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8	UNITED STATES I	DISTRICT COURT
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	STEPHEN ANTHONY SEXTON,	Civil No. 09cv1069-L (POR)
12	Petitioner,	
13	vs.	ORDER SUA SPONTE
14	MATTHEW CATE, Secretary,	SUBSTITUTING RESPONDENTS
15	Respondent.	
16		
17	On May 14, 2009, Petitioner, a state prisoner proceeding pro se and in forma pauperis,	
18	filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, naming Derral G.	
19	Adams, the Warden of the institution where Petitioner was confined at that time as Respondent.	
20	Petitioner has now filed a notice of change of address indicating he has been transferred to	
21	another institution. (Doc. No. 11.)	
22	Because Petitioner's place of confinement has changed, the Warden of his previous place	
23	of confinement is no longer a proper Respondent to this action. A writ of habeas corpus acts	
24	upon the custodian of the state prisoner. See 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll.	
25	§ 2254. In order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254	
26	Cases and to avoid changing the Respondent again if Petitioner is transferred to another prison	
27	or paroled, the Court hereby sua sponte ORDERS the substitution of Matthew Cate, Secretary	
28	of the California Department of Corrections a	nd Kenabilitation, as Respondent. See Ortiz-

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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	Januar Vorter	
8	LOUISA S PORTER United States Magistrate Judge	
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10	CC: ALL PARTIES	
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