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

DAVID LERMA,

Petitioner,

v.

RALPH DIAZ, Secretary,

Respondent.

Case No.: 17cv1925-LAB (RBB)

**ORDER SUA SPONTE
SUBSTITUTING RESPONDENT**

On December 8, 2017, Petitioner, a state prisoner proceeding pro se, filed a First Amended Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, naming Raymond Madden, the Warden of Centinela State Prison where Petitioner was confined at the time, as Respondent. (ECF No. 3.) On February 11, 2019, Petitioner notified the Court he had been transferred to Avenal State Prison. (ECF No. 16.)


A writ of habeas corpus acts upon the custodian of the state prisoner. 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner’s place of custody has changed, so has the Respondent to this action. In order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent if Petitioner is transferred again, the Court hereby sua sponte orders the substitution of Ralph Diaz, Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of “Raymond Madden.” See Ortiz-Sandoval v. Gomez, 81 F.3d 891,

1 894 (9th Cir. 1996) (stating that the respondent in § 2254 proceedings may be the chief
2 officer in charge of state penal institutions).

3 The Court **HEREBY ORDERS** the substitution of “Ralph Diaz, Secretary,” as
4 Respondent in place of “Raymond Madden.” The Clerk of Court will modify the docket
5 to reflect “Ralph Diaz, Secretary” in place of the former respondent.

6 **IT IS SO ORDERED.**

7 Dated: February 19, 2019



8 Ruben B. Brooks
9 United States Magistrate Judge

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