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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 ROSLYN G. McCOY,
 12 Plaintiff,
 13 v.
 14 DEPARTMENT OF THE ARMY CORPS-
 ARMY CORPS OF ENGINEERS and the
 15 HONORABLE PETE GEREN,
 SECRETARY OF THE ARMY,
 16 collectively,
 17 Defendants.

CASE NO. 2:09-CV-01973 LKK-CMK
**NOTICE OF SUBSTITUTION OF
 DEFENDANT AND ORDER**

19 NOTICE IS HEREBY GIVEN that Preston M. "Pete" Geren resigned from his position as
 20 Secretary of the Army. On September 21, 2009, the Honorable John M. McHugh was confirmed as
 21 Secretary of the Army.

22 Accordingly, pursuant to Fed. R. Civ. P. 25(d)(1), John H. McHugh will be substituted as
 23 defendant in place of Preston M. "Pete" Geren, and all further proceedings in this action "shall be in the
 24 name of the substituted party." Defendant John H. McHugh further requests that the caption used in
 25 this case be modified to reflect this substitution.

26 Respectfully submitted,

27 BENJAMIN B. WAGNER
 United States Attorney
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1 Date: November 30, 2009

/s/ Todd A. Pickles
By: TODD A. PICKLES
Assistant United States Attorney
Attorneys for Secretary of the Army

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5 **ORDER**

6 Pursuant to Federal Rule of Civil Procedure 25(d)(1), John H. McHugh is substituted for Pete
7 Geren, and the caption used in this case shall be so modified.
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10 **IT IS SO ORDERED.**

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12 **DATED: December 4, 2009**

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15 **CRAIG M. KELLISON**
16 **UNITED STATES MAGISTRATE JUDGE**
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1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that she is an employee in the office of the United States
3 Attorney for the Eastern District of California, and is of such age and discretion to be competent to
serve papers.

4 That on November 30, 2009, she served a copy of:

5 **NOTICE OF SUBSTITUTION OF DEFENDANT AND [PROPOSED] ORDER**

6 by placing said copy in an envelope addressed to the persons at the place and addresses shown below,
7 which are the last known addressees, and deposited said envelopes and in the United States mail in
Sacramento, California.

8 **Addressee(s):**

9
10 Roslyn G. McCoy
11 404 E. Lake St.
Mount Shasta, CA 96097

12 /s/ Karen James
13 KAREN JAMES
14 Legal Assistant
15 United States Attorney's Office
16 Eastern District of California
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