

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JESSE W. WILLIAMS, SHERIFF )  
 OF PATRICK COUNTY, a Constitu- )  
 tional Officer of the Common- )  
 wealth of Virginia and elected )  
 under the laws of the Common- )  
 wealth, )  
 )  
 Defendant. )  
 )

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CIVIL ACTION NO.  
83-0094-D

MOTION OF PLAINTIFF UNITED STATES  
TO SUBSTITUTE JAY GREGORY FOR  
JESSE W. WILLIAMS AS DEFENDANT  
SHERIFF OF PATRICK COUNTY

The United States brought this action against Jesse W. Williams in his official capacity as Sheriff of Patrick County, a constitutional officer of the Commonwealth of Virginia and elected under the laws of the Commonwealth. On January 1, 1984, Jay Gregory assumed the office of Sheriff of Patrick County, having defeated Jesse W. Williams in the election for that office held in November 1983.

Rule 25 (d), F.R.Civ.P., provides, in relevant part, that:

(1)When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party.

Accordingly, the United States moves this Court to enter an order substituting Jay Gregory for Jesse W. Williams as defendant Sheriff of Patrick County, and directing that the caption of this action be modified to reflect such substitution.

Respectfully submitted,



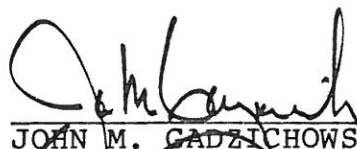
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JOHN M. GADZICHOWSKI  
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MELISSA P. MARSHALL  
Trial Attorney  
Department of Justice  
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CERTIFICATE OF SERVICE

I, JOHN M. GADZICHOWSKI, do hereby certify that on January 3, 1983, I served a copy of the foregoing Motion of Plaintiff United States to Substitute Jay Gregory for Jesse W. Williams as Defendant Sheriff of Patrick County, by Federal Express, upon:

ANTHONY P. GIORNO, ESQUIRE  
Blue Ridge Street  
P.O. Box 1076  
Stuart, Virginia 24171



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