

- 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

STEPHEN ANTHONY SEXTON,
Petitioner,
vs.
MATTHEW CATE, Secretary,
Respondent.

ORDER SUA SPONTE SUBSTITUTING RESPONDENTS

Because Petitioner's place of confinement has changed, the Warden of his previous place of confinement is no longer a proper Respondent to this action. 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. 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. See Ortiz-

1 Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254
2 proceedings may be the chief officer in charge of state penal institutions).

3 The Clerk of the Court shall modify the docket to reflect “Matthew Cate, Secretary” as
4 Respondent in place of “Derral G. Adams, Warden.”

5 **IT IS SO ORDERED.**

6 DATED: November 20, 2009

7
8 
9 LOUISA S PORTER
United States Magistrate Judge

10 CC: ALL PARTIES
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28