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

ALVIN BERNARD JONES,  
Petitioner,  
v.  
J. GASTELO, Warden,  
Respondent.

Case No. 1:18-cv-00493-JLT-HC  
ORDER GRANTING MOTION TO AMEND  
TO NAME A PROPER RESPONDENT  
[Doc. 7]  
ORDER SUBSTITUTING J. GASTELO AS  
RESPONDENT IN THIS MATTER

On April 11, 2018, Petitioner filed a federal petition for writ of habeas corpus. He named the People of the State of California as Respondent in this matter. On April 12, 2018, the Court advised Petitioner that he had failed to name a proper respondent. The Court granted Petitioner leave to file a motion to amend to name a proper respondent.

On April 25, 2018, Petitioner filed a motion to amend the petition to name J. Gastelo, Warden, as Respondent in this matter. Petitioner has named the proper respondent since J. Gastelo 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.

J. Gastelo, Warden, is hereby SUBSTITUTED as Respondent in this matter.

IT IS SO ORDERED.

Dated: April 26, 2018

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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