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

ROBERT P. BENYAMINI,

Plaintiff,

No. CIV S-09-2462 DAD P

vs.

J.D. HARRIS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with an action filed pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for release on bail. Plaintiff’s motion is unclear and difficult to decipher. However, to the extent that plaintiff is seeking his release from state prison, he is advised that he is proceeding with a civil rights action before this court. A civil rights action is the proper mechanism for a prisoner seeking to challenge the conditions of his confinement. Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991). In contrast, habeas corpus proceedings are the proper mechanism for a prisoner seeking to challenge the fact or duration of his confinement. Preiser v. Rodriguez, 411 U.S. 475, 484 (1973). Insofar as plaintiff is seeking his release from confinement, a writ of habeas corpus is his sole remedy in federal court. Accordingly, the court will deny plaintiff’s motion.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for release on
bail (Doc. No. 14) is denied.
DATED: March 25, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:sj
beny2462.B