

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

3  
4 XAVIER LUMAR J-WEIAL,

5 Petitioner,

6 v.

7 DAVE DAVEY, Warden,

8 Respondent.

Case No. 1:16-cv-00044 HC

ORDER DIRECTING CLERK  
OF COURT TO AMEND CAPTION

9  
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 Mule Creek State Prison, Ione, California. As a result, Dave Davey, the warden of  
14 California State Prison, Corcoran, no longer has custody of Petitioner. Joe Lizarraga, Warden of  
15 Mule Creek 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 Joe Lizarraga, Warden, Mule Creek State Prison, as Respondent.  
19

20 IT IS SO ORDERED.

21 Dated: February 8, 2016

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE