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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JEFFREY LAMONT TAYLOR,  
  
                    Petitioner,  
  
          v.  
  
S. SMITH, et al.,  
  
                    Respondents.

Case No. 1:15-cv-01430-SAB-HC

ORDER DIRECTING CLERK OF COURT  
TO CATEGORIZE CASE AS A CIVIL  
RIGHTS (PC) CASE AND SEND  
PETITIONER PRISONER NEW CASE  
DOCUMENTS FOR CIVIL RIGHTS CASES

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

On August 10, 2015, Petitioner filed the instant petition in the Sacramento Division of the United States District Court for the Eastern District of California. (ECF No. 1). Petitioner alleges that he is in the custody of the California Department of Corrections and Rehabilitation (“CDCR”), serving a sentence of 28-years-to-life for possession of a controlled substance. It appears that Petitioner alleges that prison officials have denied him access to rehabilitation programs due to his race, disabilities, and retaliation, which is a challenge to the conditions of confinement, not to the fact or duration of that confinement. A civil rights action pursuant to 42 U.S.C. § 1983 is the proper method for a prisoner to challenge the conditions of that confinement. See McCarthy v. Bronson, 500 U.S. 136, 141-42 (1991); Preiser, 411 U.S. at 499; Badea, 931 F.2d at 574; Advisory Committee Notes to Rule 1 of the Rules Governing Section

1 2254 Cases.

2 On September 22, 2015, the Magistrate Judge in the Sacramento Division construed this  
3 action as one for alleged violations of the Petitioner-Plaintiff's civil rights under 42 U.S.C. §  
4 1983 and transferred the civil rights action to the Fresno Division. (ECF No. 6). As Petitioner's  
5 claims are challenges to the conditions of confinement, this case should be categorized as a  
6 prisoner civil rights action under 42 U.S.C. § 1983. At this time, the undersigned states no  
7 opinion or finding as to whether the allegations would, if true, amount to a cognizable claim  
8 under § 1983 or whether they satisfy the screening requirements of 28 U.S.C. § 1915A.

9 Accordingly, the Clerk of Court is DIRECTED to categorize this action as a civil rights  
10 (PC) case and to send Petitioner the prisoner new case documents for a civil rights (PC) case.

11 IT IS SO ORDERED.

12 Dated: September 24, 2015

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15 UNITED STATES MAGISTRATE JUDGE  
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