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

LEONARDO ESTRADA,  
Petitioner,  
v.  
K. ALLISON, Warden, et al.,  
Respondent.

Civil No. 10-1901 BTM (BLM)

**ORDER RE: FAILURE TO SATISFY  
FILING FEE REQUIREMENT AND  
FAILURE TO NAME A PROPER  
RESPONDENT**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging the outcome of a prison disciplinary hearing.

**FAILURE TO SATISFY THE FILING FEE REQUIREMENT**

Petitioner has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. This Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis. See Rule 3(a), 28 U.S.C. foll. § 2254.

**FAILURE TO NAME A PROPER RESPONDENT**

Review of the Petition reveals that Petitioner has failed to name a proper respondent. On federal habeas, a state prisoner must name the state officer having custody of him as the respondent. *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996) (citing Rule 2(a), 28 U.S.C. foll. § 2254). Federal courts lack personal jurisdiction when a habeas petition fails to name a proper respondent. See *id.*

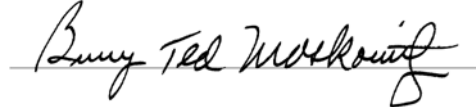
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1 pleading deficiencies outlined in this Order. **Failure to do so will result in dismissal of this**  
2 **case. THE CLERK OF COURT IS DIRECTED TO MAIL TO PETITIONER A BLANK**  
3 **MOTION TO PROCEED IN FORMA PAUPERIS FORM AND A BLANK FIRST**  
4 **AMENDED PETITION FORM.**

5 **IT IS SO ORDERED.**

6 DATED: October 1, 2010

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8 Honorable Barry Ted Moskowitz  
9 United States District Judge

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