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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 TONY ANDRE SAMPSON,

No. CIV S-10-0405-CMK-P

12 Petitioner,

13 vs.

ORDER

14 U.S. DISTRICT COURT,¹

15 Respondent.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's amended
19 petition (Doc. 8). "A petitioner for habeas corpus relief must name the state officer having
20 custody of him or her as the respondent to the petition." Stanley v. California Supreme Court, 21
21 F.3d 359, 360 (9th Cir. 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases.
22 Because petitioner has not named the appropriate state officer, the petition must be dismissed
23 with leave to amend to name the correct respondent. See Stanley, 21 F.3d at 360. The court
24 _____

25 ¹ Petitioner's original petition named "U.S. Court of Appeals" as the respondent.
26 The amended petition filed on March 29, 2010, which supercedes the original petition, names the
United States District Court as the respondent.

1 observes that this is the second time petitioner has been instructed to name the correct
2 respondent. Further failure to comply may result in the dismissal of this action. See Local Rule
3 110.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's amended petition for writ of habeas corpus (Doc. 8) is
6 dismissed with leave to amend;

7 2. Petitioner shall file an amended petition on the form employed by this
8 court, and which names the proper respondent and states all claims and requests for relief, within
9 30 days of the date of this order; and

10 3. The Clerk of the Court is directed to send petitioner the court's form
11 habeas corpus application.

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13 DATED: April 21, 2010

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15 **CRAIG M. KELLISON**
16 UNITED STATES MAGISTRATE JUDGE
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