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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALFRED ARISTA,  
Plaintiff,  
v.  
MULE CREEK STATE PRISON,  
Defendant.

No. 2:13-cv-2655 DAD KJM P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a document entitled “Petition for Review Motion to Renew Grounds for a Full Review on Complaint.” ECF No. 1. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge characterized it as a petition for a writ of habeas corpus and then on February 12, 2014, recommended the petition be denied because it did not challenge the legality of petitioner’s conviction, a parole hearing or other proceeding leading to petitioner’s incarceration. ECF No. 6. The magistrate judge advised petitioner he could file a civil rights action, but warned that any such action must state a claim grounded in federal law. *Id.* at 2, n.1.

Plaintiff objects to the characterization of this action as one in habeas. ECF No. 7.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file, the

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1 court declines to adopt the findings and recommendations, finding rather that plaintiff's claims  
2 appear to be civil rights claims. Nevertheless the court concludes the case must be dismissed.

3 In his initial pleading, plaintiff asks this court to review a decision by the  
4 California Court of Appeal for the Third Appellate District, in which that court affirmed a trial  
5 court order granting summary judgment for defendants in plaintiff's suit for negligence on the  
6 ground that plaintiff had not timely submitted a government claim. Plaintiff also faults the  
7 Amador County Superior Court for not responding to his request to file a late claim. As a general  
8 rule, "federal district courts lack jurisdiction to review the final determinations of a state court in  
9 judicial proceedings." *Doe & Assocs. Law Office v. Napolitano*, 252 F.3d 1026, 1029 (9th Cir.  
10 2001) (citing *Branson v. Nott*, 62 F.3d 287, 291 (9th Cir. 1995); *D.C. Ct. of App. v. Feldman*, 460  
11 U.S. 462, 476 (1983)).

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The court declines to adopt the findings and recommendations filed February  
14 12, 2014; but
- 15 2. The action is dismissed and the case is closed.

16 DATED: June 16, 2014.

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20 UNITED STATES DISTRICT JUDGE  
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