

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIK DANIEL RAMIREZ,
Petitioner,
v.
S. FRAUENHEIM, Warden,
Respondent.

Case No. 1:17-cv-00029-LJO-JLT-HC

**ORDER GRANTING MOTION TO AMEND
TO NAME A PROPER RESPONDENT
[Doc. 11]**

**ORDER SUBSTITUTING S. FRAUENHEIM
AS RESPONDENT IN THIS MATTER**

On January 9, 2017, Petitioner filed a federal petition for writ of habeas corpus. He named the California Department of Corrections as Respondent in this matter. On March 15, 2017, the Court advised Petitioner that he had failed to name a proper respondent. Petitioner was granted leave to file a motion to amend to name a proper respondent.

On March 15, 2017, Petitioner filed a motion to amend the petition to name S. Frauenheim as Respondent in this matter. Petitioner has named the proper respondent since S. Fraueheim is the warden at his institution and he has “day-to-day control over” the petitioner. *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992).

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ORDER

Accordingly, Petitioner's motion to amend and name a proper respondent is **GRANTED**.

S. Frauenheim, Warden, is hereby **SUBSTITUTED** as Respondent in this matter.

IT IS SO ORDERED.

Dated: March 19, 2017

/s/ Jennifer L. Thurston

UNITED STATES MAGISTRATE JUDGE