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

PABLO JOSE MORALES,

Petitioner,

No. CIV S-07-0826 WBS DAD P

vs.

CALIF. BOARD OF PAROLE
HEARINGS, et al.,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the denial of parole at his parole hearing on January 31, 2006. Petitioner has paid the filing fee.

“A petitioner for habeas corpus relief must name the state officer having custody of him or her as the respondent to the petition.” Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (citing Rule 2(a), 28 U.S.C. foll. § 2254). Petitioner has named the California Board of Parole Hearings and, apparently, the Attorney General of the State of California as respondents in this action. They are not proper respondents in this action.

Accordingly, the instant petition must be dismissed with leave to amend. See Stanley, 21 F.3d at

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1 360. In his amended petition, petitioner must name the warden of the facility where he is
2 incarcerated as the respondent.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Petitioner's application for writ of habeas corpus is dismissed with leave to file
5 an amended petition within thirty days from the date of this order;

6 2. Any amended petition must be filed on the form employed by this court, must
7 name the proper respondent, and must state all claims and prayers for relief on the form. It must
8 bear the case number assigned to this action and must bear the title "Amended Petition"; and

9 3. The Clerk of the Court is directed to send petitioner the form for habeas corpus
10 application.

11 DATED: May 18, 2007.

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14 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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