

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

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

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

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

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

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

19 LET JUDGMENT BE ENTERED ACCORDINGLY.

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21 DATED: January 29, 2015

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23 _____
24 CORMAC J. CARNEY
25 UNITED STATES DISTRICT JUDGE

26 Presented by:

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28 _____
David T. Bristow
United States Magistrate Judge