1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON AT TACOMA 9 10 ADRIAN CONTRERAS-REBOLLAR, CASE NO. 3:15-CV-05471-BHS-JRC 11 Petitioner, ORDER TO FILE AN AMENDED 12 v. **PETITION** U.S., 13 Respondent. 14 15 The District Court referred this petition for a writ of habeas corpus to United States 16 Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b) (1) (A) and (B), and local 17 Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction 18 pursuant to 28 U.S.C. § 2254. 19 Petitioner has named only the United States as respondent. Petitioner needs to name a 20 natural person -- not a governmental entity. The proper respondent is the person having custody 21 of petitioner. See 28 U.S.C. § 2242. This person is usually the superintendent of the facility in 22 which petitioner is incarcerated. Petitioner's failure to name the correct party deprives this Court 23 24

of personal jurisdiction. See Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). Petitioner is ordered to file an amended petition. Petitioner's pleading must be filed on or before August 28, 2015 or the Court will recommend dismissal of this petition for failure to prosecute and failure to comply with a Court order. Dated this 21st day of July, 2015. J. Richard Creatura United States Magistrate Judge