

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN D. GORDON,
Petitioner,

v.

S. SPAULDING, WARDEN
Respondent.

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C.A. No. 17-12398-IT

ORDER

TALWANI, D.J.

Before the Court is Petitioner John D. Gordon’s January 8, 2018 letter which was entered on the docket by the clerk as a Motion to Amend Petitioner’s Memorandum of Law in Support [#6]. Petitioner seeks to correct certain statements found on page 12 of the Memorandum of Law filed in support of his Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [#1]. Petitioner paid the \$5 filing fee on February 21, 2018 [#11].

When Gordon filed his petition [#1], he named as respondent Jeff Grondolsky, then Warden of FMC Devens. Grondolsky has since retired and S. Spaulding has been named Warden. When a public officer ceases to hold office, his or her “successor is automatically substituted as a party.” Rule 25(d), Fed. R. Civ. P. Consequently, Spaulding has been substituted for Grondolsky.

Accordingly, this Court hereby orders that:

1. Petitioner’s Motion to Amend [#6] is ALLOWED.
2. The Clerk of this Court shall serve a copy of the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [#1] and Motion to Amend Petitioner’s Memorandum of Law in Support [#6] upon (i) S. Spaulding, Warden, FMC Devens, 42 Patton Road, P.O. Box 880, Ayer, MA 01432; and (ii) the United States Attorney for the District of Massachusetts.

3. Respondent shall, within 21 days of receipt of this Order, file an answer or other responsive pleading. The answer (or other responsive pleading) must also include a statement notifying this Court of the existence of any victim or victims as defined by 18 U.S.C. § 3771.

IT IS SO ORDERED.

April 9, 2018

/s/ Indira Talwani
United States District Judge