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

MICHAEL WEBB,

Petitioner,

No. CIV S-09-0103 FCD EFB P

vs.

D.K. SISTO,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus.
See 28 U.S.C. § 2254. Petitioner has paid the filing fee.

A district court must entertain a habeas petition “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A judge “entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. The court has reviewed the petition in detail and, for the reasons explained below, finds that the petition must be dismissed. *See* Rule 4, Rules Governing Section 2254 Cases (requiring summary dismissal of habeas petition if, upon initial review by a judge, it

1 plainly appears “that the petitioner is not entitled to relief in the district court”).

2 Petitioner indicates that on May 18, 1990, he was convicted of first degree murder,
3 robbery, attempted robbery and assault with a deadly weapon, in the Los Angeles County
4 Superior Court. He requests that the court order that he be released from prison. Petitioner does
5 not, however, specify the grounds for relief or facts supporting each ground. Rather, petitioner
6 indicates that he is challenging the validity of the notes issued by the Federal Reserve and
7 alleges that former Presidents Wilson and Roosevelt have conspired to defraud American
8 citizens. This claim is not cognizable on habeas review, nor is it a cognizable as a civil rights
9 action brought pursuant to 42 U.S.C. § 1983. *See Preiser v. Rodriguez*, 411 U.S. 475, 499
10 (1973) (suit under the civil rights statute is appropriate where a prisoner challenges the
11 conditions of his confinement). Therefore, the court will recommend that this action be
12 dismissed.

13 Accordingly, it is RECOMMENDED that this action be dismissed with prejudice.

14 These findings and recommendations are submitted to the United States District Judge
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
16 after being served with these findings and recommendations, any party may file written
17 objections with the court and serve a copy on all parties. Such a document should be captioned
18 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
19 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
20 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 Dated: August 4, 2009.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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