

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

JOSEPH L. STRICKLAND,  
Petitioner,

vs.

Case No. 5:10cv310/RS/EMT

PAIGE AUGUSTINE, Warden,  
FCI MARIANNA,  
Respondent.

\_\_\_\_\_ /

**ORDER**

This matter is before the court on Petitioner’s third amended petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 (Docs. 12). The proper respondent in a habeas case is generally the petitioner's “immediate custodian,” that is, the warden of the facility in which the petitioner is incarcerated at the time he files the habeas petition. Rumsfeld v. Padilla, 542 U.S. 426, 439 (2004). Therefore, Warden Paige Augustine shall be substituted as the proper Respondent in this action and shall be required to respond to the amended petition.

Accordingly, it is **ORDERED**:

1. The clerk of court is directed to amend the docket to reflect that Paige Augustine, Warden at FCI Marianna, in the proper Respondent in this action.
2. The clerk shall furnish a copy of the third amended petition (Doc. 12) to Respondent and to the United States Attorney for this District.
3. Respondent shall have **SIXTY (60) DAYS** from the date of docketing of this order to show cause, if any, why the requested relief should not be granted.

**DONE AND ORDERED** this 8<sup>th</sup> day of April 2011.

/s/ Elizabeth M. Timothy  
**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**