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DISCUSSION

As the Court noted in the Findings and Recommendations, Petitioner did not challenge the fact or duration of his confinement, which is the sole basis for invoking the Court’s habeas jurisdiction. Rather, he raised claims that were confined exclusively to conditions of confinement. In the Findings and Recommendations, the Court advised Petitioner that if he wished to pursue his claims challenging the conditions of confinement, he must file a lawsuit pursuant to 42 U.S.C. § 1983. (Doc. 3, p. 4).

Under such circumstances, Petitioner’s tardy request to have the Court construe his habeas petition as a § 1983 complaint is both untimely and inappropriate. Relief by way of § 1983 remains available to Petitioner. He simply has to file the appropriate complaint with the appropriate Court.

ORDER

For the foregoing reasons, it is HEREBY ORDERED that Petitioner’s motion for leave to file additional objections (Doc. 8), is DENIED.

IT IS SO ORDERED.

Dated: March 10, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE