IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSE MORALES, on behalf of himself and those similarly situated, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, and THE CENTER FOR PAN ASIAN COMMUNITY SERVICES,

Plaintiffs,

v.

KAREN HANDEL, in her official capacity as Georgia Secretary of State,

Defendant.

CIVIL CASE NO.
1:08-CV-3172

Three-Judge Court
(SFB, WSD, JTC)

ORDER

Plaintiffs brought this action against Karen Handel, in her official capacity as Geogia Secretary of State ("Secretary"), pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, challenging the use of computer databases to verify the citizenship of individuals submitting voter registration applications. After Plaintiffs brought this action, Secretary Handel resigned from office. The Governor then appointed Brian Kemp to

serve as Secretary. Secretary Kemp was sworn into office on January 8, 2010. Defendant requests that the Court substitute Secretary Kemp for Secretary Handel as the proper party Defendant.

Rule 25(d) of the Federal Rules of Civil Procedure provides that:

> An action does not abate when a public officer who is a party in an official . . . resigns . . . while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be disregarded. The 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). As the successor to Secretary Handel, Secretary Kemp is automatically substituted as the party Defendant in this case. Accordingly, the Court **DIRECTS** the Clerk to **SUBSTITUTE** Brian P. Kemp for Karen Handel as the Defendant of record in this case.

SO ORDERED, this 1st day of June, 2010.

JACK T. CAMP
UNITED STATES DISTRICT JUDGE