

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

| | | |
|----------------------|---|----------------------|
| Eric Lance Sabot, |) | |
| |) | ORDER |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 1:17-cv-137 |
| |) | |
| Colby Braun, Warden, |) | |
| |) | |
| Respondent. |) | |

The court *sua sponte* substitutes Colby Braun, Warden of the North Dakota State Penitentiary, as the named respondent and amends the case caption accordingly. See 28 U.S.C. § 2242 ("[Application for a writ of habeas corpus] shall . . . name the person who has custody over [the applicant] and bur virtue of what claim if known. . . ."); see also West v. La., 478 F.2d at 1029 (suggesting that the district court could have amended the petition on its own initiative substituting the immediate custodian for the named respondent, which was the State of Louisiana); Crain v. Cooper, No. 1:09-cv-216, 2011 WL 4596112, at *3 (W.D.N.C. Sept. 30, 2011) (the court on its own amended the petition to name the proper respondent).

IT IS SO ORDERED.

Dated this 18th day of July, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court