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

BRETT ANDERSON,

No. CIV S-10-0967-GEB-CMK-P

Petitioner,

vs.

FINDINGS AND RECOMMENDATIONS

SACRAMENTO COUNTY HUMAN
SERVICES,

Respondent.

_____ /

Petitioner, who is proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s [amended] petition for a writ of habeas corpus (Doc. 1).

Rule 4 of the Federal Rules Governing Section 2254 Cases provides for summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” In the instant case, it is plain that petitioner is not entitled to federal habeas relief. Specifically, the court lacks jurisdiction to hear this matter under § 2254 because petitioner is not in custody pursuant to any state court judgment. Instead, petitioner is a non-prisoner challenging state court

1 orders relating to child custody proceedings. Petitioner's remedies, if any, lie exclusively in state
2 court.

3 Based on the foregoing, the undersigned recommends that petitioner's petition for
4 a writ of habeas corpus (Doc. 1) be summarily dismissed.

5 These findings and recommendations are submitted to the United States District
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court. The document should be captioned "Objections to Magistrate Judge's
9 Findings and Recommendations." Failure to file objections within the specified time may waive
10 the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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12 DATED: May 12, 2010

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14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
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