Ricky Tyrone	Foster v. Jeffery A. Beard		Doc. 4
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8	UNITED STATES DISTRICT COURT		
9	CENTRAL DISTRICT OF CALIFORNIA		
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11	RICKY TYRONE FOSTER.,) No. CV 16-965 DDP FFM	
12	Petitioner,	ORDER SUMMARILY	
13	V.	DISMISSING PETITION FOR LACK OF JURISDICTION	
14	JEFFREY A. BEARD,)	
15	Respondent.)	
16))	
17			
18	On February 11, 2016, Petitioner Ricky Tyrone Foster ("Petitioner"), a state		
19	prisoner incarcerated at High Desert State Prison in Susanville, California, filed a		
20	Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to 28 U.S.C.		
21	§ 2254. (Dkt. No. 1).		
22	The Petition does not challenge Petitioner's underlying conviction or the duration		
23	of Petitioner's confinement. Rather, the Petition alleges that Petitioner's constitutional		
24	rights were violated by the Small Claims Division of the Los Angeles County Superior		
25	Court and by California State Prison Los Angeles County mailroom staff. (<i>Id.</i> at 11–18).		
26	The Writ of Habeas Corpus is limited to attacks upon the legality or duration of		
27	confinement. Crawford v. Bell, 599 F.2d 890, 891 (9th Cir. 1979) (citing Preiser v.		
28	Rodriguez, 411 U.S. 475, 484-86 (1973)). Accordingly, claims that neither "necessarily		
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imply the invalidity of a conviction" nor "necessarily spell speedier release" are not cognizable on habeas. *Blair v. Martel*, 645 F.3d 1151, 1157 (9th Cir. 2011) (citing *Skinner v. Switzer*, 131 S.Ct. 1289, 1298–1299 & n.13 (2011)).

To the extent that they can be discerned, Petitioner's claims are not cognizable on federal habeas. Because the Petition ostensibly attacks the legality of a decision of the Small Claims Division of the Superior Court and the actions of prison mail room staff, they may be appropriate under 42 U.S.C. § 1983. However, as they neither implicate the validity of Petitioner's conviction nor necessarily spell Petitioner's speedier release, they are not cognizable under 28 U.S.C. § 2254.

Based on the above discussion and pursuant to Rule 4 of the Rules Governing Section 2254 cases in the United States District Court, it is therefore ordered that this action be dismissed without prejudice.

DATED: MARCH 29, 2016

DEAN D. PREGERSON United States District Judge

Presented by:

/S/FREDERICK F. MUMM
FREDERICK F. MUMM
United States Magistrate Judge