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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE ROGERS,
Petitioner,
v.
NEVADA COUNTY,
Respondent.

No. 2:17-cv-1162-EFB P
ORDER

Petitioner is a county inmate without counsel. This action was opened when he filed documents styled as a “petition for writ of habeas corpus,” and a “civil rights complaint by a prisoner.” ECF No. 1. Thus, it is unclear whether he intends to proceed with this case as a habeas action pursuant to 28 U.S.C. § 2254 or as a civil rights action pursuant to 42 U.S.C. § 1983. Habeas petitions and civil rights complaints provide exclusive vehicles for relief and may not be pursued concurrently in a single action. *See Nettles v. Grounds*, 830 F.3d 922, 931 (9th Cir. 2016) (holding that if a state prisoner’s claim would not necessarily lead to immediate or speedier release, it may not be brought in habeas corpus but must be brought, if at all, under § 1983).

Accordingly, it is hereby ORDERED that:

1. The Clerk of the Court is directed to send petitioner the court’s forms for an application for writ of habeas corpus and for a civil rights complaint pursuant to 42 U.S.C. § 1983.

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- 2. Petitioner shall file either a petition for writ of habeas corpus or a civil rights complaint within 30 days of the date of this order.
- 3. Failure to comply with this order may result in the dismissal of this action.

DATED: October 4, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE