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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CHRISTOPHER BERLIN ROBERTS,
12 Petitioner,
13 v.
14 MATTHEW CATE, Secretary ,,
15 Respondent.

Civil No. 01-0057 L (POR)

**ORDER SUA SPONTE SUBSTITUTING
RESPONDENT**

16 At the time of filing of his First Amended Petition, Petitioner was apparently housed at
17 Salinas Valley State Prison and thus named Michael Evans, Warden, as Respondent. He also
18 named then acting Director of the California Department of Corrections, Steven Cambra.
19 However, based on the notice of change of address Petitioner's counsel submitted to the Court
20 on February 6, 2009, it appears Petitioner is no longer housed at Salinas Valley State Prison;
21 rather, it appears he is presently incarcerated at Pleasant Valley State Prison in Coalinga,
22 California.

23 A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C.
24 § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner's place of custody has changed,
25 so has his custodian. Accordingly, in order to conform with the requirements of Rule 2(a) of the
26 Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner is
27 transferred to another prison or paroled, the Court hereby sua sponte **ORDERS** the substitution
28 of Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation, as

1 Respondent in place of Michael Evans and Steven Cambra. *See Ortiz-Sandoval v. Gomez*, 81
2 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254 proceedings may be the chief
3 officer in charge of state penal institutions).

4 The Clerk of the Court shall modify the docket to reflect “Matthew Cate, Secretary” as
5 respondent in place of both “Michael Evans, Warden” and “Steven Cambra, Director.”

6 **IT IS SO ORDERED.**

7 DATED: February 10, 2009

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9 LOUISA S PORTER
10 United States Magistrate Judge
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