

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH
DAKOTA

Joshua Brock Martinez v. North Dakota Attorney General

Martinez · No. 1:26-cv-066 · Decided March 11, 2026

SUMMARY

The court sua sponte substitutes Joseph Joyce, Warden of the North Dakota State Penitentiary, as the proper respondent in Joshua Brock Martinez's 28 U.S.C. § 2254 habeas petition. The court characterizes the failure to name the state officer having custody as a technical error and orders the substitution in the interest of justice.

CASE DETAILS

COURT	United States District Court for the District of North Dakota
WRITING FOR THE COURT	Clare R. Hochhalter
JURISDICTION	United States District Court for the District of North Dakota
DECIDED	March 11, 2026
DOCKET	1:26-cv-066
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus while in state custody. The court sua sponte substituted the state official having custody of petitioner as the respondent.
STANDARD OF REVIEW	The court applied Rule 2 of the Rules Governing Section 2254 Cases to determine the proper respondent and exercised its authority sua sponte to correct the pleading.
PRECEDENTIAL VALUE	Unknown
PARTIES	Joshua Brock Martinez v. North Dakota Attorney General

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the court should substitute the state officer having custody of a state habeas petitioner for the improperly named respondent under Rule 2 of the Rules Governing Section 2254 Cases.

HOLDINGS

1. When a state habeas petitioner is in custody pursuant to a state judgment, Rule 2 requires the petition to name the state officer having custody of the petitioner as respondent.
2. The court may sua sponte substitute the proper custodial respondent when the petition's failure to name that official is a technical error and substitution serves the interest of justice.

KEY QUOTATIONS

“If the applicant is presently in custody pursuant to the state judgment in question, the application shall be in the form of a petition for a writ of habeas corpus in which the state officer having custody of the applicant shall be named as respondent.” (1)

FACTUAL BACKGROUND

Martinez was incarcerated at the North Dakota State Penitentiary pursuant to a state-court sentence. His § 2254 petition named the North Dakota Attorney General rather than the state officer who had custody of him. Joseph Joyce was the warden and therefore the official having custody of Martinez.

PROCEDURAL HISTORY

On March 10, 2026, Martinez filed a § 2254 habeas petition naming the North Dakota Attorney General as respondent. The district court determined that Joseph Joyce, the Warden of the North Dakota State Penitentiary, was the proper respondent under Rule 2 of the Rules Governing Section 2254 Cases and substituted him sua sponte.

DISPOSITION

other

CASES CITED

- Allen v. Warden, Pickaway Corr. Inst., No. 3:22-CV-133, 2024 WL 808832, at *2 (S.D. Ohio Feb. 27, 2024)
- Mayorga v. Meade, No. 24-CV-22131, 2024 WL 4298815, at *3 (S.D. Fla. Sept. 26, 2024)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA
Joshua Brock Martinez,)) Petitioner,) ORDER vs.)) North Dakota Attorney General,) Case No.
1:26-cv-066) Respondent.) On March 10, 2026, Petitioner filed a “Petition Under 28 U.S.C. 2254
for Writ of Habeas Corpus by a Person in State Custody.” In the caption of the petition, Petitioner

advertently neglected to identify the proper Respondent, i.e., the person who presently has custody of him.

Rule 2 of the Rules Governing Section 2254 Cases provides: “If the applicant is presently in custody pursuant to the state judgment in question, the application shall be in the form of a petition for a writ of habeas corpus in which the state officer having custody of the applicant shall be named as respondent.” It is apparent from the petition and the envelope in which it was mailed that Petitioner is presently incarcerated at the North Dakota State Penitentiary on a state court sentence.

Joseph Joyce is the Warden of the North Dakota State Penitentiary, making him the state officer who has custody of Petitioner for purposes of Rule 2. Plaintiff’s failure to name Warden Joyce as Respondent is a technical error.

In the interest of justice and in reaching the merits of the petition, the court sua sponte substitutes Warden Joyce as Respondent in this matter. See e.g, *Allen v. Warden, Pickaway Corr. Inst.*, No. 3:22-CV-133, 2024 WL 808832, at *2 (S.D. Ohio Feb. 27, 2024) (sua sponte substituting the proper respondent in a petition for a writ of habeas corpus under 28 U.S.C. §2254); Cf. *Mayorga v. Meade*, No. 24-CV-22131, 2024 WL 4298815, at *3 (S.D.

Fla. Sept. 26, 2024) (sua 1 sponte ordering the substitution of the proper respondent in a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2241). IT IS SO ORDERED. Dated this 11th day of March, 2026. /s/ Clare R. Hochhalter Clare R. Hochhalter, Magistrate Judge United States District Court 2