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

MANUEL CHAIREZ, IV,

Petitioner,

No. CIV S-09-0786 GGH P

vs.

D. DEXTER, et al.,

Respondents.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner alleges that he was wrongly validated as a gang member. As a result of this validation, he is now housed in the security housing unit.

The purpose of a habeas corpus petition brought pursuant to 28 U.S.C. § 2254 is to challenge the validity of a conviction or sentence. The purpose of a civil rights action brought pursuant to 42 U.S.C. § 1983 is to challenge a condition of confinement. Because this action challenges conditions of confinement, it is construed as a civil rights action. For that reason, the petition is dismissed and petitioner is directed to file a complaint containing his claims.

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Accordingly, IT IS HEREBY ORDERED that:

1. This action is construed as a civil rights action;
2. The petition is dismissed with thirty days to file a civil rights complaint; failure to comply with this order will result in a recommendation of dismissal of this action;
3. The Clerk of the Court is directed to send petitioner the form for a civil rights complaint.

DATED: April 1, 2009

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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