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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS DANE SANDERS,

Petitioner,

v.

PONCE, et al.,

Respondents.

No. 2:15-cv-1619 CKD P

ORDER

Petitioner, a federal prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On August 18, 2015, the court recommended that this action be dismissed because petitioner does not assert he is in custody in violation of federal law, or challenge the length of his sentence. Petitioner filed objections to the recommended dismissal on August 26, 2015.

After reviewing petitioner’s objections and a review of relevant case law, the court will vacate the August 18, 2015 findings and recommendations as it appears a § 2241 petition need not be directed only at the fact or duration of confinement. Hernandez v. Campbell, 204 F.3d 861, 863 (9th Cir. 2000). While it is clear that petitioner does not seek immediate or earlier release, it is not clear what petitioner ultimately seeks. He asks that the court order respondent to “correct the classification scoring done to petitioner’s custody scoring sections for program participation and living skills” (ECF No. 1 at 17) but does not make clear to what end.

1 Good cause appearing, the court will dismiss petitioner's section § 2241 petition with
2 leave to amend. In the amended petition, petition must make clear the ultimate relief he seeks
3 (perhaps transfer to a different prison or a lower level of custody).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The court's August 18, 2015 findings and recommendations are vacated.
- 6 2. Petitioner's § 2241 petition is dismissed.
- 7 3. Petitioner is granted 30 days from the date of this order to file an amended petition
8 which complies with the terms of this order. Failure to file an amended petition within 30 days
9 will result in a recommendation that this action be dismissed.

10 Dated: September 1, 2015

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12 _____
13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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