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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DWIGHT TAMPLIN, JR.,)	1:12-cv-01633-AWI-SKO-HC
)	
Petitioner,)	ORDER GRANTING PETITIONER'S
)	MOTION TO AMEND THE PETITION TO
)	CHANGE THE NAME OF RESPONDENT
v.)	(Doc. 10)
)	
RANDY GROUNDS, Warden,)	ORDER DIRECTING THE CLERK TO
)	CHANGE THE NAME OF THE RESPONDENT
Respondent.)	
)	ORDER GRANTING PETITIONER'S
_____)	REQUEST FOR AN EXTENSION OF TIME
)	(Doc. 11)

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303. Pending before the Court is Petitioner's motion to amend the petition to name a proper respondent, filed on November 8, 2012, in response to the Court's order of October 22, 2012, granting Petitioner leave to file the motion. Also pending is a motion for an extension of time to reply to the Court's order to show cause that issued on October 22, 2012.

1 I. Motion to Amend the Petition to Name a Proper Respondent

2 Petitioner requests that Randy Grounds be named as
3 Respondent in this matter.

4 A petitioner seeking habeas relief must name the state
5 officer having custody of him or her as the respondent to the
6 petition. Rule 2(a) of the Rules Governing Section 2254 Cases in
7 the United States District Courts; Ortiz-Sandoval v. Gomez, 81
8 F.3d 891, 894 (9th Cir. 1996); Stanley v. California Supreme
9 Court, 21 F.3d 359, 360 (9th Cir. 1994). Generally, the person
10 having custody of the prisoner is the warden of the prison
11 because the warden has "day to day control over" the prisoner.
12 Brittingham v. United States, 982 F.2d 378, 379 (9th Cir. 1992).

13 Randy Grounds is the warden of Petitioner's custodial
14 institution. Therefore, Petitioner's request is proper.

15 Accordingly, Petitioner's motion for leave to amend the
16 petition to name Randy Grounds, Warden, as Respondent in this
17 matter is GRANTED.

18 The Clerk of Court is DIRECTED to change the name of
19 Respondent to Randy Grounds, Warden.

20 II. Request for Extension of Time

21 Petitioner filed a request for an extension of time to
22 respond to the Court's order to Petitioner to show cause why the
23 petition should not be dismissed for failure to exhaust state
24 court remedies, and to submit a signed declaration under penalty
25 of perjury to verify the petition, which was submitted without a
26 signature and verification.

27 Good cause appearing, Petitioner's motion for an extension
28 of time to file a response to the order to show cause is GRANTED,

1 and Petitioner's response is due to be filed no later than
2 December 26, 2012.

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IT IS SO ORDERED.

Dated: November 14, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE