

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 OAKLAND DIVISION  
4

5 EDGARDO RODRIGUEZ,

6 Petitioner,

7 vs.

8 KIM HOLLAND, Warden,

9 Respondent.  
10

Case No: C 11-0935 SBA

**ORDER SUBSTITUTING  
RESPONDENT**

11 Petitioner has notified the Court that he has been transferred to the California  
12 Correctional Institution (“CCI”), and requests that the Court substitute Kim Holland,  
13 warden of CCI, as the respondent, in place of R.T.C. Grounds. Dkt. 6. Petitioner also  
14 requests that the Court include Jeffrey A. Beard, the current Secretary of the California  
15 Department of Corrections and Rehabilitation, as a respondent. Id.

16 Rule 2 of the Rules Governing § 2254 Cases provides that the state officer having  
17 custody of a habeas petitioner shall be named as the respondent. See Rule 2(a), 28 U.S.C.  
18 foll. § 2254. The California penal system places prisoners in the custody of both the  
19 Director of Corrections and the warden of the California prison where the petitioner is  
20 incarcerated. See Ortiz-Sandoval v. Gomez, 81 F.3d 891, 895-96 (9th Cir. 1996) (the  
21 warden of a California prison and the Director of Corrections for California have the power  
22 to produce the prisoner”). Kim Holland is the warden at Petitioner’s current place of  
23 incarceration and therefore will be substituted as the respondent in place of R.T.C.  
24 Grounds. See Fed. R. Civ. P. 25(d). Since Ms. Holland satisfies the requirements of Rule  
25 2(a), there is no need to also name Mr. Beard as a respondent.

26 IT IS SO ORDERED.

27 Dated: April 18, 2014

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SAUNDRA BROWN ARMSTRONG  
United States District Judge