

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

TERRY D. SMITH,
Petitioner,

vs.

Case No. 3:09cv278/MCR/EMT

WALTER A. McNEIL,
Respondent.

_____ /

ORDER

Petitioner commenced this action by filing a petition for writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1). Petitioner has also filed a motion for leave to proceed in forma pauperis (Doc. 2), which shall be granted.

Initially, the court notes that Petitioner has not named the proper party as Respondent. Pursuant to 28 U.S.C. § 2242, the appropriate Respondent is the person who has custody over Petitioner. Therefore, Walter A. McNeil, Secretary of the Florida Department of Corrections, shall be substituted as Respondent, as the court has already done in the caption of this order.

Additionally, Petitioner failed to provide the court with two complete copies of his petition for service upon Respondent. Petitioner is advised that he must submit a complete copy for each named Respondent and for the Attorney General of the State of Florida. Therefore, Petitioner must submit two (2) complete copies of the petition.

Accordingly, it is **ORDERED**:

1. Walter A. McNeil is hereby substituted for the State of Florida as Respondent in this cause, and the Clerk shall change the docket to so reflect.

2. Petitioner's motion to proceed in forma pauperis (Doc. 2) is **GRANTED**.

3. Petitioner shall submit two (2) complete copies of the petition as explained above. This case number should be written on each copy. Failure to do so within **TWENTY (20) DAYS** from the date of docketing of this order may result in dismissal of this case.

DONE AND ORDERED this 1st day of July 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE