generally, Pet.)

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1 2 3 JS - 6 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 11 RHONDA THOMAS GREENE, Case No. CV 15-00053-CJC (DTB) 12 Petitioner, ORDER DISMISSING PETITION FOR 13 WRIT OF HABEAS CORPUS VS. LYNWOOD CHIEF OF POLICE, 14 ET AL, 15 Respondent. 16 17 Petitioner purported to file a Petition for Writ of Habeas Corpus by a Person in 18 State Custody herein ("Pet.") on January 5, 2015. The Court has reviewed the Petition 19 pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rules") for purposes of determining whether "it plainly 20 21 appears from the petition and any attached exhibits that the petitioner is not entitled 22 to relief." 23 From the face of the Petition, it appears that petitioner's claims are not directed 24 to the legality or duration of a current confinement. Rather, although the Petition is 25 handwritten and difficult to decipher, petitioner appears to be raising claims alleging violations of her civil rights. Specifically, insofar as the Court can glean, petitioner 26 raises claims alleging false arrest, illegal eviction and illegal seizure of property. (See, 27

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Claims such as these may not properly be asserted in a habeas petition, or as part of a habeas petition. See 28 U.S.C. § 2254(a); see also Preiser v. Rodriguez, 411 U.S. 475, 498-500, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973). Rather, such claims must be asserted in a separate civil rights action.

The Court does have discretion to construe petitioner's habeas petition as a civil rights complaint. See Wilwording v. Swenson, 404 U.S. 249, 251, 92 S. Ct. 407, 30 L. Ed. 2d 418 (1971); Hansen v. May, 502 F.2d 728, 729 (9th Cir. 1974).

However, in this instance, the Court chooses not to exercise such discretion for the following reason:

As the current action was not submitted on a civil rights complaint form, certain critical information, such as the capacity in which the defendants are named, is lacking.

Accordingly, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

IT THEREFORE IS ORDERED that this action be summarily dismissed without prejudice. The Clerk is directed to send petitioner a blank Central District civil rights complaint form, which petitioner is encouraged to utilize should she desire to pursue this action.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: January 29, 2015

D STATES DISTRICT JUDGE

Presented by:

David T. Bristow United States Magistrate Judge