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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 PEDRO RODRIGUEZ,

12 Petitioner,

13 v.

14 KATHLEEN ALLISON, Secretary,

15 Respondent.
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Case No.: 21-CV-1443-MMA(WVG)

**ORDER SUA SPONTE
SUBSTITUTING RESPONDENT**

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19 Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of
20 Habeas Corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) At the time of filing, Petitioner
21 was housed at Valley State Prison and thus named “Officer Fisher” as Respondent. Based
22 on the notice of change of address Petitioner submitted to the Court on October 21, 2021,
23 it appears Petitioner is no longer housed at Valley State Prison; rather, it appears he is
24 presently incarcerated at the San Diego County Jail as a state prisoner. (ECF No. 14.)

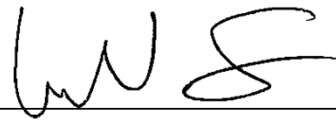
25 A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C.
26 § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner’s place of custody has
27 changed, so has his custodian. Accordingly, in order to conform with the requirements of
28 Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent

1 again if Petitioner is transferred to another prison or paroled, the Court hereby sua sponte
2 ORDERS the substitution of Kathleen Allison, Secretary of the California Department of
3 Corrections and Rehabilitation, as Respondent in place of “Officer Fisher.” *See Ortiz-*
4 *Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254
5 proceedings may be the chief officer in charge of state penal institutions).

6 The Clerk of the Court will modify the docket to reflect “Kathleen Allison,
7 Secretary” as respondent in place of “Officer Fisher.”

8 **IT IS SO ORDERED.**

9 DATED: January 12, 2022

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11 Hon. William V. Gallo
12 United States Magistrate Judge
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