

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

TATI ABU KING, et al.
Plaintiffs,

v.

Civil Action No. 3:23cv408

GLENN YOUNGKIN, in his official capacity
as Governor of the Commonwealth of
Virginia, et al.
Defendants.

ORDER

This matter comes before the Court on remand from the United States Court of Appeals for the Fourth Circuit. On March 18, 2024, the Court granted in part and denied in part the defendants' motion to dismiss the first amended complaint. (ECF No. 89.) The Court dismissed plaintiff Bridging the Gap, Inc., because it lacked standing to sue, and dismissed Counts One, Three, and Four in their entirety.¹ (ECF No. 89.) The Court allowed the case to proceed on Count Two against all remaining defendants. (ECF No. 89.) On March 26, 2024, the Court held a scheduling conference to set pre-trial deadlines and granted the plaintiffs leave to file a second amended complaint. (ECF No. 93.) The next day, March 27, 2024, the defendants appealed the Court's decision on the motion to dismiss. (ECF No. 95.)

On April 4, 2024, the plaintiffs filed their second amended complaint. (ECF No. 96.) On April 19, 2024, the Court issued an order staying all litigation pending the appeal and directed the defendants to file an answer or responsive pleading to the second amended complaint within

¹ In its Opinion, the Court also held that neither sovereign immunity nor justiciability issues barred the plaintiffs' Virginia Readmission Act claims, and that the plaintiffs could sue Governor Glenn Youngkin and Secretary of the Commonwealth Kelly Gee based on their "'special relation' to the challenged law." (ECF No. 88, at 10.)

fourteen days of a mandate remanding this case back to the Court. (ECF No. 98.) On December 5, 2024, the Fourth Circuit affirmed in part and reversed part this Court's decision on the motion to dismiss. (ECF Nos. 99, 100.) The Fourth Circuit reversed the Court insofar as it allowed the case to proceed as to Governor Youngkin and Secretary Gee, and affirmed the Court with respect to the remaining issues in the appeal. The Fourth Circuit issued the mandate on December 27, 2024. (ECF No. 101.) The defendants filed an answer to the second amended complaint on January 10, 2025. (ECF No. 103.) In its answer, the defendants brought to the Court's attention that defendant Shannon Williams no longer holds the General Registrar position of Smyth County, Virginia, and that Sandy C. Elswick now currently holds that position. They assert that Elswick "is automatically substituted as a party per Federal Rule of Civil Procedure 25(d)." (*Id.* at 6.)

Accordingly, for the reasons set forth by the Fourth Circuit, (ECF No. 99, at 14–17), the Court DISMISSES defendants Governor Youngkin and Secretary Gee from this case. Additionally, pursuant to Federal Rule of Civil Procedure 25(d), the Court DIRECTS the Clerk to substitute Sandy C. Elswick for Shannon Williams as the proper defendant General Registrar of Smyth County, Virginia.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 13 January 2025
Richmond, VA

/s/
John A. Gibney, Jr.
Senior United States District Judge