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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MELVIN DUKES,

Petitioner,

v.

R.K. SWIFT, et al,

Respondents.

Case No. 1:14-cv-01143-LJO-SMS

ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS

(Doc. 1)

On July 23, 2014, Petitioner Melvin Dukes, a state prisoner proceeding *pro se* and *in forma pauperis*, filed a petition for writ of habeas corpus. The petition sets forth multiple complaints regarding the conditions of Petitioner's confinement. Although the petition is difficult to decipher,¹ Petitioner appears to allege (1) forced relocation to another cell, (2) forcible extrication from his cell, including use of pepper spray, (3) loss of personal property including a television and a dictionary, (4) harassment and torture, (5) inappropriate referral to mental health programs, and (6) unauthorized deduction of funds from his prison trust account.

Relief by way of a writ of habeas corpus is available if a state prisoner can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254.

¹ Although Petitioner's printing is generally legible, Petitioner's account of the incidents leading to his claims is poorly organized, disjointed, and difficult to follow. In addition, in photocopying the petition, portions of the text were cut off the edges of the pages.

1 When a petitioner seeks to challenge the conditions of his confinement, however, a petition for writ
2 of habeas corpus is an inappropriate way to seek relief. Petitioner's claims are properly brought in a
3 civil rights action pursuant to 42 U.S.C. § 1983.

4 Because Petitioner is not entitled to habeas corpus relief, the Court must dismiss his habeas
5 corpus petition. Petitioner may pursue his claims by filing a civil rights complaint pursuant to 42
6 U.S.C. § 1983.

7 The Court hereby DISMISSES the petition for writ of habeas corpus since it does not allege
8 grounds that would entitle Petitioner to habeas corpus relief. The Clerk of Court is directed to send
9 Petitioner the standard form for civil rights complaints pursuant to 42 U.S.C. § 1983.
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12 **SO ORDERED**

13 **Dated: July 30, 2014**

14 **/s/ Lawrence J. O'Neill**
15 **United States District Judge**
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