

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VANCE JACKSON,

Petitioner,

V.

CORCORAN STATE PRISON WARDEN,

Respondent.

Case No. 1:14-cv-01057-LJO-GSA-HC

ORDER DENYING MOTION FOR RECONSIDERATION

(ECF No. 19)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On November 21, 2014, the Court adopted the Magistrate Judge's findings and recommendation, and the petition was dismissed.

On November 24, 2014, Petitioner filed the instant motion for reconsideration, which the court will consider a motion for relief from judgment pursuant to Federal Rules of Civil Procedure § 60(b).

Rule 60(b) of the Federal Rules of Civil Procedure provides:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

5 Petitioner's arguments do not merit reconsideration of the dismissal. Petitioner asks the
6 Court to continue processing his petition for writ of habeas corpus or forward it to the Monterey
7 County Superior Court. The petition challenges the conditions of confinement, not the fact or
8 duration of that confinement, and therefore, is not entitled to habeas corpus relief. Should
9 Petitioner wish to pursue the claims he raised in the petition, Petitioner must do so by way of a
10 civil rights complaint pursuant to 42 U.S.C. § 1983. In addition, this Court will not forward the
11 petition to the Monterey County Superior Court.

Accordingly, Petitioner's motion for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: **November 25, 2014**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE