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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AZael DYTHIAN PERALES,

Petitioner,

v.

UNITED STATES OF AMERICA, et
al.,

Respondents.

NO. SACV 10-1472 JVS (AGR)

**OPINION AND ORDER ON
PETITION FOR WRIT OF
HABEAS CORPUS**

On September 29, 2010, Petitioner, proceeding *pro se*, filed an “Application for Writ of Habeas Corpus” (“Petition”). Although captioned as a petition for writ of habeas corpus, it plainly appears from the face of the Petition that this Court does not have habeas jurisdiction. Petitioner is not incarcerated or in custody. See 28 U.S.C. §§ 2241(c), 2254(a). Petitioner does not challenge a judgment, conviction, or sentence. *Id.* He meets none of the requirements set forth in 28 U.S.C. § 2241(c). Instead, the Petition, which names the United States, President Obama, Secretary of State Clinton, and an assortment of other

1 governmental figures, is virtually unintelligible.¹ See, e.g., *Perales v. United*
2 *States*, Case No. SACV 10-1250 JVS (AGR) (C.D. Cal. 2010); *Perales v.*
3 *Cochran Law Firm*, Case No. SACV 10-1138 JVS (AGR) (C.D. Cal. 2010);
4 *Perales v. Apex Building Maintenance*, Case No. CV 10-16-UA-DUTY (C.D. Cal.
5 2010), Dkt. No. 2 (order denying leave to file action without prepayment of filing
6 fee and collecting previous denials).²

7 A petition for writ of habeas corpus is subject to summary dismissal when it
8 plainly appears on the face of the petition that the petitioner is not entitled to
9 relief. Cf. Rule 4 of the Rules Governing Section 2254 Cases in the United
10 States Courts (“[i]f it plainly appears from the face of the petition . . . that the
11 petitioner is not entitled to relief in the district court,” judge must dismiss petition
12 and direct clerk to notify petitioner); *Hendricks v. Vasquez*, 908 F.2d 490, 491
13 (9th Cir. 1990).

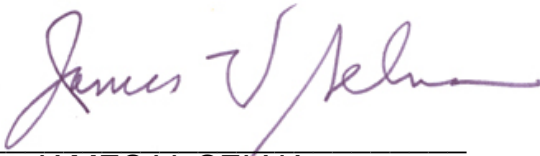
14 Summary dismissal is appropriate here because there is no basis for
15 habeas jurisdiction. The Petition is not cognizable under habeas and is frivolous.
16 See *Mayle v. Felix*, 545 U.S. 644, 669-70, 125 S. Ct. 2562, 162 L. Ed. 2d 582
17 (2005) (“the purpose of the heightened pleading standard in habeas cases is to
18 help a district court weed out frivolous petitions before calling upon the State to
19 answer”).

26 ¹ Petitioner begins the pleading by addressing the Chief Judge of the
27 United States District Court for the Eastern District of Tennessee. (Petition at 1.)

28 ² See also *Perales v. Wilshire Restaurant Group*, Case No. SACV 09-
1255-UA-DUTY (C.D. Cal. 2009).

1 IT IS HEREBY ORDERED that Judgment be entered summarily dismissing
2 the Petition.

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4 DATED: October ____, 2010



JAMES V. SELNA
United States District Judge

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6 Presented by:

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10 _____
ALICIA G. ROSENBERG
United States Magistrate Judge

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