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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RICHARD CHARLES BUCHANAN,  
Petitioner,  
v.  
MATTHEW CATE, Secretary  
Respondent.

Civil No. 10-0423 BTM (NLS)

**ORDER SUA SPONTE  
SUBSTITUTING RESPONDENT**

Petitioner, a state prisoner proceeding pro se, has filed an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. At the time of filing, Petitioner was apparently housed in California Correctional Institution and thus named Fernando Gonzalez, as Respondent. Petitioner has now filed a change of address indicating he is now housed at Pelican Bay State Prison.

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

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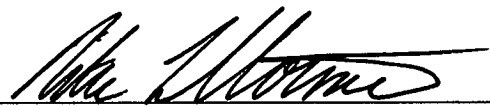
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1 of Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation, as  
2 Respondent in place of "Fernando Gonzalez." See *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894  
3 (9th Cir. 1996) (stating that the respondent in § 2254 proceedings may be the chief officer in  
4 charge of state penal institutions).

5 **IT IS SO ORDERED.**

6 DATED: 4-14-10



Nita L. Stormes  
United States Magistrate Judge

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