

1 chief officer in charge of state penal institutions is also appropriate. Ortiz, 81 F.3d at 894; Stanley, 21
2 F.3d at 360. Where a petitioner is on probation or parole, the proper respondent is his probation or
3 parole officer and the official in charge of the parole or probation agency or state correctional agency.
4 Id.

5 Here, Petitioner has named as Respondent “the People of the State of California.” However,
6 “the People of the State of California” is not the warden or chief officer of the institution where
7 Petitioner is confined and, thus, does not have day-to-day control over Petitioner. Petitioner is
8 presently confined at the California Rehabilitation Center, Norco, California. The current director or
9 warden of that facility is the person Petitioner should name as Respondent.

10 Petitioner’s failure to name a proper respondent requires dismissal of his habeas petition for
11 lack of jurisdiction. Stanley, 21 F.3d at 360; Olson v. California Adult Auth., 423 F.2d 1326, 1326
12 (9th Cir. 1970); see also, Billiteri v. United States Bd. Of Parole, 541 F.2d 938, 948 (2nd Cir. 1976).
13 **However, the Court will give Petitioner the opportunity to cure this defect by amending the**
14 **petition to name a proper respondent, such as the warden of his facility.** See West v. Louisiana,
15 478 F.2d 1026, 1029 (5th Cir.1973), *vacated in part on other grounds*, 510 F.2d 363 (5th Cir.1975)
16 (en banc) (allowing petitioner to amend petition to name proper respondent); Ashley v. State of
17 Washington, 394 F.2d 125 (9th Cir. 1968) (same). In any amended petition, Petitioner must name a
18 proper respondent.

19 **In the interests of judicial economy, Petitioner *need not* file an amended petition. Instead,**
20 **Petitioner can satisfy this deficiency in his petition by filing a motion entitled "Motion to Amend**
21 **the Petition to Name a Proper Respondent" wherein Petitioner may name the proper**
22 **respondent in this action.**

23 ORDER

24 Accordingly, it is HEREBY ORDERED that:

- 25 1. Petitioner is GRANTED thirty (30) days from the date of service of this Order to SUBMIT
26 a Motion to Amend the Petition to Name a Proper Respondent.

