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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE CHARLES BROWN,
Petitioner,
v.
JEFFREY BEARD,
Respondent.

No. 2:15-cv-0659 CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has filed a request for leave to proceed in forma pauperis and has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Under Rule 4 of the Rules Governing Section 2254 Cases, the court is required to conduct a preliminary review of all petitions for writ of habeas corpus filed by state prisoners. The court must summarily dismiss a petition if it “plainly appears . . . that the petitioner is not entitled to relief. . .” The court has conducted the review required under Rule 4.

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1 While it is not entirely clear, it appears petitioner is attempting to assert claims on behalf
2 of a prison staff member. Apparently the staff member referenced by plaintiff has been harassed
3 by other inmates. What is clear is that because petitioner seeks neither earlier release, nor
4 reversal of his convictions, he cannot obtain habeas relief. See 28 U.S.C. § 2254(a) (habeas
5 petition brought by state prisoner must concern whether he or she is in custody in violation of
6 federal law). Accordingly, this action will be summarily dismissed.

7 In accordance with the above, IT IS HEREBY ORDERED that:

- 8 1. Petitioner's request for leave to proceed in forma pauperis (ECF No. 2) is granted;
- 9 2. Petitioner's petition for a writ of habeas corpus is summarily dismissed;
- 10 3. This case is closed; and
- 11 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
12 2253.

13 Dated: April 13, 2015

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16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

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