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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARRY SHELDON WARD, JR.,
Petitioner,
v.
J. SALAZAR,¹
Respondent.

No. 2:18-cv-0931 DB P

ORDER

Petitioner, a federal prisoner proceeding pro se and in forma pauperis, has filed an application for a writ of habeas corpus pursuant 28 U.S.C. § 2241. The matter was referred to a United States Magistrate judge pursuant to 28 U.S.C. § 636(b)(1).

On July 6, 2018, the court directed respondent to file a response to the petition. (ECF No. 8). On August 30, 2018, respondent filed a motion for an extension of time, which the court granted the next day. (ECF Nos. 11, 12). On September 11, 2018, petitioner’s service copy of

¹ On November 5, 2018, counsel for respondent filed a court-ordered response to the petition. (See ECF No. 13). The response informed the court that the warden at FCI Herlong where petitioner is housed is Paul Thompson, not J. Salazar. (See *id.* at 1, n.1). This being the case, Warden Thompson is the proper respondent in this matter. Consequently, the court will direct the Clerk of Court to change the case caption to reflect this. See Fed. R. Civ. P. 25(d); see also *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004) (“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.”). All future pleadings filed in this court shall reflect this change.

1 the court's order granting the extension of time was returned to the court as undeliverable. On
2 November 5, 2018, respondent filed a response and a motion to dismiss. (ECF No. 13).

3 The court takes note of the fact that to date, petitioner has not filed a change of address
4 with the court as required under Local Rule 183(b). Nevertheless, the court will order plaintiff to
5 file a traverse to respondent's response within thirty days of the date of this order. Petitioner will
6 also be directed to file a change of address in this court during this period. Should petitioner fail
7 to file a traverse within thirty days or should the instant order be returned as undeliverable, the
8 court will recommend that this matter be dismissed for failure to prosecute.


9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Within thirty days of the date of this order, petitioner shall file a traverse to
11 respondent's response and motion to dismiss (ECF No. 13);

12 2. Within thirty days of the date of this order, petitioner shall file a separate change of
13 address pleading in this matter which provides the court with his current address, and

14 3. The Clerk of Court shall change the case caption to reflect that Paul Thompson, the
15 current warden of FCI Herlong, is the respondent in this matter.

16 Dated: November 26, 2018

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

20 DLB:13
21 DB/ORDERS/ORDERS.PRISONER.HABEAS/ward0931.2241.trav

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