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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

SHANE MATTHEW MULVIHILL,)	Case No. CV 17-00579-MWF (AS)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
v.)	
)	
SUPERVISING CORRECTIONAL)	
COOK, O'AKOH,)	
)	
Respondent.)	
)	

BACKGROUND

On January 24, 2017, pro se Petitioner, Shane Matthew Mulvihille, currently located at California Institution for Men in Chino, California, filed a Petition for Writ of Habeas Corpus ("Petition"). (Docket Entry No. 1). The Petition alleges that Supervising Correctional Cook O' Akoh harassed Petitioner and refused to give Petitioner his state-allowed lunch. (Petition at 1, 8). The Petition appears to raise the following claims: (1)

1 O'Akoh's actions violated California Department of Corrections,
2 Title 15, Section 3391(a); and (2) O'Akoh's actions constituted
3 cruel and unusual punishment under the Eighth Amendment.
4 (Petition at 4-5).

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6 "[T]he writ of habeas corpus is limited to attacks upon the
7 legality or duration of confinement." Crawford v. Bell, 599 F.2d
8 890, 891 (9th Cir. 1979) (citing Preiser v. Rodriguez, 411 U.S.
9 475, 484-86 (1973)); see also Hill v. McDonough, 547 U.S. 573, 579
10 (2006) ("Challenges to the validity of any confinement or to
11 particulars affecting its duration are the province of habeas
12 corpus.") (citation omitted). Since Petitioner's claims do not
13 attack the legality or duration of his confinement, his claims are
14 not cognizable on federal habeas review. Accordingly, the federal
15 habeas petition filed by Petitioner under 28 U.S.C. § 2254 must
16 be denied.

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1 ORDER

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3 IT IS ORDERED that the Petition be dismissed without
4 prejudice.¹

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6 DATED: January 30, 2017



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8 MICHAEL W. FITZGERALD
9 UNITED STATES DISTRICT JUDGE

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25 ¹ It appears that Petitioner is actually claiming a
26 violation of his civil rights. If so, Petitioner may seek to
27 file the appropriate action pursuant to 42 U.S.C. § 1983. The
28 Court notes that Petitioner has two pending civil rights actions
in this Court. See Mulvihill, Shane Matthew v. Dean Borders,
Warden, Case No. CV 17-00079-MWF (AS); Mulvihille, Shane Matthew
v. Los Angeles County Sheriffs Department, Case No. CV 17-00200-
MWF (AS).