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12UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LAURA BADILLO CAMACHO,

Petitioner,

v.

STATE OF NEVADA,

Respondent.

Case No. 2:12-cv-01834-MMD-CWH

ORDER

Petitioner Laura Badillo Camacho has filed a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (dkt. no. 1). Petitioner's application to proceed *in forma pauperis* is incomplete, as it does not contain a financial certificate completed by an authorized prison officer. The application must therefore be denied. Petitioner will be granted thirty (30) days to either pay the \$5.00 filing fee or submit a new, fully completed application to proceed *in forma pauperis*.

Second, petitioner has named the State of Nevada and the Attorney General of the State of Nevada as respondents on the face of her petition. However, a petitioner must name the state officer who has custody of him or her as the respondent in a federal habeas petition. Rule 2(a), Rules Governing Section 2254 Proceedings; *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9<sup>th</sup> Cir.1994). This person typically is the warden of the facility in which the petitioner is incarcerated. "Failure to name the petitioner's custodian as a respondent deprives federal courts of personal jurisdiction." *Stanley*, 21 F.3d at 360. If petitioner fails to name the proper respondent in his or her petition, the court may allow petitioner to amend the petition to name the correct respondent. *See id.* As such, petitioner will also be granted thirty days to file

1 amended caption page, naming the proper respondent, who is the state officer who  
2 currently has custody over petitioner.

3 IT IS THEREFORE ORDERED that petitioner's application for leave to proceed  
4 *in forma pauperis* (dkt. no. 1) is DENIED.

5 IT IS FURTHER ORDERED that petitioner shall have thirty (30) days from the  
6 date this order is entered to either (1) pay the \$5.00 filing fee or (2) submit a fully  
7 completed application to proceed *in forma pauperis*, including a financial certificate  
8 signed by an authorized prison officer showing the status of petitioner's prison account.  
9 Failure to take one of these actions within the time allowed may result in dismissal of  
10 this action.


11 IT IS FURTHER ORDERED that the Clerk shall SEND to petitioner the approved  
12 form for an application to proceed *in forma pauperis*.

13 IT IS FURTHER ORDERED that the Clerk shall SEND to petitioner two copies of  
14 this order. If petitioner wishes to pay the five dollar (\$5) filing fee (the first option,  
15 above), petitioner must make the necessary arrangements to have one copy of this  
16 order, along with a check in the amount of the full \$5 filing fee, sent to the court, by  
17 sending a copy of the order with a "brass slip" to Inmate Services for issuance of the  
18 check.

19 IT IS FURTHER ORDERED that the Clerk shall retain the petition for a writ of  
20 habeas corpus but shall not file it at this time.

21 IT IS FURTHER ORDERED that petitioner has thirty (30) days from the date of  
22 entry of this order to file an amended caption page that names the proper respondent.  
23 Petitioner is expressly cautioned that failure to do so may result in the dismissal of the  
24 petition.

25 DATED THIS 2<sup>nd</sup> day of November 2012.

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28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE