

1 *U.S. District Court*, 925 F.2d 1160, 1161 (9th Cir. 1991) (“We further note that this court lacks
2 jurisdiction to issue a writ of mandamus to a state court.”); *Clark v. Washington*, 366 F.2d 678,
3 681 (9th Cir. 1966) (“The federal courts are without power to issue writs of mandamus to direct
4 state courts or their judicial officers in the performance of their duties[.]”); *see also Newton v.*
5 *Poindexter*, 578 F. Supp. 277, 279 (C.D. Cal. 1984) (§ 1361 has no application to state officers or
6 employees).

7 The proper remedy for a state prisoner challenging any aspect of his state custody is to file
8 a federal habeas petition pursuant to 28 U.S.C. § 2254. *White v. Lambert*, 370 F.3d 1002, 1009-
9 10 (9th Cir. 2004).

10 Accordingly, it is ORDERED that petitioner’s request for leave to proceed in forma
11 pauperis is granted, and it is hereby RECOMMENDED that the petition for a writ of mandamus
12 be dismissed for lack of jurisdiction.

13 These findings and recommendations are submitted to the United States District Judge
14 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
15 after being served with these findings and recommendations, any party may file written
16 objections with the court and serve a copy on all parties. Such a document should be captioned
17 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
18 shall be served and filed within fourteen days after service of the objections. Failure to file
19 objections within the specified time may waive the right to appeal the District Court’s order.
20 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
21 1991).

22 DATED: April 14, 2014.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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