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

SHAWN ARLIN DONLEY,)	Case No.: 1:15-cv-01816-DAD-JLT (HC)
)	
Petitioner,)	ORDER DENYING MOTION FOR ACCESS TO
)	LAW LIBRARY
v.)	
)	[Doc. 24]
)	
JEFFREY BEARD,)	
)	
Respondent.)	
)	

Petitioner filed a petition for writ of habeas corpus on December 4, 2015. Respondent filed a response to the petition on April 8, 2016. Petitioner filed his traverse on June 20, 2016.

On March 20, 2017, Petitioner filed a motion for law library access. He states he has made numerous requests to the Madera County Department of Corrections, but those requests have been denied because Madera County does not provide a law library. Petitioner states he needs access in order to conduct further research in this case.

Such a claim is not properly brought in a petition for writ of habeas corpus. A habeas corpus petition is the method for a prisoner to challenge the “legality or duration” of his confinement. Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (quoting Preiser v. Rodriguez, 411 U.S. 475, 485 (1973)). On the other hand, 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. McCarthy v. Bronson, 500 U.S. 136, 141-42

1 (1991); Preiser, 411 U.S. at 499. Because Petitioner’s request concerns the conditions of his
2 confinement and this action is proceeding under 28 U.S.C. § 2254, the Court must dismiss Petitioner’s
3 request.

4 In addition, the Court notes that briefing has concluded in this matter with the filing of
5 Petitioner’s traverse. There are no pending deadlines and the case is awaiting a decision by the Court.
6 Therefore, there is no basis for Petitioner’s request to conduct research in this case. Accordingly,
7 Petitioner’s request for law library access is **DENIED**.

8
9 IT IS SO ORDERED.

10 Dated: March 21, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE