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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN LEE MORTENSEN,
Petitioner,
v.
BUTTE COUNTY SUPERIOR COURT,
Respondent.

No. 2:16 cv 02187 MCE AC

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. He has not, however, filed a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Petitioner will be provided the opportunity to submit a certified copy of his prison trust account statement or the proper filing fee.

Additionally, the court notes that the proper respondent in a habeas corpus action is the petitioner’s custodian. See 28 U.S.C. § 2242; Rumsfeld v. Padilla, 542 U.S. 426, 435-36 (2004). Petitioner has named the Butte County Superior Court as the respondent in this action. Accordingly, the court will substitute the Warden of the Deuel Vocational Institution – K. Seibel, as respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

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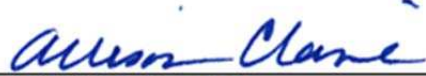
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In accordance with the foregoing, IT IS HEREBY ORDERED that:

1. Petitioner shall submit, within thirty days after the filing date of this order, a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint or the proper filing fee.

2. K. Seibel, Warden of the Deuel Vocational Institution, is substituted as respondent to this action.

DATED: June 9, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE