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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOB SAVAGE,

Petitioner,

No. CIV S-06-2594 GEB EFB P

vs.

JAMES DAVIS, Chairperson of
Board of Parole Hearings,

ORDER

Respondent.

_____ /
Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He challenges the procedures used to find him unsuitable for release to parole.

He has paid the \$5 filing fee. *See* 28 U.S.C. § 1914(a).

A petitioner seeking a writ of habeas corpus must name as respondent the person having custody over him. 28 U.S.C. § 2242; Rule 2(a), Rules Governing Section 2254 Cases. This person ordinarily is the warden of the facility where petitioner is confined. *See Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994). Petitioner names as respondent James Davis, Chairperson of the Board of Parole Hearings, who does not have custody over petitioner. Petitioner has not named the proper respondent.

Accordingly, it is ORDERED that the November 20, 2006, petition is dismissed with leave to file an amended petition naming the proper respondent within 30 days of the date of this

1 order. Petitioner's failure to file an amended petition will result in a recommendation that this
2 action be dismissed without prejudice. The Clerk of the Court is directed to send to petitioner
3 the form Petition for a Writ of Habeas Corpus used in this court.

4 Dated: December 5, 2006.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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