

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

3
4 SALTAN ZAGSAW,

5 Petitioner,

6 v.

7 DAVE DAVEY, Warden, and JEFFREY
8 BEARD, Director of CDCR,

9 Respondent.

Case No. 1:15-cv-00793-LJO-SKO HC

ORDER DIRECTING CLERK
OF COURT TO AMEND CAPTION

10 “If the petitioner is currently in custody under a state court judgment, the petition must name
11 as respondent the state officer who has custody.” Rule 2(a) of the Rules Governing Section 2254
12 Cases in the United States District Courts. Petitioner has advised the Court that he is presently
13 incarcerated in Pelican Bay State Prison, Crescent City, California. As a result, Dave Davey, the
14 warden of the California State Prison, Corcoran, no longer has custody of Petitioner. Clark Ducart,
15 Warden of Pelican Bay State Prison, now has custody of Petitioner.
16

17 In addition, F.R.Civ.P. 25(d) provides that when a public party in an official capacity dies,
18 resigns, or otherwise ceases to hold office while the action is pending, the officer's successor is
19 automatically substituted as a party. In the above-captioned case, Scott Kernan has succeeded
20 Jeffrey Beard, Ph.D., as Secretary of CDCR.
21

22 Accordingly, the Court hereby ORDERS the Clerk of Court to amend the caption in this
23 matter to reflect the name of Clark Ducart, Warden, Pelican Bay State Prison, and Scott Kernan,
24 Secretary of CDCR, as Respondents.
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26 IT IS SO ORDERED.

27 Dated: March 7, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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