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

BERNARD LUJEAN WILDEE,

Petitioner,

No. CIV S-07-0163 GEB DAD P

vs.

WARDEN FELKER, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a judgment of conviction entered against him on June 16, 2005 in the Sacramento County Superior Court. On August 17, 2009, petitioner filed a “Motion of Consideration Letter.” In his filing, petitioner requests the court’s assistance in participating in what he understands to be a release of non-violent prisoners due to the budget crisis and prison overcrowding.

A writ of habeas corpus is available under 28 U.S.C. § 2254 only on the basis of some transgression of federal law binding on the state courts. See Peltier v. Wright, 15 F.3d 860, 861 (9th Cir. 1993); Middleton v. Cupp, 768 F.2d 1083, 1085 (9th Cir. 1985) (citing Engle v. Isaac, 456 U.S. 107, 119 (1982)). Whether or not petitioner is a candidate for any release program is not relevant to this court’s consideration of the issues in this habeas corpus

1 proceeding. Further, this court does not have the authority under the habeas corpus statute to
2 order petitioner's release on the basis of his eligibility for any state release program. Cf. Miller
3 v. Vasquez, 868 F.2d 1116 (9th Cir. 1989) (habeas corpus is unavailable to remedy alleged errors
4 in the interpretation and application of state sentencing laws).

5 Accordingly, petitioner's August 17, 2009 Motion for Consideration (Doc. No.
6 61) is denied.

7 DATED: February 2, 2010.

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11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

11 DAD:mou7
12 wildee163mtn.or