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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AZael DYTHIAN PERALES,  
Petitioner,  
v.  
DOLLAR TREE, INC., et al.,  
Respondents.

NO. SACV 10-1772 JVS (AGR)

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

On November 18, 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 Dollar Tree, Inc., President Obama, Secretary of State Clinton, Chief Justice John Roberts, and an assortment of other governmental figures (including “all related defendants”), is virtually unintelligible. See, e.g., *Perales v. United States*, Case No. SACV 10-1737 JVS (AGR) (C.D. Cal. 2010); *Perales v. United States*, Case No. SACV 10-

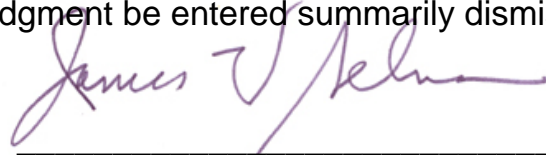
1 1472 JVS (AGR) (C.D. Cal. 2010); *Perales v. United States*, Case No. SACV 10-  
2 1250 JVS (AGR) (C.D. Cal. 2010); *Perales v. Cochran Law Firm*, Case No. SACV  
3 10-1138 JVS (AGR) (C.D. Cal. 2010); *Perales v. Apex Building Maintenance*,  
4 Case No. CV 10-16-UA-DUTY (C.D. Cal. 2010), Dkt. No. 2 (order denying leave  
5 to file action without prepayment of filing fee and collecting previous denials).<sup>1</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”).

19 IT IS HEREBY ORDERED that Judgment be entered summarily dismissing  
20 the Petition.

21 DATED: November 30, 2010



22 JAMES V. SELNA  
23 United States District Judge

24 Presented by:

25 ALICIA G. ROSENBERG  
26 United States Magistrate Judge

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28 <sup>1</sup> See also *Perales v. Wilshire Restaurant Group*, Case No. SACV 09-  
1255-UA-DUTY (C.D. Cal. 2009).

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