

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

HUQUINTON STEVENSON,

Petitioner,

No. CIV S-11-1732 DAD P

vs.

SAN JOAQUIN COUNTY, et al.,

Respondents.

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, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is 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 San Joaquin County and the California Attorney General as respondents in this action; however, they

////

1 are not proper respondents in this habeas action. Petitioner must name the warden of the facility
2 where he is incarcerated as the respondent.

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

4 1. Petitioner's request to proceed in forma pauperis is granted;

5 2. Within thirty days from the service of this order, petitioner shall file an
6 amended petition using the form employed by this court and name the proper respondent;
7 petitioner must state all claims and prayers for relief on the form. The amended petition must
8 bear the case number assigned to this action and must bear the title "Amended Petition";

9 3. Petitioner's failure to comply with this order will result in the dismissal of this
10 action; and

11 4. The Clerk of the Court is directed to send petitioner the form petition for a writ
12 of habeas corpus by a state prisoner.

13 DATED: July 26, 2011.

14
15 
16 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

17 DAD:4
18 stev1732.122
19
20
21
22
23
24
25
26