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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 HORTENSE WHITE,

12 Plaintiff,

13 vs.

14 TRENONE VALARIE, et al.,

15 Defendants.

1:13-cv-00157-AWI-GSA-PC

ORDER DENYING PLAINTIFF'S EX
PARTE MOTION TO VACATE CIVIL
ADDICT COMMITMENT AND FIX A
DETERMINATE TERM PURSUANT TO
CALIFORNIA PENAL CODE SECTION
1170
(Doc. 20.)

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17 **I. BACKGROUND**

18 Hortense White ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
19 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff commenced this action on
20 November 26, 2012, at the United States District Court for the Eastern District of Pennsylvania,
21 as case 12-6599. (Doc. 1.) On January 31, 2013, the court for the Eastern District of
22 Pennsylvania consolidated case 12-6599 [White v. Valarie] with case 12-6885 [White v.
23 Central California Women's Facility], and transferred the consolidated action to the United
24 States District Court for the Eastern District of California. (Doc. 8.)

25 On February 15, 2013, Plaintiff filed an "Ex parte motion to vacate civil addict
26 commitment and fix a determinate term pursuant to California Penal Code section 1170."
27 (Doc. 20.)

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1 **II. HABEAS CORPUS**

2 When a prisoner challenges the legality or duration of his or her custody, or raises a
3 constitutional challenge which could entitle him or her to an earlier release, the sole federal
4 remedy is a writ of habeas corpus. Preiser v. Rodriguez, 411 U.S. 475 (1973); Young v.
5 Kenny, 907 F.2d 874 (9th Cir. 1990), cert. denied 11 S.Ct. 1090 (1991).

6 Plaintiff requests a court order fixing a determinate prison term and vacating the Civil
7 Addict Commitment for her underlying felony conviction. Plaintiff's motion challenges the
8 duration of her custody, and therefore her sole federal remedy is a writ of habeas corpus.
9 Because the relief requested by Plaintiff is not available in this § 1983 action, Plaintiff's motion
10 shall be denied.

11 **III. CONCLUSION**

12 Based on the foregoing, Plaintiff's "Ex parte motion to vacate civil addict commitment
13 and fix a determinate term pursuant to California Penal Code section 1170," filed on February
14 15, 2013, is DENIED.

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18 IT IS SO ORDERED.

19 Dated: June 10, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE