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United States District Court
Eastern District of California

Charles E. Johnson,

Petitioner,

vs.

Board of Prison Terms, et al.,

Respondents.

No. Civ. S 05-0745 MCE PAN P

Findings and Recommendations

-oOo-

Petitioner filed a petition for habeas corpus challenging the Board of Prison Terms' revocation of his administrative parole. He claims the revocation was not supported by evidence submitted at the hearing and the Board violated state law by extending his maximum parole term from three to four years.

The petitioner fails to cite federal constitutional law or raise a federal claim for relief. See 28 U.S.C. § 2254(a) (district court to entertain habeas petition only where petitioner alleges he is in custody in violation of the

1 Constitution or laws of the United States); see also 28 U.S.C. §
2 2241(c)(3). Petitioner also fails to name his custodian as
3 respondent. See Rule 2, Rules Governing Section 2254 Cases in
4 the United States District Courts (Federal Habeas Rules)
5 (petitioner currently in custody under a state-court judgment
6 must name as respondent the state officer who has his custody).

7 Accordingly, the court hereby recommends the petition be
8 dismissed. Federal Habeas Rule 4 (court must dismiss petition if
9 it plainly appears from the petition that petitioner is not
10 entitled to relief).

11 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
12 findings and recommendations are submitted to the United States
13 District Judge assigned to this case. Written objections may be
14 filed within 20 days of service of these findings and
15 recommendations. The document should be captioned "Objections to
16 Magistrate Judge's Findings and Recommendations." The district
17 judge may accept, reject, or modify these findings and
18 recommendations in whole or in part.

19 Dated: April 26, 2005.

20 /s/ Peter A. Nowinski
21 PETER A. NOWINSKI
22 Magistrate Judge
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