

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

ROGER D. GODWIN,

Petitioner,

ORDER

v.

08-cv-660-slc

LARRY JENKINS, Warden,
Redgranite Correctional Institution

Respondent.

Roger Godwin, an inmate at the Redgranite 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.

As an initial matter, I note that in addition to his custodian, the warden of the Redgranite Correctional Institution, petitioner named the Department of Corrections, Rick Raemisch, and the Attorney General of Wisconsin as respondents 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 Redgranite Correctional Institution, Larry Jenkins. I have revised the caption to show Jenkins as petitioner's custodian and the only respondent and direct the clerk of court to do the same.

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.

Entered this 18th day of November, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge