

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA **FILED**

SEP - 9 2013

LARRY DON WESLEY MAYNARD,

Petitioner,

v.

JERRY CHRISMAN, Warden,

Respondent.

PATRICK KEANEY
Clerk U.S. District Court

By _____
Deputy Clerk

Case No. CIV 13-027-RAW-KEW

OPINION AND ORDER

Petitioner has filed a petition for a writ of mandamus (Docket No. 28), again challenging the court’s substitution of the warden at his facility as the respondent in this case and claiming the proper respondents are the Director of the Oklahoma Department of Corrections and the Executive Director of Oklahoma Pardon and Parole Board. The court previously has explained to petitioner that the proper respondent in a habeas petition is the petitioner’s custodian (Docket No. 9). *See Harris v. Champion*, 51 F.3d 901, 906 (10th Cir. 1995) (“The law is well established that the proper respondent to a habeas action is the habeas petitioner’s custodian.”); *Von Kahl v. United States*, 321 Fed. Appx. 724, 727 n.1, 2009 WL 799024, at *1 (Mar. 27, 2009) (unpublished) (“A § 2241 petition is properly addressed to the person with custody over the petitioner,” pursuant to 28 U.S.C. § 2242).

ACCORDINGLY, petitioner’s petition for a writ of mandamus (Docket No. 28) is DENIED.

IT IS SO ORDERED this 9th day of September 2013.

Ronald A. White
RONALD A. WHITE
UNITED STATES DISTRICT JUDGE