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6 Attorneys for Defendants INYO COUNTY, WILLIAM LUTZE, Inyo County Sheriff; And
7 THOMAS HARDY, Inyo County District Attorney

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 BISHOP PAIUTE TRIBE,
12 Plaintiff,

CASE NO. 1:15-cv-00367 DAD JLT

13 v.

**REQUEST FOR ORDER OF
SUBSTITUTION UNDER FED.
R.CIV.P 25(d); [PROPOSED]
ORDER**

14 INYO COUNTY; WILLIAM LUTZE, Inyo
15 County Sheriff; THOMAS HARDY, Inyo
16 County District Attorney,
17 Defendants.

18 _____/

20 Defendants, by and through the undersigned counsel, request an order of substitution to name
21 Jeff Hollowell as a named party instead of William Lutze, pursuant to Rule 25(d) of the Federal
22 Rules of Civil Procedure.

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When this declaratory/injunctive relief case was initiated, William Lutze was the duly-elected Sheriff of Inyo County, and was named as a party. Since July 12, 2018, Jeff Hollowell has been the duly-elected Sheriff of Inyo County, and has remained in that position. Accordingly, William Lutze is no longer the duly-elected sheriff of Inyo County. By operation of Rule 25(d) of the Federal Rules of Civil Procedure, Jeff Hollowell is automatically substituted as a party. “When a public officer is a party to an action in an official capacity and during his pendency dies, resigns or otherwise ceases to hold office, the action does not abate and the officer’s successor is automatically substituted as a party.”

Accordingly, the Court should order the substitution.

Dated: October 23, 2018

Respectfully submitted,
PORTER SCOTT
A PROFESSIONAL CORPORATION

By /s/ John R. Whitefleet
Carl L. Fessenden
John R. Whitefleet
Attorneys for Defendant

[PROPOSED] ORDER

The Court **ORDERS** that Jeff Hollowell is substituted for William Lutze. The Clerk of the Court is **DIRECTED** to terminate William Lutze as a defendant in this action.

IT IS SO ORDERED.

Dated: October 23, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE