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

JAMES A. BRINKLEY,

Petitioner,

No. 2:12-cv-0386 CKD P

vs.

YUBA COUNTY SUPERIOR COURT,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se and in forma pauperis. Although petitioner has been granted leave to file an amended petition pursuant to 28 U.S.C. 2254, there is currently no petition or complaint before the court. (Dkt. No. 7.)

On May 16, 2012, petitioner filed a motion asking that the court issue an order precluding prison officials from transferring him from the California Substance Abuse Treatment Facility. (Dkt. No. 8.) Petitioner claims that when he is transferred, he will “be placed on orientation status and will have no access to a law library”; thus, “a transfer would render it impossible for petitioner to comply” with the deadline for filing an amended petition.

In Meachum v. Fano, 427 U.S. 215 (1976), the United States Supreme Court explicitly held that prisoners do not have a constitutional right to be housed at a particular prison within a state’s prison system. See also Rizzo v. Dawson, 778 F.2d 527, 530 (9th Cir. 1985)

1 (“An inmate’s liberty interests are sufficiently extinguished by his conviction so that the state
2 may change his place of confinement even though the degree of confinement may be different
3 and prison life may be more disagreeable in one institution than in another.”) Petitioner’s motion
4 for injunctive relief is frivolous and will be denied.¹

5 However, as petitioner claims he will be unable to comply with the deadline for
6 filing an amended petition, the court will grant petitioner an extension of time to do so.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Petitioner’s May 16, 2012 motion for injunctive relief (Dkt. No. 8) is denied;
9 2. Petitioner is granted 45 days from the date of service of this order to file an
10 amended petition pursuant to 28 U.S.C. § 2254. Failure to timely file an amended petition will
11 result in a recommendation that this action be dismissed.

12 Dated: May 31, 2012

13 
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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17 brin0386.transfer

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25 ¹ A more fundamental problem with petitioner’s request is that there is no petition or
26 complaint currently before the court in this action. This court is unable to issue an order against
individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine
Research, Inc., 395 U.S. 100, 112 (1969).