

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARCUS E. THREATS,

Petitioner,

v.

D. K. SISTO, Warden, et al.,

Respondent.

Civil No. 09-0816 IEG (AJB)

**ORDER SUA SPONTE SUBSTITUTING
RESPONDENT**

At the time of filing, Petitioner was apparently housed at California State Prison, Solano and thus named D. K. Sisto, Warden, and subsequently, J. W. Haviland, Warden, as Respondents. Based on the notice of change of address Petitioner submitted to the Court on June 22, 2009 [return address on a letter dated June 13, 2009 from Petitioner to the Court], it appears Petitioner is no longer housed at California State Prison, Solano; rather, it appears he is presently incarcerated at the Correctional Training Facility in Soledad, California.

A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner's place of custody has changed, so has his custodian. Accordingly, in order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner is transferred to another prison or paroled, the Court hereby sua sponte **ORDERS** the substitution of Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of "D. K. Sisto" and "J. W. Haviland." *See Ortiz-Sandoval v. Gomez*, 81

