

1 F.3d at 360. Where a petitioner is on probation or parole, the proper respondent is his probation or
2 parole officer and the official in charge of the parole or probation agency or state correctional agency.
3 Id.

4 Here, Petitioner has named as Respondent the California Department of Corrections.
5 However, the California Department of Corrections is not the warden or chief officer of the institution
6 where Petitioner is confined and, thus, does not have day-to-day control over Petitioner. Petitioner is
7 presently confined at the California State Prison, Solano, located in Vacaville, California. The current
8 director or warden of that facility, Gary Swarthout, is the person Petitioner should name as
9 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.** See West v. Louisiana, 478 F.2d 1026, 1029 (5th Cir.1973),
15 *vacated in part on other grounds*, 510 F.2d 363 (5th Cir.1975) (en banc) (allowing petitioner to amend
16 petition to name proper respondent); Ashley v. State of Washington, 394 F.2d 125 (9th Cir. 1968)
17 (same). In any amended petition, Petitioner must name a proper respondent.

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

22 Accordingly, it is HEREBY ORDERED that, within thirty days of the date of service of this
23 order, Petitioner must file with the Court a "Motion To Amend The Petition To Name A Proper
24 Respondent," wherein Petitioner must name the warden of his present prison facility as the respondent.

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