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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE WILLIAMS,
Petitioner,
v.
HAMAD, et al.,
Respondents.

No. 2:14-v-0044 KJN P

ORDER

Petitioner, a state prisoner proceeding without counsel, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

In this action, petitioner alleges that poison is being put in his food. The purpose of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is to challenge the legality or validity of a conviction or sentence. The purpose of a civil rights action pursuant to 42 U.S.C. § 1983 is to challenge a condition of confinement. Because petitioner is challenging a condition of confinement, this action is construed as a civil rights action. The petition is dismissed and petitioner is directed to file his claims on a civil rights complaint form.

The certificate portion of petitioner’s application to proceed in forma pauperis, which must be completed by petitioner’s institution of incarceration, has not been filled out. Also, petitioner has not filed a certified copy of his prison trust account statement for the six month

1 period immediately preceding the filing of the complaint. See 28 U.S.C. § 1915(a)(2). Therefore,
2 petitioner will be provided the opportunity to submit a completed in forma pauperis application
3 and a certified copy in support of his application.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. This action is construed as a civil rights action pursuant to 42 U.S.C. § 1983; the
6 petition is dismissed with thirty days to file a civil rights complaint on the form provided by the
7 court;

8 2. Within thirty days from the date of this order, petitioner shall complete the attached
9 Notice of Submission and submit the following documents to the court:

10 a. A complete Application to Proceed In Forma Pauperis By a Prisoner; and


11 b. a certified copy of petitioner's prison trust account statement for the six month
12 period immediately preceding the filing of the complaint.

13 3. The Clerk of the Court is directed to send petitioner a new Application to Proceed In
14 Forma Pauperis By a Prisoner and the form for a civil rights complaint for a prisoner pursuant to
15 4 U.S.C. § 1983; and

16 4. Petitioner's failure to comply with this order may result in the dismissal of this action
17 without prejudice.

18 Dated: January 16, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE WILLIAMS,
Plaintiff,
v.
HAMAD, et al.,
Defendants.

No. 2: 14-cv-0044 KJN P

NOTICE OF SUBMISSION

Plaintiff submits the following documents in compliance with the court's order filed

_____:

- _____ Complete Application to Proceed In Forma Pauperis
By a Prisoner/Certified Copy of Prison Trust Account
Statement
- _____ Civil Rights Complaint

DATED:

Plaintiff