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

DALE OWEN DUSTIN,

Petitioner,

v.

PFFEIFFER,

Respondent.

Case No. 1:16-cv-01708-DAD-SAB-HC

ORDER DENYING WITHOUT PREJUDICE  
PETITIONER’S MOTION FOR COPIES

(ECF No. 20)

Petitioner is a state prisoner currently proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 that challenges a prison disciplinary proceeding (Log No. ASU1-15-08-001).

On January 11, 2017, the Court found Petitioner had failed to establish that the Court has habeas jurisdiction over this matter under Nettles v. Grounds, 830 F.3d 922 (9th Cir. 2016) (en banc), and granted Petitioner leave to assert his claims in a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 14). On February 22, 2017, the Court granted Petitioner a thirty-day extension of time to file a civil rights complaint that names the proper defendants and seeks the appropriate relief. (ECF No. 19).

On February 22, 2017, the Court received the instant motion wherein Petitioner requests “one copy of the above-named/numbered case” because his cell was “ransacked” and “all his boxes . . . were confiscated.” (ECF No. 20). Petitioner states that “he’d intended to exhaust his

1 state remedy as the Court ordered but is unable to without a copy . . .” (Id.). As set forth above,  
2 in the instant case, the Court has found that Petitioner’s claims do not fall within habeas corpus  
3 and ordered Petitioner to file a civil rights complaint pursuant to § 1983 instead. It is unclear to  
4 the Court what specific documents Petitioner is referring to when he requests “one copy of the  
5 above-named/numbered case.” Further, Petitioner’s purported reason for the copies—“to exhaust  
6 his state remedy as the Court ordered”—has not been ordered by the Court in this matter.

7           Accordingly, the Court DENIES Petitioner’s motion for copies (ECF No. 20) WITHOUT  
8 PREJUDICE to filing a new request setting forth which specific documents Petitioner requires  
9 and why.

10 IT IS SO ORDERED.

11 Dated: February 23, 2017

  
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UNITED STATES MAGISTRATE JUDGE

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