

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10 RODNEY SMITH,

11 Petitioner,

12 v.

13 WARDEN, MULE CREEK STATE
14 PRISON,

15 Respondent.

No. 2:14-cv-2747 JAM CKD P

FINDINGS & RECOMMENDATIONS

16 Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas
17 corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

18 In his petition, petitioner asserts he has been denied copies of the transcript of his
19 sentencing proceedings as well as a copy of the abstract of judgment. While it is not entirely
20 clear, it appears petitioner wants this court to order a California court to make the documents
21 petitioner seeks available to him.

22 A federal court can entertain an application for writ of habeas corpus filed by a state
23 prisoner only when the state prisoner alleges he is in custody in violation of federal law. 28
24 U.S.C. § 2254(a). Because petitioner's claim does not concern whether he is in custody in
25 violation of federal law, his petition for writ of habeas corpus must be dismissed.

26 /////

27 /////

28 /////

1 Accordingly, IT IS HEREBY RECOMMENDED that:

2 1. Petitioner's petition for a writ of habeas corpus be dismissed; and

3 2. This case be closed.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, petitioner may file written
7 objections with the court. The document should be captioned "Objections to Magistrate Judge's
8 Findings and Recommendations." Petitioner is advised that failure to file objections within the
9 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
10 F.2d 1153 (9th Cir. 1991).

11 Dated: January 26, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17 1

18 smit2747.dis
19
20
21
22
23
24
25
26
27
28