

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 PEDRO RODRIGUEZ,

12 Petitioner,

13 v.

14 KATHLEEN ALLISON, Secretary,

15 Respondent.

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.)

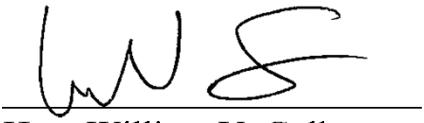
25 A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C.  
26 § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner’s place of custody has  
27 changed, so has his custodian. Accordingly, in order to conform with the requirements of  
28 Rule 2(a) of the Rules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