

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

NATHON OLNEY REEP,

Petitioner,

No. 2:11-cv-2892 DAD (HC)

vs.

SUPERIOR COURT OF TEHAMA
COUNTY, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the affidavit reveals petitioner is unable to afford the costs of this action. Accordingly, leave to proceed in forma pauperis is granted. 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 the Tehama County Superior Court and the People of the State of California as respondents in this federal habeas action. Neither are a proper respondent. Accordingly, the instant petition must be dismissed with leave to amend. See Stanley, 21 F.3d at 360.

////

1 In addition, petitioner has not signed the petition as required by Rule 2(c) of the
2 Rules Governing Section 2254 Cases in the United States District Courts. For that additional
3 reason, the petition must be dismissed with leave to amend.

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

- 5 1. Petitioner's request to proceed in forma pauperis is granted;
- 6 2. Petitioner's application for writ of habeas corpus is dismissed with leave to file
7 an amended petition within thirty days from the date of this order;
- 8 3. Any amended petition must be filed on the form provided with this order,
9 must name the proper respondent, and must state all claims and prayers for relief on the form; it
10 must bear the case number assigned to this action and must bear the title "Amended Petition";
11 failure to file an amended petition will result in the dismissal of this action; and
- 12 4. The Clerk of the Court is directed to send petitioner the court's form petition
13 for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

14 DATED: November 17, 2011.

15
16 
17 _____
18 DALE A. DROZD
19 UNITED STATES MAGISTRATE JUDGE

18 DAD:12
19 reep2892.114