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

10 MOHAMMED ABEDI,

11 Petitioner,

No. CIV S-10-3184 DAD P

12 vs.

13 UNKNOWN,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of  
17 habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma  
18 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 not named a  
25 respondent in this action. Accordingly, the instant petition must be dismissed with leave to  
26 amend. See Stanley, 21 F.3d at 360. Petitioner is advised that the proper respondent in the usual

1 habeas action is the warden of the institution where the petitioner is currently incarcerated. See  
2 Stanley, 21 F.3d at 360.

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

4 1. Petitioner's application to proceed in forma pauperis (Doc. No. 5) 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: December 22, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

15 DAD:9  
16 abed3184.122