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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CHARLES SIMPSON,)	
)	
Petitioner,)	Case No. CV 14-9080-ODW(AJW)
)	
v.)	
)	MEMORANDUM AND ORDER
THE DIRECTOR OF THE CDCR,)	DISMISSING PETITION
)	WITHOUT PREJUDICE AND
Respondent.)	WITH LEAVE TO AMEND
_____)	

On November 24, 2014, petitioner filed this petition for a writ of habeas corpus. In its entirety, the petition states, "I'm requesting for injunctive relief to have the Director of the CDCR to [sic] reverse my conviction and give me \$950 million dollars." [Petition at 1]. For the following reasons, the petition is subject to summary dismissal.

To the extent that petitioner seeks to challenge the validity of his conviction, he fails to provide any information regarding the conviction he seeks to challenge. For example, petitioner does not indicate the date of his conviction, the court in which it occurred, the crimes of which he was convicted, or the sentence imposed. Moreover, he does not state any claims for relief - that is, he

1 provides no legal or factual basis for any such challenge. At best,
2 petitioner's allegations are vague and conclusory. In addition, the
3 petition fails to indicate whether petitioner exhausted any claims for
4 relief by presenting them to the California Supreme Court. See 28
5 U.S.C. §2254(b)(1)(A) ("An application for a writ of habeas corpus on
6 behalf of a person in custody pursuant to the judgment of a State
7 court shall not be granted unless it appears that the applicant has
8 exhausted the remedies available in the courts of the State.").

9 Furthermore, monetary damages are not available in a federal
10 habeas corpus proceeding. Wolff v. McDonnell, 418 U.S. 539, 554
11 (1974); Preiser v. Rodriguez, 411 U.S. 475, 494 (1973).¹

12 **Based upon the foregoing deficiencies, the petition is dismissed**
13 **without prejudice and with leave to amend. Petitioner shall, within**
14 **twenty-eight (28) days of the date of this order, file an amended**
15 **petition curing the deficiencies noted above. The amended petition**
16 **shall be filed on the forms provided by the Clerk and shall bear the**
17 **case number CV 14-9080-ODW(AJW), shall include information regarding**
18 **the conviction or decision petitioner intends to challenge, shall**
19 **provide the specific legal and factual basis for his claims for**
20 **relief, and shall indicate whether petitioner has presented each claim**

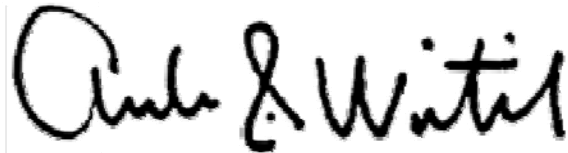
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22 ¹ Petitioner may have intended to file a civil rights action. While a
23 federal court has discretion to recharacterize a mislabeled habeas corpus
24 petition as a civil rights action and to permit the action to proceed as
25 such, ordinarily such a recharacterization is inappropriate. Because of
26 the filing fee requirements of the Prison Litigation Reform Act of 1995
27 ("PLRA"), its provisions requiring sua sponte review of complaints, and
28 its limits on the number of actions a prisoner may be permitted to file
in forma pauperis, a prisoner should not be obligated to proceed with a
civil rights action unless it is clear that he or she wishes to do so.
See 28 U.S.C. § 1915; 42 U.S.C. § 1997e; see generally Robinson v.
Sherrod, 631 F.3d 839, 841 (7th Cir.)("[W]e think it worth reminding the
district courts not to recharacterize a prisoner's petition for habeas
corpus as a prisoner civil rights complaint without his informed
consent....")(citations omitted), cert. denied, 132 S.Ct. 397 (2011).

1 to the California Supreme Court.

2 Petitioner is cautioned that failure to file an amended petition
3 within the time provided may result in dismissal of this petition
4 without prejudice.

5 It is so ordered.

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7 Dated: December 3, 2014



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9 Andrew J. Wistrich
United States Magistrate Judge

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