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

LENNARD EDWARD VAUGHN,

Petitioner,

No. CIV S-10-424 KJM P

vs.

CSP-SACRAMENTO,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

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

“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 prison where he is housed as respondent in this action. This entity is not the proper respondent in this action.

1 In addition, petitioner has described the grounds raised in the California Supreme
2 Court, but has not filled in the portions of the habeas form asking what grounds he is raising in
3 support of the instant petition. This is insufficient. Rules Governing § 2254 Cases, 2(c)(1).

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

- 5 1. Petitioner's application to proceed in forma pauperis (docket no. 2) is granted;
- 6 2. Petitioner's application for writ of habeas corpus is dismissed with leave to file
7 an amended petition within thirty days from the date of this order;
- 8 3. Any amended petition must be filed on the form employed by this court, must
9 name the proper respondent, and must state all claims and prayers for relief on the form. It must
10 bear the case number assigned to this action and must bear the title "Amended Petition"; and
- 11 4. The Clerk of the Court is directed to send petitioner this district's form for a
12 habeas petition.

13 DATED: April 6, 2010.

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15 _____
16 U.S. MAGISTRATE JUDGE

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