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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MARK S. SOKOLSKY,  
Plaintiff,  
v.  
CHRISTINE MATIVO, et al.,  
Defendants.

Case No. 1:13-cv-02044 LJO DLB PC  
ORDER GRANTING PLAINTIFF'S  
MOTION TO SUBSTITUTE PROPER  
PARTIES AS DEFENDANTS AND  
MOTION TO FILE SECOND AMENDED  
COMPLAINT  
[ECF No. 28]  
ORDER DIRECTING CLERK OF COURT  
TO SUBSTITUTE PARTIES AND FILE  
LODGED COMPLAINT

Plaintiff Mark S. Sokolsky, a civil detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 16, 2013. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 14, 2016, Plaintiff filed a motion to substitute proper parties as defendants. Plaintiff also submitted a Second Amended Complaint which has been lodged with the Court. Amendment of the operative complaint is not necessary to substitute the defendants Plaintiff seeks to name. Since the originally-named defendants were sued in their official capacity only, and the newly-identified individuals are successors in the official capacities held by the named defendants, the successors are already parties to this action. See Fed. R. Civ. P. 25(d)(1) (successor of public officer defendant named in his/her official capacity is automatically

1 substituted as a party). The Clerk of Court will be directed to amend the docket accordingly.<sup>1</sup>  
2 Plaintiff has submitted a Second Amended Complaint in which he has taken the First Amended  
3 Complaint and amended the proper parties. In addition, he has stricken language that concerns  
4 dismissed claims. He has done so for the sake of clarity and ease which the Court appreciates.  
5 Accordingly, although the Second Amended Complaint is unnecessary, for the sake of clarity,  
6 the Court will grant Plaintiff's motion to file a Second Amended Complaint.

7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED:

- 9 1) Plaintiff's motion to file a Second Amended Complaint is GRANTED;  
10 2) Plaintiff's motion to substitute proper parties is GRANTED; and  
11 3) The Clerk of Court is DIRECTED to amend the docket to reflect the following  
12 substitutions:  
13 CHRISTINE COYNE for CHRISTINE MATIVO  
14 ROBERT P. WINTHROW, MD, for AUDREY KING  
15 DANIEL MEEKS for BRIAN BOWLEY  
16 ISAAC BONSU for MARISA BIGOT  
17 4) The Clerk of Court is DIRECTED to file the lodged Second Amended Complaint.

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19 IT IS SO ORDERED.

20 Dated: February 4, 2016

/s/ Dennis L. Beck  
21 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> The Court notes that Plaintiff seeks to substitute Joel Castaneda for Alan Carlson; however, Alan Carlson was dismissed from this action on September 14, 2015. Therefore, Joel Castaneda will not be substituted.