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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JASON EVAN BROWNE,
Petitioner,
vs.
E.K. McDANIEL, *et al.*,
Respondents.

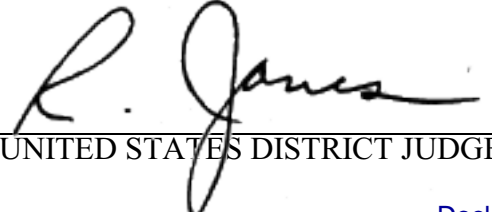
3:07-cv-0290-RCJ-RAM
ORDER

This closed action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by a Nevada State prisoner, represented by counsel. By order filed October 19, 2010, this Court denied the petition and denied petitioner a certificate of appealability. (ECF No. 47). Judgment was entered on October 21, 2010. (ECF No. 48). A notice of appeal was filed and the matter remains on appeal at the Ninth Circuit Court of Appeals. (ECF Nos. 49, 51, 53).

Respondents have filed a motion to substitute Renee Baker for and in place of E.K. McDaniel, because Baker has succeeded McDaniel as Warden of Ely State Prison. (ECF No. 52). Pursuant to Rule 25(d) of the Federal Rules of Procedure, “[the] [public] officer’s successor is automatically substituted as a party.” Further, “[t]he court may order substitution at any time, but the absence of such an order does not affect the substitution.” Fed. R. Civ. P. 25(d).

IT IS THEREFORE ORDERED that respondents’ motion (ECF No. 52) to substitute RENEE BAKER for and in place of E.K. McDANIEL as Warden of Ely State Prison in this action is **GRANTED**.

Dated this 6th day of July, 2012.


UNITED STATES DISTRICT JUDGE