

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

MIGUEL ARAIZA, JR., No. 2:15-CV-2373-KJM-CMK-F

Petitioner,

ORDER

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner seeks leave to proceed in forma pauperis. Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that petitioner is unable to prepay fees and costs or give security therefor. The request will be granted.

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 Rule 2(a), Federal Rules Governing Section 2254 Cases. Because petitioner has not named the

1 appropriate state officer, petitioner will be provided leave to amend to correct this technical
2 defect by naming the correct respondent. See Stanley, 21 F.3d at 360. Petitioner is warned that
3 failure to comply with this order may result in the dismissal of this action. See Local Rule 110.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's motions for leave to proceed in forma pauperis (Docs. 2 and 7)
6 are granted;

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

9 3. Petitioner shall file an amended petition on the form employed by this
10 court, and which names the proper respondent and states all claims and requests for relief, within
11 30 days of the date of this order; and

12 4. The Clerk of the Court is directed to send petitioner the court's form
13 habeas corpus application.

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15 DATED: February 19, 2016

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17 CRAIG M. KELLISON
18 UNITED STATES MAGISTRATE JUDGE
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