

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS MOTA-RIVERA,)	1:07-cv-01161-LJO-BAK-GSA HC
)	
Petitioner,)	ORDER GRANTING PETITIONER’S
)	MOTION TO SUBSTITUTE RESPONDENTS
v.)	(Doc. 15)
)	
)	ORDER DIRECTING CLERK OF THE COURT
V. ALMAGER, Warden,)	TO SUBSTITUTE THE NAME OF WARDEN
)	JOHN V. HAVILAND FOR RESPONDENT V.
Respondent.)	ALMAGER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner filed his petition on August 10, 2007, at which time Petitioner was incarcerated at Centinela State Prison, Imperial, California, where the warden at that time was V. Almager. (Doc. 1). On October 24, 2008, Petitioner filed the instant motion alerting the Court to the fact that the new warden at Centinela State Prison was Michael A. Smelosky, and requesting that the Court substitute Mr. Smelosky’s name for Mr. Almager’s name as respondent in this action. (Doc. 15).

On November 24, 2008, Petitioner filed a notice of change of address to California State Prison-Solano, Vacaville, California. (Doc. 16). Although Petitioner has not filed a corresponding motion to substitute in the name of the current warden of CSP-Solano, the Court, on its own initiative, will grant Petitioner’s original motion and order the Clerk of the Court to substitute as respondent the current warden of CSP-Solano as respondent in this case.

1 For the foregoing reasons, the Court HEREBY ORDERS as follows:

- 2 1. Petitioner's motion to substitute respondents (Doc. 15), is GRANTED; and,
3 2. The Clerk of the Court is DIRECTED to substitute the name of Warden John W.
4 Haviland in place of respondent V. Almager.

5
6
7 IT IS SO ORDERED.

8 Dated: September 10, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE