



1 *Muhammad v. Close*, 540 U.S. 749, 750 (2004) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 500  
2 (1973)); *see also* 28 U.S.C. § 2254(a) (“[A] district court shall entertain an application for a writ  
3 of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only  
4 on the ground that he is in custody in violation of the Constitution or laws or treaties of the United  
5 States.”); Advisory Committee Notes to Rule 1 of the Rules Governing § 2254 Cases.

6 The claims in this case arise from petitioner’s assignment to “C-status.” Petitioner claims  
7 he was placed on C-status without due process or equal protection of the laws. He also claims  
8 that his placement on C-status violated the terms of a plea agreement regarding a prior rules  
9 violation report. As a result of the change in his classification, petitioner’s personal property was  
10 confiscated, he lost phone privileges for 30 days, and he lost yard-time for 60 days. Petitioner  
11 seeks the return of his personal property through this action. This habeas action must be  
12 summarily dismissed because petitioner’s claims concern only the conditions of his confinement.  
13 They do not sound in habeas because they do not concern the validity or duration of his  
14 confinement.

15 Accordingly, IT IS HEREBY ORDERED that petitioner’s application to proceed in forma  
16 pauperis (ECF No. 13) is granted and the Clerk of the Court shall randomly assign a United States  
17 District Judge to this action.

18 Further, IT IS HEREBY RECOMMENDED that this action be dismissed without  
19 prejudice to filing a civil rights action pursuant to 42 U.S.C. § 1983 and that all outstanding  
20 motions be denied.

21 These findings and recommendations are submitted to the United States District Judge  
22 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
23 after being served with these findings and recommendations, any party may file written  
24 objections with the court and serve a copy on all parties. Such a document should be captioned  
25 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
26 shall be served and filed within fourteen days after service of the objections. Failure to file  
27 objections within the specified time may waive the right to appeal the District Court’s order.

28 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.

1 1991). In his objections petitioner may address whether a certificate of appealability should issue  
2 in the event he files an appeal of the judgment in this case. *See* Rule 11, Rules Governing Section  
3 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a  
4 final order adverse to the applicant).

5 Dated: August 26, 2015.



6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
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