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7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 VITALY V. KONONOV,

No. 2:15-cv-436-EFB P

11 Petitioner,

12 v.

ORDER

13 SACRAMENTO COUNTY SHERIFF  
14 DEPARTMENT,

15 Respondent.

16  
17 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to  
18 28 U.S.C. § 2254.<sup>1</sup> The court has reviewed the petition as required by Rule 4 of the Rules  
19 Governing Section 2254 Proceedings, and finds that it must be summarily dismissed. *See* Rule 4,  
20 Rules Governing § 2254 Cases (requiring summary dismissal of habeas petition if, upon initial  
21 review by a judge, it plainly appears “that the petitioner is not entitled to relief in the district  
22 court”).

23 Federal courts offer two main avenues to relief on complaints related to one’s  
24 imprisonment – a petition for habeas corpus pursuant to 28 U.S.C. § 2254, and a civil rights  
25 complaint pursuant to 42 U.S.C. § 1983. Challenges to the validity of one’s confinement or the

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27 <sup>1</sup> Petitioner’s application to proceed in forma pauperis (ECF No. 7) is granted. *See* 28  
28 U.S.C. § 1915(a). This proceeding was referred to this court by Local Rule 302 pursuant to 28  
U.S.C. § 636(b)(1) and is before the undersigned pursuant to petitioner’s consent. *See* 28 U.S.C.  
§ 636; see also E.D. Cal. Local Rules, Appx. A, at (k)(4).

1 duration of one's confinement are properly brought in a habeas action, whereas requests for relief  
2 turning on the circumstances of one's confinement are properly brought in a § 1983 action.  
3 *Muhammad v. Close*, 540 U.S. 749, 750 (2004) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 500  
4 (1973)); *see also* 28 U.S.C. § 2254(a) (“[A] district court shall entertain an application for a writ  
5 of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only  
6 on the ground that he is in custody in violation of the Constitution or laws or treaties of the United  
7 States.”); Advisory Committee Notes to Rule 1 of the Rules Governing § 2254 Cases.

8 Petitioner's claims for relief concern allegations of an instance of excessive force,  
9 administrative appeals, mail, and requests for medical attention that have gone unanswered, and  
10 denial of food, showers, yard time, and telephone access. *See* ECF No. 1. Petitioner's claims  
11 concern the conditions of his confinement. They do not sound in habeas because they do not  
12 concern the validity or duration of his confinement.

13 Accordingly, IT IS HEREBY ORDERED that petitioner's application to proceed in forma  
14 pauperis (ECF No. 7) is granted and this action is dismissed without prejudice to filing a civil  
15 rights action pursuant to 42 U.S.C. § 1983. The Clerk is directed to close the case.

16 Dated: April 29, 2015.

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18 EDMUND F. BRENNAN  
19 UNITED STATES MAGISTRATE JUDGE  
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