

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

3  
4 TYRIN LEE BLOUNT,  
5 Petitioner,

6 v.

7 SCOTT KERNAN,  
8 Respondent.

Case No. 1:16-cv-01653-DAD-SKO HC

ORDER DIRECTING CLERK  
OF COURT TO AMEND CAPTION

(Doc. 11)

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. “The proper respondent in a federal habeas corpus  
13 petition is the petitioner’s ‘immediate custodian.’” *Brittingham v. United States*, 982 F.2d 378, 379  
14 (9<sup>th</sup> Cir. 1992) (quoting *Demanjuk v. Meese*, 784 F.2d 1114, 1115 (D.C. Cir. 1986)). Respondent  
15 has advised the Court that Petitioner is presently incarcerated in the California State Prison,  
16 Corcoran. As a result, David Davey, Warden of California State Prison, Corcoran, has immediate  
17 custody of Petitioner.  
18

19 Accordingly, the Court hereby ORDERS the Clerk of Court to amend the caption to reflect  
20 the name of David Davey, Warden, California State Prison, Corcoran, as Respondent.  
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22 IT IS SO ORDERED.  
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24 Dated: January 30, 2017

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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