

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

RICHARD JOSE DUPREE

Petitioner,

No. CIV-S-10-2899 JFM (TEMP) P

vs.

LES MOONVES, et al.,

Respondents.

ORDER

_____/

Petitioner, a California 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 request to proceed in forma pauperis 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).

Under Rule 4 of the Rules Governing § 2254 Cases, the court must conduct a preliminary review of a habeas petition and determine whether it “plainly appears” that petitioner is not entitled to habeas relief. If so, the court must dismiss the habeas petition.

In this action, petitioner does not allege that he is in custody in violation of federal law. Instead, he complains about certain members of the media. Because this court can

////

1 only entertain an application for writ of habeas corpus under 28 U.S.C. § 2254 if it is alleged that
2 the petitioner is in state custody in violation of federal law, 28 U.S.C. § 2254(a), this action must
3 be dismissed.

4 Therefore, IT IS HEREBY ORDERED that:

- 5 1. Petitioner is granted leave to proceed in forma pauperis;
- 6 2. Petitioner's application for writ of habeas corpus is dismissed; and
- 7 3. The court declines to issue the certificate of appealability referenced in 28

8 U.S.C. § 2253.

9 DATED: February 9, 2011.

10
11 
12 UNITED STATES MAGISTRATE JUDGE

13 kc
14 dupr2899.dis