

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

SERGIO SHAW

Petitioner,

ORDER

v.

08-cv-302-slc

GREG GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

Petitioner Sergio Shaw, an inmate at the Columbia Correctional Institution in Portage, Wisconsin, 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 Columbia Correctional Institution as respondent to the petition. In a habeas action filed by a state prisoner, the proper respondent is the state officer having custody of the prisoner. Rule 2 of the Rules Governing Section 2254 Cases. That

person is the warden of the institution, Greg Grams. I have revised the caption to show Grams as petitioner's custodian and respondent and direct the clerk of court to do the same.

Entered this 28th day of May, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge