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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 RICKY TYRONE-FOSTER,) No. CV 13-4360 DDP (FFM)
11 Petitioner,) ORDER RE SUMMARY
12 v.) DISMISSAL OF ACTION
13 MATTHEW CATE, CDCR. DIR.,)
14 Respondent.)
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16 On June 18, 2013, petitioner filed what is captioned a Petition for Writ of
17 Habeas Corpus by a Person in State Custody (“Petition”).


18 As best the Court can glean from the face of the Petition, petitioner’s claims
19 are not directed to the legality or duration of petitioner’s current confinement.
20 Rather, petitioner’s claims relate to a perceived civil wrong for which petitioner
21 seeks monetary relief.

22 The Writ of Habeas Corpus is limited to attacks upon the legality or
23 duration of confinement. *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)
24 (citing *Preiser v. Rodriguez*, 411 U.S. 475, 484-86 (1973)). A civil rights action,
25 in contrast, is the proper method of challenging civil injuries. *See Badea v. Cox*,
26 931 F.2d 573, 574 (9th Cir. 1991); *see also Young v. Kenny*, 907 F.2d 874, 875
27 n.1 (1990). Petitioner’s claims as presently alleged do not implicate the legality or
28 duration of confinement, but rather concern alleged civil injuries.

1 The Court does have discretion to construe petitioner's habeas petition as a
2 civil rights complaint. *See Wilwording v. Swenson*, 404 U.S. 249, 251 (1971);
3 *Hansen v. May*, 502 F.2d 728, 729-30 (9th Cir. 1974). In this instance, however,
4 the Court chooses not to exercise such discretion, because it is clear that the
5 pleading fails to comply with Federal Rule of Civil Procedure 8. Rule 8(a)(2)
6 requires a "a short and plain statement of the claim." The Petition contains no
7 charging allegations; rather, the Petition merely attaches state court filings without
8 explanation.

9 Pursuant to Rule 4 of the Rules Governing Section 2254 cases in the United
10 States District Court, it is therefore ordered that this action be dismissed without
11 prejudice.

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13 DATED: August 7, 2013


DEAN D. PREGERSON
United States District Judge

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16 Presented by:

17
18 /S/ FREDERICK F. MUMM
19 FREDERICK F. MUMM
20 United States Magistrate Judge
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