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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

GAYLE MARIE MEDEIROS, aka
Gayle Marie Burkhart Medeiros,

No. 2:17-CV-2457-WBS-CMK-P

Petitioner,

vs.

FINDINGS AND RECOMMENDATIONS

SOLEDAD MORENO,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s [amended] petition for a writ of habeas corpus (Doc. 1).

Rule 4 of the Federal Rules Governing Section 2254 Cases provides for summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” In the instant case, it is plain that petitioner is not entitled to federal habeas relief. Specifically, while petitioner was in custody when the petition was filed, petitioner is no longer in custody, having been released from prison on or about January 4, 2018. Moreover, petitioner does not challenge

1 either the fact or duration of her completed sentence. Rather, petitioner claims the denial of
2 access to the prison library when she was incarcerated at the California Institute for Women.

3 Any claim that does not necessarily shorten an inmate's incarceration, if
4 successful, falls outside the scope of habeas jurisdiction. See Blair v. Martel, 645 F.3d 1151,
5 1157-58 (9th Cir. 2011); see also Wilkerson v. Wheeler, ___ F.3d ___, 2014 WL 6435496 (9th
6 Cir. 2014) (discussing loss of good-time credits); Nettles v. Grounds, 788 F.3d 992 (9th Cir.
7 2015) (discussing loss of good-time credits). Thus, 28 U.S.C. § 2254 cannot be used to
8 challenge the conditions of confinement, and 42 U.S.C. § 1983 cannot be used to challenge the
9 fact or duration of confinement. Because petitioner's claim relates to the conditions of her
10 former confinement and not the fact or duration of her sentence, her claim is not cognizable
11 under § 2254.

12 Based on the foregoing, the undersigned recommends that petitioner's petition for
13 a writ of habeas corpus (Doc. 1) be summarily dismissed.

14 These findings and recommendations are submitted to the United States District
15 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
16 after being served with these findings and recommendations, any party may file written
17 objections with the court. Responses to objections shall be filed within 14 days after service of
18 objections. Failure to file objections within the specified time may waive the right to appeal.
19 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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21 DATED: August 7, 2018

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23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
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