

1 **UNITED STATES DISTRICT COURT**
2 **EASTERN DISTRICT OF CALIFORNIA**

3
4 HERIBERTO BOTELLO

5 Petitioner,

6 v.

7 TIM VIRGA, Warden,

8 Respondents.
9

Case No. 1:12-cv-01702-BAM HC

ORDER DIRECTING CLERK
OF COURT TO AMEND CAPTION

10 Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts
11 provides that "If the petitioner is currently in custody under a state court judgment, the petition must
12 name as respondent the state officer who has custody." Petitioner has advised the Court that he is
13 presently incarcerated in Pleasant Valley State Prison, Coalinga, California. As a result, Tim Virga,
14 the former warden of California State Prison, Sacramento, no longer has custody of Petitioner. Scott
15 Frauenheim, Warden of Pleasant Valley State Prison, now has custody of Petitioner.
16

17 Accordingly, the Court hereby ORDERS the Clerk of Court to amend the caption in this
18 matter to reflect the name of Scott Frauenheim, Warden, Pleasant Valley State Prison, as
19 Respondent.

20 IT IS SO ORDERED.

21 Dated: December 23, 2015

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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