

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

RICHIE GREEN,

Plaintiff,

v.

**KEAGAN WAYSTACK, GREGORY L.
BUSHWAY, DEBRA GOMEZ, and
FREDERIC D. BRIGHT,**

Defendants.

**CIVIL ACTION NO.
5:18-cv-00042-TES**

ORDER GRANTING PLAINTIFF'S MOTION FOR SUBSTITUTION OF PARTY

Before the Court for consideration is Plaintiff's Motion for Substitution of Party [Doc. 36]. For the following reasons, the Court **GRANTS** Plaintiff's Motion.

In the instant matter, Plaintiff brought § 1983 claims against Defendant Fredric Bright, a former Jones County District Attorney, in his official capacity. On May 10, 2018, Defendants Bright, Bushway, and Gomez submitted a Suggestion of Death Upon the Record as to Defendant Bright [Doc. 33]. Plaintiff subsequently moved to substitute Stephen Bradley, the current Jones County District attorney, for Defendant Bright. [Doc. 36].¹

¹ On September 1, 2015, the day after Defendant Bright retired from his post, the Governor swore Stephen Bradley into office as the Jones County District Attorney. See Debbie Lurie-Smith, *Bradley sworn in as Ocmulgee top prosecutor*, Jones County News (Sept. 9, 2015), <https://www.jcnews.com/content/bradley-sworn-ocmulgee-top-prosecutor>.

Federal Rule of Civil Procedure 25 allows for substitution when a party dies and the claim against him is not extinguished. *See* Fed. R. Civ. P. 25(a)(1). In the case of public officers, “[a]n action does not abate when [the officer] who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer’s successor is automatically substituted as a party.” *See* Fed. R. Civ. P. 25(d). This portion of Rule 25 was deliberately instituted to prevent suits involving public officers from becoming moot due to personnel changes. *See Karcher v. May*, 484 U.S. 72, 83 (1987). This is particularly true in the case of official-capacity suits, like Plaintiff’s action, which “generally represent only another way of pleading an action against an entity of which an officer is an agent.” *Monell v. Dept. of Soc. Serv.s of City of N.Y.*, 436 U.S. 658, 690 n.55 (1978).

For these reasons, the Court **GRANTS** Plaintiff’s Motion to Substitute Stephen Bradley for Defendant Fredric Bright [Doc. 36]. The Court hereby instructs the Clerk to alter the caption as necessary in order to reflect this change.

SO ORDERED, this 20th day of June, 2018.

S/ Tilman E. Self, III
TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT