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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

**MANUEL ALCALA FARIAS,**

**Petitioner,**

**vs.**

**FAMILY COURT SERVICES  
INVESTIGATOR,**

**Respondent.**

**1:07-cv-0521-OWW WMW HC**

**MEMORANDUM OPINION  
AND ORDER RE PETITION  
FOR WRIT OF HABEAS  
CORPUS**

Petitioner is proceeding pro se in this petition for writ of habeas corpus pursuant to 22 U.S.C. Section 2254.

Relief by way of a petition for writ of habeas corpus extends to a person in custody pursuant to the judgment of a state court if the custody is in violation of the Constitution or laws or treaties of the United States. 28 U.S.C. § 2254(a); 28 U.S.C. § 2241(c)(3); Williams v. Taylor, 120 S.Ct. 1495, 1504 fn.7 (2000). In this case, custody is not an issue. Rather, Petitioner asserts that the state court wrongly deprived him of his right to guardianship of his

1 granddaughter. The court finds as a matter of law that this claim does not state a claim for  
2 which relief could be granted pursuant to 22 U.S.C. Section 2254. Accordingly, the court  
3 hereby orders as follows:

- 4 1) This petition for writ of habeas corpus is DISMISSED for failure to state a claim; and
- 5 2) The Clerk of the Court is directed to CLOSE this case.IT IS SO ORDERED.

6 **Dated:** April 19, 2007

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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