation hearing in this action, during which the parties stipulated on the record that Defendants be granted leave to substitute Licensed Vocational Nurse (LVN) M. Hankins for Defendant M. Hankins (who is not an LVN) who was incorrectly served in this case.

On May 17, 2012, Defendant M. Hankins, who worked as a Material and Stores Supervisor I at Kern Valley State Prison (KVSP) requested an order substituting LVN M. Hankins in the place of Defendant M. Hankins. (Doc. 141.) The substitution was requested on the grounds that Defendant M. Hankins never interacted with, or medically examined, Plaintiff on February 5, 2007,

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1 while LVN M. Hankins medically examined Plaintiff on February 5, 2007 at KVSP, and thus LVN
2 M. Hankins is the proper Defendant in this case. (Doc. 141.)

3 Based on the foregoing, the substitution of parties shall be granted.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. LVN M. Hankins is substituted in place of Defendant M. Hankins (Material and
6 Stores Supervisor I, KVSP); and
- 7 2. Defendant M. Hankins (Material and Stores Supervisor I, KVSP) is dismissed from
8 this action.

9 IT IS SO ORDERED.

10 **Dated: May 21, 2012**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE