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

HENRY IVAN COGSWELL,

Petitioner,

No. 2:12-cv-2807 CKD P

vs.

MATTHEW CATE,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a complaint challenging his conditions of confinement at his current and former places of incarceration on a form for a petition for a writ of habeas corpus. Petitioner has paid the \$5.00 filing fee and consented to jurisdiction by a United States Magistrate Judge.

Petitioner fails to state a cognizable habeas corpus claim. Petitioner is clearly attempting to challenge his conditions of confinement, and, in particular, the services provided to ADA inmates at High Desert State Prison and some of his former places of incarceration. Petitioner acknowledges that he has filed a complaint challenging his conditions of confinement on a habeas corpus form, but asks the court to construe his filing as a claim brought under the Americans with Disabilities Act. (Dkt. No. 1 at 10.) The court will not do so. If petitioner wishes to file a complaint challenging his conditions of confinement, he must file it on the proper

1 form and pay the appropriate filing fee, which is \$350.00. Accordingly, the petition will be
2 dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that petitioner's application
4 for a writ of habeas corpus (Dkt. No. 1) is dismissed and the clerk is directed to close this case.

5 Dated: March 4, 2013

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7 _____
8 CAROLYN K. DELANEY
9 UNITED STATES MAGISTRATE JUDGE

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11 cogs2807.dismiss

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