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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AZael DYTHIAN PERALES,

Petitioner,

v.

UNITED STATES OF AMERICA, et  
al.,

Respondents.

NO. SACV 10-1250 JVS (AGR)

**OPINION AND ORDER ON  
PETITION FOR WRIT OF  
HABEAS CORPUS**

On August 17, 2010, Petitioner, proceeding *pro se*, filed an “Application for Writ of Habeas Corpus” (“Petition”). Although captioned as a petition for writ of habeas corpus, it plainly appears from the face of the Petition that this Court does not have habeas jurisdiction. Petitioner is not incarcerated or in custody. See 28 U.S.C. §§ 2241(c), 2254(a). Petitioner does not challenge a judgment, conviction, or sentence. *Id.* He meets none of the requirements set forth in 28 U.S.C. § 2241(c). Instead, the Petition, which names the United States, President Obama, Secretary of State Clinton, and an assortment of other

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1 governmental figures, is virtually unintelligible.<sup>1</sup> See, e.g., *Perales v. Cochran*  
2 *Law Firm*, Case No. SACV 10-1138 JVS (AGR) (C.D. Cal. 2010); *Perales v. Apex*  
3 *Building Maintenance*, Case No. CV 10-16-UA-DUTY (C.D. Cal. 2010), Dkt. No. 2  
4 (order denying leave to file action without prepayment of filing fee and collecting  
5 previous denials).<sup>2</sup>

6 A petition for writ of habeas corpus is subject to summary dismissal when it  
7 plainly appears on the face of the petition that the petitioner is not entitled to  
8 relief. Cf. Rule 4 of the Rules Governing Section 2254 Cases in the United  
9 States Courts (“[i]f it plainly appears from the face of the petition . . . that the  
10 petitioner is not entitled to relief in the district court,” judge must dismiss petition  
11 and direct clerk to notify petitioner); *Hendricks v. Vasquez*, 908 F.2d 490, 491  
12 (9th Cir. 1990).

13 Summary dismissal is appropriate here because there is no basis for  
14 habeas jurisdiction. The Petition is not cognizable under habeas and is frivolous.  
15 See *Mayle v. Felix*, 545 U.S. 644, 669-70, 125 S. Ct. 2562, 162 L. Ed. 2d 582  
16 (2005) (“the purpose of the heightened pleading standard in habeas cases is to  
17 help a district court weed out frivolous petitions before calling upon the State to  
18 answer”).

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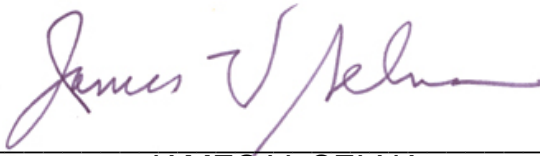
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26 <sup>1</sup> Without explanation, Petitioner refers to and attaches exhibits related to a  
27 case before the United States Court of Appeals for Veterans Claims. (Petition at  
2 & Exhibits.)

28 <sup>2</sup> See also *Perales v. Wilshire Restaurant Group*, Case No. SACV 09-  
1255-UA-DUTY (C.D. Cal. 2009).

1           IT IS HEREBY ORDERED that Judgment be entered summarily dismissing  
2 the petition.

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4 DATED: August 25 , 2010

  
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JAMES V. SELNA  
United States District Judge

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6 Presented by:

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ALICIA G. ROSENBERG  
United States Magistrate Judge

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