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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 WAINSWORTH MARCELLUS HALL,) 1:09-cv-01083 LJO MJS HC
12 Petitioner,) ORDER GRANTING PETITIONER'S
13 v.) MOTION TO CHANGE THE NAME OF
14 H.A. RIOS, Warden,) RESPONDENT
15 Respondent.) [Doc. 10]
16
17 Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2241.

19 On November 30, 2009, Petitioner filed a motion to amend the petition. Petitioner requests
20 that H.A. Rios, Warden of United States Penitentiary at Atwater be named as Respondent in this
21 matter. (Court Doc. 10.)

22 A petitioner seeking habeas relief must name the officer having custody of him as the
23 respondent to the petition. Rule 2(a) of the Rules Governing Section 2254 Cases; Ortiz-Sandoval v.
24 Gomez, 81 F.3d 891, 894 (9th Cir.1996); Stanley v. Cal. Sup. Ct., 21 F.3d 359, 360 (9th Cir.1994).
25 Normally, the person having custody of the prisoner is the warden of the prison because the warden
26 has "day to day control over" the prisoner. Brittingham v. U.S., 982 F.2d 378, 379 (9th Cir.1992).
27 Therefore, Petitioner's request is proper.

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1 Accordingly, Petitioner's motion to change the name of Respondent in this matter to H.A.
2 Rios is GRANTED. The Clerk of Court is DIRECTED to change the name of Respondent to H.A.
3 Rios.

5 || IT IS SO ORDERED.

6 Dated: June 7, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE