

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

CARLOS MENDOZA, No. CIV S-11-1495-CMK-P

Petitioner,

## ORDER

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

### Respondent.

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's petition for habeas corpus relief must name the state officer having custody of the respondent to the petition.” Stanley v. California Supreme Court, 21 F.3d 359, 1994); see also Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996) (director of Corrections rather than the prison warden is sufficient); see also Rule 4 Rules Governing Section 2254 Cases. Because petitioner has not named the state officer, the petition must be dismissed with leave to amend to name the correct officer. See Stanley, 21 F.3d at 360. Petitioner is warned that failure to comply with this

1 order may result in the dismissal of this action. See Local Rule 110.

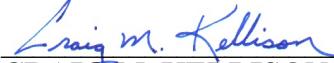
2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Petitioner's petition for writ of habeas corpus (Doc. 1) is dismissed with  
4 leave to amend;

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

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

10  
11 DATED: June 6, 2011

12   
13 CRAIG M. KELLISON  
14 UNITED STATES MAGISTRATE JUDGE