

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GEORGE PATTON NELSON III,

No. 18-35399

Petitioner-Appellant,

D.C. No. 6:18-cv-00187-MC

v.

MEMORANDUM*

"SB" OF OREGON STATE HOSPITAL; et
al.,

Respondents-Appellees.

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted November 27, 2018**

Before: CANBY, TASHIMA, and FRIEDLAND, Circuit Judges.

George Patton Nelson III, an Oregon pretrial detainee, appeals pro se from the district court's judgment dismissing his habeas corpus petition. We affirm.

Nelson's habeas petition alleged that officials at Oregon State Hospital ("OSH"), where he was confined pursuant to an Oregon state court order, were

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

interfering with his attempts to send mail to an FBI agent and to an attorney. He requested a writ of mandamus ordering the officials to cease interfering with his mail and to produce evidence to rebut the state charges against him. Nelson did not challenge the basis of his confinement at OSH or present any arguments as to why his confinement was unconstitutional. To the extent that Nelson's filing was a 28 U.S.C. § 2241 habeas petition, the district court properly dismissed Nelson's habeas petition because success on his claims would not necessarily lead to immediate or earlier release from confinement at OSH, and, therefore, Nelson's claims fell outside "the core of habeas corpus." *See Nettles v. Grounds*, 830 F.3d 922, 935 (9th Cir. 2016) (en banc). To the extent that Nelson was seeking mandamus or other injunctive relief, he has not shown a basis for granting such relief. Accordingly, we affirm.

All pending motions are denied.

AFFIRMED.