

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANIEL Z. MALDONADO,

Petitioner,

v.

BRADLEY HOMPE, Warden,
Stanley Correctional Institution,

Respondent.

ORDER

08-cv-270-bbc

Petitioner Daniel Maldonado, an inmate at Stanley Correctional Institution, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks leave to proceed *in forma pauperis*. Having considered petitioner's affidavit of indigency, I find that he is unable to prepay the fees of commencing this action or to post security therefor, pursuant to 28 U.S.C. § 1915(a)(1). Accordingly, petitioner's request for leave to proceed *in forma pauperis* is granted.

I also note that petitioner named the Circuit Court for Sauk County and The Honorable Guy D. Reynolds, circuit court judge, as respondents to the petition. The proper respondent in a habeas action filed by a state prisoner is the state officer having custody over the prisoner. Rule 2(a) of the Rules Governing Section 2254 Cases. The circuit court does not have custody over petitioner. Petitioner's custodian is the Warden of the Stanley Correctional Institution,

Bradley Hompe. I have amended the caption to reflect this and am directing the clerk of court to do the same.

Entered this 14th day of May, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge