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

10 RUDOLFO JOSE MEDINA,

11 Petitioner,

No. CIV S-08-0040 LKK DAD P

12 vs.

13 COUNTY OF SOLANO, et al.,

14 Respondents.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has also filed an application to proceed
18 in forma pauperis.

19 Examination of the in forma pauperis application reveals that petitioner is unable
20 to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be
21 granted. See 28 U.S.C. § 1915(a).

22 “A petitioner for habeas corpus relief must name the state officer having custody
23 of him or her as the respondent to the petition.” Stanley v. California Supreme Court, 21 F.3d
24 359, 360 (9th Cir. 1994) (citing Rule 2(a), 28 U.S.C. foll. § 2254). Petitioner has named the
25 County of Solano and the California Court of Appeal as respondents in this action. They are not
26 the proper respondents in this action. Accordingly, the instant petition must be dismissed with

1 leave to amend. See Stanley, 21 F.3d at 360. In his amended petition, petitioner must name as
2 the respondent the warden of the facility where he is incarcerated.

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

4 1. Petitioner's application to proceed in forma pauperis is granted;

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

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

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

12 DATED: February 7, 2008.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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