

1 September 8, 2015 which sets forth the claims at issue in his emergency motion. See Olic v.
2 Beard, Civ. S. No. 2:15-cv-1892 CMK.¹

3 Federal law opens two main avenues to relief on complaints related
4 to imprisonment: a petition for habeas corpus, 28 U.S.C. § 2254,
5 and a complaint under the Civil Rights Act of 1871, Rev. Stat.
6 1979, as amended, 42 U.S.C. § 1983. Challenges to the validity of
7 any confinement or to particulars affecting its duration are the
8 province of habeas corpus, Preiser v. Rodriguez, 411 U.S. 475, 500,
9 93 S.Ct. 1827, 36 L.Ed.2d 439 (1973); requests for relief turning on
10 circumstances of confinement may be presented in a 1983 action.

11 Muhammad v. Close, 540 U.S.749, 750, 124 S.Ct. 1303, 1304 (2004) (per curiam).

12 Here, the motion does not pertain to the validity or duration of petitioner's confinement
13 which is the subject of his pending habeas petition, but to the conditions of his confinement. It is
14 clear that by this filing petitioner makes new civil rights claims which are appropriate for his
15 recently opened civil rights action, but are not pertinent to this habeas petition. Furthermore, the
16 motion does not present enough support to warrant independent consideration of it in this case.

17 Accordingly, IT IS ORDERED that: Petitioner's "emergency motion to prevent murder by
18 CDCR Director Jeffrey Beard" filed September 8, 2015, (ECF No. 37), is denied without
19 prejudice to petitioner filing the same motion in his civil rights action.

20 Dated: September 11, 2011

21 /s/ Gregory G. Hollows

22 UNITED STATES MAGISTRATE JUDGE

23 GGH:076/Olic2120.mtn

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27 ¹ Judicial notice may be taken of court records. Valerio v. Boise Cascade Corp., 80 F.R.D. 626,
28 635 n. 1 (N.D.Cal.1978), aff'd, 645 F.2d 699 (9th Cir.), cert. denied, 454 U.S. 1126, 102 S.Ct. 976
(1981).