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

ANTOINE SLAUGHTER,

Petitioner,

No. CIV S-10-1143 JAM DAD P

vs.

STATE OF CALIFORNIA,

Respondent.

ORDER

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Petitioner is a state prisoner proceeding pro se and in forma pauperis with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 24, 2010, the court dismissed petitioner’s application and granted him leave to file an amended application. The court explained to petitioner that the State of California is not the proper respondent in this action but rather, “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), 29 U.S.C. foll. § 2254).

On June 21, 2010, petitioner filed an amended application for a writ of habeas corpus. However, petitioner has again failed to name the warden who currently has custody of him as the respondent to his application. Accordingly, petitioner’s amended application must again be dismissed with leave to amend. See Stanley, 21 F.3d at 360. Petitioner is directed to

1 name the warden at the institution where he is presently incarcerated as the respondent in his  
2 second amended petition.

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

4 1. Petitioner's June 21, 2010 amended application for a writ of habeas corpus  
5 (Doc. No. 7) is dismissed with leave to file a second amended application within thirty days from  
6 the date of this order;

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

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

13 DATED: June 25, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

17 DAD:sj  
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