

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOVAN PAYNE,

Petitioner,

v

STATE OF MICHIGAN,

Respondent.

CASE NO. 06-CV-12873

HONORABLE VICTORIA A. ROBERTS

UNITED STATES DISTRICT JUDGE

U.S. DIST. COURT CLERK  
EAST DIST. MICH.  
DETROIT-PSO

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FILED

ORDER AMENDING CAPTION

Petitioner, Jovan Payne, has filed a petition for writ of habeas corpus in which he names State of Michigan as the Respondent. Petitioner is currently incarcerated at the Southern Michigan Correctional Facility in Jackson, Michigan. The only proper respondent in a habeas case is the habeas petitioner's custodian, which in the case of an incarcerated habeas petitioner would be the warden. See *Hogan v. Hanks*, 97 F. 3d 189, 190 (7<sup>th</sup> Cir. 1996); See also Rule 2(a), 28 foll. U.S.C. § 2254. The warden at the Southern Michigan Correctional Facility is S.L. Burt.

Accordingly, the Court **AMENDS** the caption to "*Jovan Payne v. S.L. Burt.*"

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated:

7-3-06.