

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TIMOTHY GUMM, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 5:15-cv-41 (MTT)
)	
SHAWN EMMONS, <i>et al.</i>,)	
)	
Defendants.)	
)	
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ORDER

Rule 25 of the Federal Rules of Civil Procedure provides for automatic substitution of public officers in actions against them in their official capacities when the originally named officer leaves office.¹ Accordingly, as discussed at the November 30, 2023 show cause hearing, the parties agree the following defendants are substituted for the defendants named in the original settlement agreement:

1. Defendant Tyrone Oliver, in his official capacity as the current Commissioner of the Georgia Department of Corrections (“GDC”), is substituted for Defendant Timothy Ward;
2. Defendant Ahmed Holt, in his official capacity as the current Assistant Commissioner of the GDC facilities division, is substituted for Defendant Ricky Myrick;

¹ Rule 25(d) provides, in relevant part, that “when a public officer who is a party in an official capacity ... resigns ... [t]he officer’s successor is automatically substituted as a party.” Fed. R. Civ. P. 25(d).

3. Defendant Stan Shepard, in his official capacity as the current GDC Director of Field Operations, is substituted for Defendant Robert Toole;
4. Defendant Shawn Emmons, in his official capacity as the current Warden of the Georgia Diagnostic and Classification Prison, is substituted for Defendant Benjamin Ford;
5. Defendant Joe Williams, in his official capacity as the current Warden at the Special Management Unit (“SMU”), is substituted for Defendant Michael Cannon;²
6. Defendants Dennis Turner and Flemister Wiley, in their official capacities as the current SMU Deputy Wardens of Security, are substituted for Defendant Joseph Polite.

Docs. 256-1 ¶ 3; 421. All parties agree these are the only defendants to this action and that these defendants are proper. Doc. 429 at 6:5-25—8:1-4. The docket shall be updated accordingly.

SO ORDERED, this 14th day of December, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

² The SMU Warden is functionally the same position as the SMU Superintendent referenced in the Settlement Agreement. Docs. 256-1 ¶ 3; 421 ¶ 7.