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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 VENANCIO ESTEBAN RIEGO,

12 Petitioner,

13 v.

14 MINGA WOFFORD,

15 Respondent.  
16

Case No. 1:24-cv-01162-SKO-HC

ORDER GRANTING PETITIONER’S  
MOTION TO AMEND TO NAME A  
PROPER RESPONDENT  
[Doc. 14]

ORDER SUBSTITUTING MINGA  
WOFFORD AS RESPONDENT

17 Petitioner is a non-citizen detainee proceeding pro se with a petition for writ of habeas  
18 corpus pursuant to 28 U.S.C. § 2241. He filed the instant petition on March 25, 2024. Upon  
19 review of the petition, the Court found Petitioner had failed to name a proper respondent. Thus,  
20 on October 3, 2024, the Court granted Petitioner leave to amend the respondent to avoid  
21 dismissal of the action. (Doc. 12.) On October 24, 2024, Petitioner filed a motion to amend the  
22 respondent. (Doc. 14.)

23 **DISCUSSION**

24 A petitioner seeking habeas corpus relief must name the officer having custody of him as  
25 the respondent to the petition. 28 U.S.C. § 2242; Rumsfeld v. Padilla, 542 U.S. 426, 430  
26 (2004); Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996). As explained by the  
27 Supreme Court in Padilla, the proper respondent in habeas cases “is the warden of the facility  
28 where the prisoner is being held, not the Attorney General or some other remote supervisory

1 official.” Padilla, 542 U.S. at 435.

2 Petitioner is being detained at Golden State Annex (“GSA”) located in McFarland,  
3 California. Petitioner seeks to amend his petition to name Minga Wofford, the administrator at  
4 GSA, as the respondent in this matter. Because Ms. Wofford has direct custody of Petitioner,  
5 she is a proper respondent. Padilla, 542 U.S. at 440 (“the immediate custodian, not a  
6 supervisory official who exercises legal control, is the proper respondent”).

7 **ORDER**

8 Accordingly, Petitioner’s motion to amend the petition is GRANTED, and Minga  
9 Wofford is SUBSTITUTED as Respondent in this matter.

10 IT IS SO ORDERED.

11 Dated: October 27, 2024

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE