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

HUNG DUONG NGUON,

Petitioner,

No. CIV-S-09-2975 GEB KJM P

vs.

KATHLEEN L. DICKINSON,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the affidavit reveals petitioner is unable to afford the costs of this action. Accordingly, leave to proceed in forma pauperis is granted. 28 U.S.C. § 1915(a).

An application for writ of habeas corpus can only be granted on the ground that a prisoner is in custody in violation of the laws of the United States. 28 U.S.C. § 2254. In other words, this court does not have jurisdiction to hear a claim under § 2254 unless granting the claim would result in the habeas petitioner's release from prison or a shorter sentence. Crawford v. Bell, 599 F.2d 890, 891 (9th Cir. 1979).

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1 In claim one, petitioner challenges prisoner disciplinary proceedings. However,
2 petitioner fails to allege whether he lost good conduct sentence credit as a result of those
3 proceedings or that his sentence was increased in any other respect. Good cause appearing,
4 petitioner will be granted twenty-one days within which to inform the court whether he lost good
5 conduct sentence credit as a result of the disciplinary proceedings at issue in claim one. If
6 petitioner did lose sentence credit, petitioner shall also inform the court whether that credit was
7 subsequently restored. Finally, petitioner shall inform the court of the length of his sentence. If
8 petitioner fails to comply with this order, this action will be dismissed.

9 In accordance with the above, IT IS HEREBY ORDERED that:

- 10 1. Petitioner is granted leave to proceed in forma pauperis; and
- 11 2. Within twenty-one days, petitioner shall inform the court the length of his
12 sentence and whether he lost any good conduct sentence credit as a result of the prison
13 disciplinary hearing at issue in ground one of his habeas petition. If petitioner did lose credit,
14 petitioner shall indicate whether that credit was subsequently restored.

15 DATED: May 11, 2010.

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17 _____
18 U.S. MAGISTRATE JUDGE

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