

1 the province of habeas corpus; requests for relief turning on circumstances of confinement may
2 be presented in a § 1983 action. The Court has long held that habeas is the exclusive vehicle for
3 claims brought by state prisoners that fall within the core of habeas, and such claims may not be
4 brought in a § 1983 action.” Nettles v. Grounds, 830 F.3d 922, 927 (internal quotation marks and
5 citation omitted).

6 In the motion currently before the Court, Plaintiff challenges the validity of his conviction
7 and confinement in state prison and requests that this Court order him immediately released from
8 prison. However, Plaintiff’s challenge is not properly raised in this § 1983 action. Instead, if
9 Plaintiff wants to challenge the validity of his conviction and sentence, Plaintiff must file a
10 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

11 Accordingly, it is HEREBY ORDERED that Plaintiff’s motion for an order demanding
12 release, (ECF No. 25), is DENIED.

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14 IT IS SO ORDERED.

15 Dated: March 28, 2019

16 /s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE
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