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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

CHRISTOPHER DESHAWN BUTLER,)	
)	
Petitioner,)	Case No. EDCV 13-2153-MWF(AJW)
)	
v.)	
)	MEMORANDUM AND ORDER
SHERIFF DEPARTMENT OF)	DISMISSING PETITION
RIVERSIDE COUNTY, et al.,)	WITHOUT PREJUDICE AND
)	WITH LEAVE TO AMEND
Respondents.)	
_____)	

On October 28, 2013, petitioner filed this petition for a writ of habeas corpus.¹ Petitioner alleges the following as grounds for relief:

Affidavit of complaint of a tort crime, a civil wrong intentional[ly] done, w[h]ich causes injury and damage to I Christopher Deshawn Butler and daughter S.N.B. Things that are protected by law. Against the above defendants, abduction criminal wrongful act of force by taking away another person through fraud, persuasion of violence.

¹ The petition was filed in the United States District Court for the District of Columbia, and transferred to this Court on November 22, 2013.

1 Foreng [sic] I to do business without a contract agreement,
2 no notary empowered [sic] to witness and certify documents.
3 No federal copy rights [sic] law.

4 Complaint against the above Defendants for violating
5 Christopher Deshawn Butler Constitution on 05-14-2013 Case
6 #RIF10304187 #JU131340063. Judicial immunity is not
7 provided under the Civil Rights Act of 1964 and state courts
8 may be sued for such relief.

9 Complaint against the above Defendants. For not being
10 in a Federal Jurisdiction. Plac[ing] the public official in
11 high misdemeanor and also for violating all of my
12 Constitutional Rights. The above Defendants as being
13 holding] I Christopher Deshawn Butler, without bail.
14 Amendment VIII - Excessive Bail, Amendment XIV -
15 Citizenship; Privileges and Immunities. Due Process: Equal
16 Protection. Article VI - Debts Validated - Supreme Law of
17 Land - Oath of Office. Also Requesting 832.5 Citizens
18 Complaints against Peace Offices....

19 [Petition at 2-3].

20 As relief, petitioner requests (1) "a trial by jury for this tort
21 crime;" (2) "that my daughter S.N.B. is given back;" (3) imposition of
22 a "not for profit fine on all of the above defendants of 30,000,000
23 each for [sic] the healing process can finally begin;" and (4) the
24 federal government protect the Constitution by arresting and charging
25 "any and all" for conspiracy, kidnapping, and false imprisonment.

26 [Petition at 7].

27 For the following reasons, the petition is subject to summary
28 dismissal.

1 To begin with, it is not clear whether or why petitioner is in
2 custody.² Assuming petitioner is (or was) in custody and seeks to
3 challenge the legality of that custody, the Court cannot discern the
4 factual or legal basis for petitioner's claims. Instead, petitioner's
5 allegations are vague, conclusory, and unintelligible.

6 Further, to the extent that petitioner's allegations are
7 comprehensible, they do not appear to be related to the constitutional
8 validity of petitioner's current custody. Therefore, these
9 allegations cannot serve as a basis for federal habeas relief. See
10 Wilkinson v. Dobson, 544 U.S. 74, 78 (2005) (noting that as a general
11 rule, a claim challenging the fact or duration of a prisoner's
12 confinement should be presented in a habeas corpus petition, while a
13 claim challenging the conditions of confinement should be presented in
14 a civil rights action); Ramirez v. Galaza, 334 F.3d 850, 858-859 (9th
15 Cir. 2003) (explaining that where a petitioner's claims, even if
16 successful, would not shorten the duration of his custody,
17 jurisdiction under 28 U.S.C. §2254 is absent), cert. denied, 541 U.S.
18 1063 (2004).³

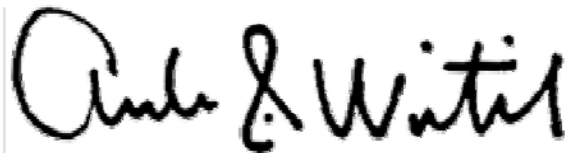
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20 ² At the time he filed the petition, petitioner indicated his address was
21 Patton State Hospital. [Petition at 1]. Mail sent to this address by the
22 Clerk, however, was returned as undeliverable on December 5, 2013, with
23 a notation that petitioner was "Gone." Petitioner filed a notice of
24 change of address on ****, indicating ****. The basis for petitioner's
25 placement in Patton State Hospital is not clear. Nor is it clear whether
26 petitioner's custody has now ended or whether petitioner remains subject
27 to some other type of state custody.

28 ³ Petitioner may have intended to file a civil rights action. While a
federal court has discretion to recharacterize a mislabeled habeas corpus
petition as a civil rights action and to permit the action to proceed as
such, ordinarily such a recharacterization is inappropriate. Because of
the filing fee requirements of the Prison Litigation Reform Act of 1995
("PLRA"), its provisions requiring sua sponte review of complaints, and
its limits on the number of actions a prisoner may be permitted to file
in forma pauperis, a prisoner should not be obligated to proceed with a
civil rights action unless it is clear that he or she wishes to do so.

1 Based upon the foregoing deficiencies, the petition is dismissed
2 without prejudice and with leave to amend. Petitioner shall, within
3 twenty-eight (28) days of the date of this order, file an amended
4 petition curing the deficiencies noted above. The amended petition
5 shall be filed on the forms provided by the Clerk and shall bear the
6 case number EDCV 13-2153-MWF(AJW), shall include information regarding
7 the conviction or decision petitioner intends to challenge, shall
8 provide the specific legal and factual basis for his claims for
9 relief, and shall indicate whether he has presented each claim to the
10 California Supreme Court. Petitioner is cautioned that failure to
11 file an amended petition within the time provided may result in
12 dismissal of this petition without prejudice.

13 It is so ordered.

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15 Dated: December 18, 2013



17 Andrew J. Wistrich
18 United States Magistrate Judge

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25 See 28 U.S.C. § 1915; 42 U.S.C. § 1997e; see generally Robinson v.
26 Sherrod, 631 F.3d 839, 841 (7th Cir.) ("[W]e think it worth reminding the
27 district courts not to recharacterize a prisoner's petition for habeas
28 corpus as a prisoner civil rights complaint without his informed
consent....") cert. denied, 132 S.Ct. 397 (2011); cf. Blueford v. Prunty,
108 F.3d 251, 255 (9th Cir. 1997) (stating that a court should not convert
a civil rights action into habeas petition due to the implications of the
abuse of the writ doctrine).