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

TERRENCE BROWNLEE,

Petitioner,

No. CIV-S-09-2521 LKK KJM P

vs.

MIKE MCDONALD,

Respondent.

ORDER

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Petitioner is a California prisoner proceeding pro se with an application for writ of habeas corpus under 28 U.S.C. § 2254. The operative petition was filed October 26, 2009. In a § 2254 action, relief is appropriate only if the petitioner shows he is in state custody in violation of federal law. 28 U.S.C. § 2254(a). The only claim petitioner makes that even suggests he is in custody in violation of federal law is that petitioner is being held longer than he agreed to be in his plea agreement.<sup>1</sup> A review of court records reveals this claim is presented in the operative habeas petition in case number CIV-S-10-0925 LKK KJM P, filed in this court on

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<sup>1</sup> Petitioner also appears to assert that he is entitled to relief based on violations of 5 U.S.C. §§ 552 and 552a; he also cites a § 552c, although the court is not able to locate such a section. See Am. Pet. at 4. Sections 552 and 552a govern public access to information maintained by federal agencies, and do not appear applicable to petitioner’s case. Even if they were applicable, judicial review of claims that the statutes have been violated is limited as provided by statute, and such claims do not appear to be cognizable in a habeas action. See 5 U.S.C. § 552(a)(4)(B); 5 U.S.C. § 701 et seq.

1 July 17, 2009. Because there is no need to consider the claim in both actions, the court will  
2 recommend that this action be dismissed as duplicative.

3 Accordingly, IT IS HEREBY ORDERED that all outstanding motions are denied;  
4 and

5 IT IS HEREBY RECOMMENDED that this action be dismissed.

6 These findings and recommendations are submitted to the United States District  
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-  
8 one days after being served with these findings and recommendations, any party may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
11 shall be served and filed within seven days after service of the objections. The parties are  
12 advised that failure to file objections within the specified time may waive the right to appeal the  
13 District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 DATED: November 10, 2010.

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17 U.S. MAGISTRATE JUDGE