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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAFFAR Y. OLIVER,  
Petitioner,  
v.  
AUDREY KING,  
Respondent.

No. 2:16-cv-1693 MCE CKD P

FINDINGS AND RECOMMENDATIONS

Petitioner, a civil detainee proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1, “Pet.”) Before the court is respondent’s motion to dismiss the petition for failure to state a cognizable federal claim. (ECF No. 22.) Petitioner has not opposed the motion, nor filed any response.

Petitioner’s sole claim is that the Department of State Hospitals failed to provide annual evaluations of petitioner as required by California’s Sexually Violent Predator Act (SVPA). (Pet. at 5.) The California Supreme Court denied petitioner’s claim that his rights were violated under the SVPA. (Pet. at 4 & 16.)

A writ of habeas corpus is available under 28 U.S.C. § 2254(a) only on the basis of some transgression of federal law binding on the state courts. Middleton v. Cupp, 768 F.2d 1083, 1085 (9th Cir. 1985); Gutierrez v. Griggs, 695 F.2d 1195, 1197 (9th Cir. 1983). It is unavailable for alleged error in the interpretation or application of state law. Middleton, 768 F.2d at 1085; see

1 also Langford v. Day, 110 F.3d 1380, 1389 (9th Cir. 1996) (stating that a petitioner “may not  
2 transform a state-law issue into a federal one merely by asserting a violation of due process.”).

3 Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254 provides for  
4 summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and  
5 any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” Upon  
6 review, the undersigned concludes that the petition fails to state a federal claim and should be  
7 dismissed.

8 Accordingly, IT IS HEREBY RECOMMENDED that respondent’s motion to dismiss  
9 (ECF No. 22) be granted and this case closed.

10 These findings and recommendations are submitted to the United States District Judge  
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
12 after being served with these findings and recommendations, any party may file written  
13 objections with the court and serve a copy on all parties. Such a document should be captioned  
14 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
15 objections shall be served and filed within fourteen days after service of the objections. The  
16 parties are advised that failure to file objections within the specified time waives the right to  
17 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 Dated: February 27, 2017

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21 CAROLYN K. DELANEY  
22 UNITED STATES MAGISTRATE JUDGE

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