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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELBERT WILLIAMS,

Petitioner,

No. CIV S-06-2302 LKK CMK P

vs.

Unknown,<sup>1</sup>

Respondent.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

Petitioner filed a petition for a writ of habeas corpus on October 18, 2006.<sup>2</sup>

A reading of the petition reveals that petitioner claims that the negligence of prison doctors endangered his life when they failed to give him proper cardiac care. (Pet. ¶ 6.) Petitioner alleges that the grounds for relief are “malpractice by inept” physicians affiliated with the Department of Corrections. (Pet. ¶ 6.) Several medical exhibits are attached to the petition.

To the extent petitioner is challenging the conditions of his confinement, federal habeas relief is not available. Badea v. Cox, 931 F.2d 573, 574 (9th Cir.1991) (habeas corpus petition is proper method to challenge legality or duration of confinement, but civil rights action is proper method of challenging conditions of confinement). Accordingly, it is appropriate to

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<sup>1</sup>Petitioner has failed to name a respondent in his habeas application. He lists the respondents as “etc. and All.”

<sup>2</sup>Leave to proceed in forma pauperis is granted by separate order.

1 dismiss this action without issuing an order to show cause. 28 U.S.C. § 2243; Harris v. Nelson,  
2 394 U.S. 286, 29899 (1969).

3 IT IS HEREBY RECOMMENDED that petitioner's application for a writ  
4 of habeas corpus be dismissed.

5 These findings and recommendations are submitted to the United States District  
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
7 days after being served with these findings and recommendations, petitioner may file written  
8 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
9 Findings and Recommendations." Petitioner is advised that failure to file objections within the  
10 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
11 F.2d 1153 (9th Cir. 1991).

12 October 19, 2006

13  
14 /s/ CRAIG M. KELLISON  
15 Craig M. Kellison  
16 UNITED STATES MAGISTRATE JUDGE  
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