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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AZael DYTHIAN PERALES,  
Petitioner,  
v.  
U.S. Department of Labor, et al.,  
Respondents.

NO. SACV 10-1737 JVS (AGR)

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

On November 12, 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 Department of Labor, President Obama, Secretary of State Clinton, and an

1 assortment of other governmental figures, is virtually unintelligible.<sup>1</sup> See, e.g.,  
2 *Perales v. United States*, Case No. SACV 10-1472 JVS (AGR) (C.D. Cal. 2010);  
3 *Perales v. United States*, Case No. SACV 10-1250 JVS (AGR) (C.D. Cal. 2010);  
4 *Perales v. Cochran Law Firm*, Case No. SACV 10-1138 JVS (AGR) (C.D. Cal.  
5 2010); *Perales v. Apex Building Maintenance*, Case No. CV 10-16-UA-DUTY  
6 (C.D. Cal. 2010), Dkt. No. 2 (order denying leave to file action without  
7 prepayment of filing fee and collecting previous denials).<sup>2</sup>

8 A petition for writ of habeas corpus is subject to summary dismissal when it  
9 plainly appears on the face of the petition that the petitioner is not entitled to  
10 relief. Cf. Rule 4 of the Rules Governing Section 2254 Cases in the United  
11 States Courts (“[i]f it plainly appears from the face of the petition . . . that the  
12 petitioner is not entitled to relief in the district court,” judge must dismiss petition  
13 and direct clerk to notify petitioner); *Hendricks v. Vasquez*, 908 F.2d 490, 491  
14 (9th Cir. 1990).

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

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25 <sup>1</sup> Petitioner begins the pleading by addressing the Chief Judge of the  
26 Central District of the California Ronald Reagan U.S. Courthouse. (Petition at 2.)  
27 The Petition is imbedded in the middle of an array of other papers. The first page  
of the filed document is a Cover Sheet form from the United States Court of  
Federal Claims. (Dkt. No. 1 at 1-2.)

28 <sup>2</sup> 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: November 29, 2010

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JAMES V. SELNA  
United States District Judge

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6 Presented by:

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ALICIA G. ROSENBERG  
United States Magistrate Judge

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