

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 WILLIAM VINCENT ROMERO,  
12 Petitioner,  
13 v.  
14 SCOTT KERNAN, Secretary,  
15 Respondent.

Case No.: 14-1284 GPC (BLM)

**ORDER SUA SPONTE  
SUBSTITUTING RESPONDENT**


16  
17 On May 22, 2014, Petitioner, proceeding pro se, submitted a Petition for Writ of  
18 Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner filed a “Notice of Change of  
19 Address and Name of Respondent” on April 3, 2017. (ECF No. 57.)

20 A writ of habeas corpus acts upon the custodian of the state prisoner. See 28 U.S.C.  
21 § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. During the pendency of this case, Scott Kernan  
22 was appointed as Secretary of the California Department of Corrections and Rehabilitation,  
23 succeeding Jeffrey Beard. Accordingly, in order to conform with the requirements of Rule  
24 2(a) of the Rules Governing § 2254 Cases, the Court hereby sua sponte **ORDERS** the  
25 substitution of Scott Kernan, Secretary of the California Department of Corrections and  
26 Rehabilitation, as Respondent in place of “Jeffrey Beard.” See *Ortiz-Sandoval v. Gomez*,  
27 81 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254 proceedings may be  
28 the chief officer in charge of state penal institutions).

1           The Clerk of the Court will modify the docket to reflect “Scott Kernan, Secretary”  
2 as respondent in place of “Jeffrey Beard.”

3           **IT IS SO ORDERED.**

4 Dated: 11/6/2017

  
Hon. Barbara L. Major  
United States Magistrate Judge

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