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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 PETER JAMES CARR,

10 Petitioner,

Case No. C17-1326-RAJ-MAT

11 v.

12 STATE OF WASHINGTON,

Respondent.

ORDER DECLINING TO SERVE
PETITION AND GRANTING LEAVE
TO AMEND

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14 Petitioner Peter Carr is currently incarcerated at the Stafford Creek Corrections Center in
15 Aberdeen, Washington pursuant to a 2012 judgment of the King County Superior Court. He has
16 presented to this Court for filing a petition for writ of habeas corpus under 28 U.S.C. § 2254
17 challenging that judgment. This Court's review of the petition reveals that it is defective in the
18 following respect:

19 (1) Petitioner fails to name a proper respondent in his petition. Petitioner names the
20 State of Washington as the respondent in this action. A petitioner who is currently in custody
21 under a state court judgment must name as the respondent the state officer having custody of him
22 or her. Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts.
23 Typically, this person is the warden of the facility in which the petitioner is incarcerated. *Stanley*

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PETITION AND GRANTING
LEAVE TO AMEND- 1

1 v. *California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994). Failure to name the petitioner's
2 custodian deprives federal courts of personal jurisdiction. *Id.*

3 (2) Because of this deficiency the Court declines to serve the petition or to direct that
4 an answer be filed. Petitioner is, however, granted leave to amend his petition to correct the above
5 noted deficiency. The amended petition should be filed on the forms provided by the Clerk.
6 Petitioner is advised that he must correct the noted deficiency within ***thirty (30) days*** of the date
7 on which this Order is signed or his petition will be subject to dismissal.

8 (3) The Clerk is directed to send copies of this Order and of the Court's § 2254 forms
9 to petitioner. The Clerk is further directed to send a copy of this Order to the Honorable Richard
10 A. Jones.

11 DATED this 29th day of September, 2017.

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14 Mary Alice Theiler
United States Magistrate Judge
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ORDER DECLINING TO SERVE
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