

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**

SHAWN TYRONE DAVIS,

No. CIV S-12-0181-CMK-P

Petitioner,

vs.

ORDER

PEOPLE OF THE STATE OF  
CALIFORNIA, et al.,

Respondents.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s petition (Doc. 1). “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); see also Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996) (naming the Director of Corrections rather than the prison warden is sufficient); see also Rule 2(a), Federal Rules Governing Section 2254 Cases. Because petitioner has not named the appropriate state officer, the petition must be dismissed with leave to amend to name the correct respondent. 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: February 6, 2012

12   
13 **CRAIG M. KELLISON**  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26