

1 1. The sentence beginning on line 2 of page 6 of the Report and
2 Recommendation is modified to read as follows: “Accordingly, the punishment
3 that resulted from the allegedly unconstitutional disciplinary proceeding at issue
4 has no bearing upon the fact or duration of petitioner’s confinement because his
5 term of life in prison was not extended and his minimum term of imprisonment
6 could not have been shortened by the lost time credits.”

7 2. The word “effect” on line 21 of page 6 of the Report and
8 Recommendation is changed to the word “affect.”

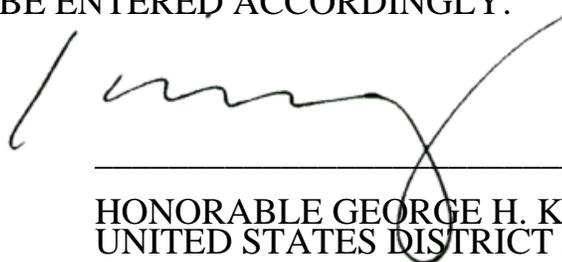
9 3. The parenthetical beginning on line 1 of page 7 of the Report and
10 Recommendation is modified to read as follows: “(petitioner’s claims seeking
11 expungement of disciplinary conviction and restoration of time credit not
12 cognizable on federal habeas review; punishment that resulted from allegedly
13 unconstitutional disciplinary proceedings had no bearing on fact or duration of
14 petitioner’s confinement because petitioner was serving indeterminate life
15 sentence, minimum eligible parole date had passed, and therefore, term of life in
16 prison was not extended, and minimum term of imprisonment could not have been
17 shortened by lost time credits)”.

18 IT IS HEREBY ORDERED that the Motion to Dismiss is granted and the
19 Petition is dismissed. The Court declines to convert this action into a federal civil
20 rights without prejudice to petitioner filing a separate federal civil rights action.

21 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the
22 Report and Recommendation, and the Judgment herein on petitioner and counsel
23 for respondent.

24 LET JUDGMENT BE ENTERED ACCORDINGLY.

25 DATED: 9/14/16

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HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE