

1 Petitioner did, however, file objections to the court’s order. ECF No. 30. Though not
2 entirely clear, petitioner appears to argue that he should be permitted to pursue “a combined 1983
3 [action] along with a § 2254 [action].” ECF No. 30 at 2. Petitioner is mistaken. Federal courts
4 offer two main avenues to relief on complaints related to one’s imprisonment – a petition for
5 habeas corpus pursuant to 28 U.S.C. § 2254, and a civil rights complaint pursuant to 42 U.S.C.
6 § 1983. Challenges to the validity of one’s confinement or the duration of one’s confinement are
7 properly brought in a habeas action, whereas requests for relief turning on the circumstances of
8 one’s confinement are properly brought in a § 1983 action. *Muhammad v. Close*, 540 U.S. 749,
9 750 (2004) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973)). There is no recognized
10 action combining both avenues for relief into a single action in federal court.

11 Petitioner has failed to file an amended petition as ordered by the court. A party’s failure
12 to comply with any order or with the Local Rules “may be grounds for imposition by the Court of
13 any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”
14 E.D. Cal. Local Rule 110. The court may dismiss an action with or without prejudice, as
15 appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d
16 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in dismissing pro se plaintiff’s
17 complaint for failing to obey an order to re-file an amended complaint to comply with Federal
18 Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for
19 pro se plaintiff’s failure to comply with local rule regarding notice of change of address
20 affirmed).

21 Accordingly, it is hereby RECOMMENDED that this action be DISMISSED.

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

1 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
2 1991). In his objections petitioner may address whether a certificate of appealability should issue
3 in the event he files an appeal of the judgment in this case. *See* Rule 11, Rules Governing Section
4 2254 Cases in the United States District Courts (the district court must issue or deny a certificate
5 of appealability when it enters a final order adverse to the applicant).

6 DATED: July 11, 2017.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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