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

RODNEY O’NEAL BROWN,

No. 2:14-CV-1475-GEB-CMK-P

Petitioner,

vs.

FINDINGS AND RECOMMENDATIONS

JOHN N. KATAVICH,

Respondent.

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Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s petition for a writ of habeas corpus (Doc. 1).

Rule 4 of the Federal Rules Governing Section 2254 Cases provides for summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” In the instant case, it is plain that petitioner is not entitled to federal habeas relief. While the petition is not the model of clarity, petitioner appears to challenge aspects of the conditions of his confinement. For example, he complains of being strip-searched. He also complains about conditions in administrative segregation. He specifically mentions the Americans with

1 Disabilities Act and appears to allege the denial of adequate medical care. Nowhere in the  
2 petition does petitioner mention any arguments relating to his underlying conviction or sentence.

3 A cognizable habeas corpus claim under 28 U.S.C. § 2254 arises when a state  
4 prisoner challenges the legality of his custody – either the fact of confinement or the duration of  
5 confinement – and the relief he seeks is a determination that he is entitled to an earlier or  
6 immediate release. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973); see also Neal v.  
7 Shimoda, 131 F.3d 818, 824 (9th Cir. 1997); Trimble v. City of Santa Rosa, 49 F.3d 583, 586  
8 (9th Cir. 1995) (per curiam). In the instant case, petitioner alleges facts consistent with a civil  
9 rights action under 42 U.S.C. § 1983. Because the facts alleged in this case do not relate to the  
10 fact or duration of petitioner’s confinement, the matter is not the proper subject of a petitioner  
11 under § 2254.

12 Based on the foregoing, the undersigned recommends that the petition be  
13 summarily dismissed.

14 These findings and recommendations are submitted to the United States District  
15 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days  
16 after being served with these findings and recommendations, any party may file written  
17 objections with the court. Responses to objections shall be filed within 14 days after service of  
18 objections. Failure to file objections within the specified time may waive the right to appeal.

19 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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22 DATED: October 30, 2014

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24 **CRAIG M. KELLISON**  
25 UNITED STATES MAGISTRATE JUDGE  
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