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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BYRON DANIEL PRIMAS,)	1:06-CV-0084 AWI LJO HC
)	
Petitioner,)	
)	ORDER GRANTING PETITIONER LEAVE
v.)	TO FILE A MOTION TO AMEND THE
)	PETITION AND NAME A PROPER
CALIFORNIA DEPARTMENT OF)	RESPONDENT
CORRECTIONS, et al.,)	
)	
Respondents.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On January 25, 2006, the instant petition was received in this Court following a transfer from the Northern District of California.

DISCUSSION

Rule 4 of the Rules Governing § 2254 Cases requires the Court to make a preliminary review of each petition for writ of habeas corpus. The Court must dismiss a petition "[i]f it plainly appears from the petition . . . that the petitioner is not entitled to relief." Rule 4 of the Rules Governing 2254 Cases; see also Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990). A petition for habeas corpus should not be dismissed without leave to amend unless it appears that no tenable claim for relief can be pleaded were such leave granted. Jarvis v. Nelson, 440 F.2d 13, 14 (9th Cir. 1971).

In this case, Petitioner names the California Department of Corrections as Respondent. Petitioner is incarcerated at Sierra Conservation Center located in Jamestown, California.

A petitioner seeking habeas corpus relief under 28 U.S.C. § 2254 must name the state officer

