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

GE LOR PAO,

Petitioner,

No. CIV S-10-0758 DAD P

vs.

ON HABEAS CORPUS,

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.

“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). In this action, petitioner has not named the proper respondent. Petitioner has not named the warden who has custody of him as the respondent in the case. Accordingly, petitioner’s application for a writ of habeas corpus must be dismissed with leave to amend. See Stanley, 21 F.3d at 360.

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

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

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

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

6 DATED: June 28, 2010.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

11 DAD:sj
12 pao0758.122