

1 conditions of her confinement. McCarthy v. Bronson, 500 U.S. 136, 141-42 (1991); Preiser v.
2 Rodriguez, 411 U.S. 475, 499 (1973); Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991); Advisory
3 Committee Notes to Rule 1 of the Rules Governing Section 2254 Cases. Therefore, to the extent
4 Petitioner seeks relief for her complaints, the proper avenue is a civil rights complaint.

5 **RECOMMENDATION**

6 Accordingly, the Court RECOMMENDS that the petition for writ of mandate/prohibition be
7 SUMMARILY DISMISSED for lack of jurisdiction. The Court further RECOMMENDS that the
8 Clerk of Court be DIRECTED to send Petitioner the standard form for claims pursuant to 42 U.S.C.
9 § 1983.

10 This Findings and Recommendation is submitted to the Honorable Anthony W. Ishii, United
11 States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 72-304
12 of the Local Rules of Practice for the United States District Court, Eastern District of California.
13 Within thirty (30) days after being served with a copy, any party may file written objections with the
14 court and serve a copy on all parties. Such a document should be captioned “Objections to
15 Magistrate Judge’s Findings and Recommendation.” Replies to the objections shall be served and
16 filed within ten (10) court days (plus three days if served by mail) after service of the objections.
17 The Court will then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). The
18 parties are advised that failure to file objections within the specified time may waive the right to
19 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

20
21 IT IS SO ORDERED.

22 **Dated:** January 21, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE