

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

AMERICAN COAL CO.,)
)
 Plaintiff,)
)
 V.)
)
 MINE SAFETY AND HEALTH ADMIN.,)
 RICHARD E. STICKLER,)
 KEVIN G. STRICKLIN,)
 ROBERT L. PHILLIPS,)
 DAVID L. WHITCOMB,)
 KEITH ROBERTS, and)
 STEVE MILLER,)
)
 Defendants.)

Case No. **08-cv-814-MJR-SCW**

ORDER

REAGAN, District Judge:

Before the Court is Plaintiff American Coal Company’s “Agreed Motion to Dismiss Claims Against Former MSHA Officers Richard E. Stickler and Robert Phillips” (Doc. 48). Plaintiff explains that Defendant Richard Stickler, Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration, and Defendant Robert L. Phillips, District Manager, Coal Mine Safety and Health, District 8, Mine Safety and Health Administration, have been succeeded in office by Joseph A. Maine and Mary Jo Bishop, respectively. Therefore, the Court construes Plaintiff’s motion as seeking a substitution of named defendants.

In accordance with Federal Rule of Civil Procedure 25(d), in an official capacity suit such as this, substitution of a public officer’s successor in office as a party is automatic.

IT IS THEREFORE ORDERED that, in accordance with Federal Rule of Civil Procedure 25(d), Plaintiff's motion for substitution (Doc. 48) is **GRANTED**; Joseph A. Maine, Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration, is hereby **SUBSTITUTED** for Defendant Richard Stickler; and Mary Jo Bishop, District Manager, Coal Mine Safety and Health, District 8, Mine Safety and Health Administration, is hereby **SUBSTITUTED** for Defendant Robert L. Phillips. All future proceedings and filings shall be in the substituted parties' names.

IT IS SO ORDERED.

DATED: February 22, 2011

s/ Michael J. Reagan

MICHAEL J. REAGAN
UNITED STATES DISTRICT JUDGE