1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BERNARD L. WILDEE, No. 2:16-cv-1825 TLN GGH P 12 Petitioner. 13 v. **ORDER** 14 JEFF MACOMBER,¹ 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has now submitted his application for leave to proceed 18 19 in forma pauperis pursuant to 28 U.S.C. § 1915 on the form used by this district.² 20 Examination of the in forma pauperis application reveals that petitioner is unable to afford 21 the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 22 28 U.S.C. § 1915(a). 23 //// 24 ¹ The State of California was previously named as the respondent. Jeff Macomber is currently the warden of California State Prison, Sacramento, where petitioner is incarcerated. "A petitioner 25 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) 26 (citing Rule 2(a), 28 U.S.C. foll. § 2254). Accordingly, the court substitutes Jeff Macomber as 27 respondent. ² Petitioner's initial motion to proceed in forma pauperis was not signed by the authorized officer 28 and is therefore incomplete. (See ECF No. 9.)

1	In accordance with the above, IT IS HEREBY ORDERED that:
2	1. Petitioner's motion to proceed in forma pauperis, filed September 13, 2016 (ECF No.
3	9), is denied as incomplete.
4	2. Petitioner's motion to proceed in forma pauperis, filed September 15, 2016 (ECF No.
5	12), is granted;
6	3. The Clerk shall substitute Jeff Macomber as the respondent in this case.
7	Dated: September 28, 2016
8	/s/ Gregory G. Hollows
9	UNITED STATES MAGISTRATE JUDGE
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