

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**GERALD WHITAKER,  
ADC # 141195**

**PETITIONER**

**V.**

**CASE NO. 3:10CV00115 DPM-BD**

**CURTIS WALKER, et al.**

**RESPONDENTS**

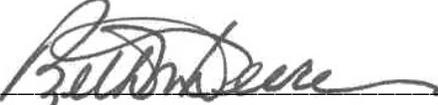
**ORDER**

Petitioner Gerald Whitaker, an inmate at the Cummins Unit of the Arkansas Department of Correction (“ADC”), filed the present action *pro se*. Pending is Petitioner’s motion for leave to proceed *in forma pauperis* (docket entry #6). The Motion is GRANTED. Accordingly, the Clerk is instructed to serve the Petition (#2), the Motion to Amend (#7), and a copy of this Order on the Respondent and the United States Attorney by regular mail. The Court directs the Respondent to file an answer, motion, or other responsive pleading to the petition within twenty (20) days after service of this petition.

Petitioner’s motion to amend (#7) is also GRANTED. The Clerk is directed to file the motion to amend as a supplement to the petition. Petitioner names a Mississippi County prosecutor, an attorney, and a Circuit Court judge as respondents (#1). Under Rule 2 of the Rules Governing § 2254 Cases, the proper Respondent is the state officer who has custody of Petitioner. That officer is currently Ray Hobbs, Interim Director of the Arkansas Department of Correction. Accordingly, the Clerk is instructed to substitute Mr. Hobbs as the sole Respondent. The remaining parties Petitioner names as

“defendants” are dismissed from the case, as they are not proper parties to a habeas corpus action.

IT IS SO ORDERED this 15th day of June, 2010.

  
UNITED STATES MAGISTRATE JUDGE