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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	GERALD PARKS,	No. 2:18-cv-1589 DB P
12	Plaintiff,	
13	V.	ORDER AND FINDINGS AND RECOMMENDATIONS
14	SAN JOAQUIN SUPERIOR COURT, et al.,	RECOMMENDATIONS
15	Defendants.	
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18	Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42	
19	U.S.C. § 1983. Plaintiff contends that his speedy trial rights are being violated by defendants. He	
20	seeks "immediate release" and an order requiring the state court to start his trial immediately.	
21	(See Compl. (ECF No. 1).) Plaintiff's claims are not appropriately raised in a proceeding under §	
22	1983. Habeas corpus is the sole remedy for relief affecting the duration of confinement. See	
23	Nettles v. Grounds, 830 F.3d 922, 927 (9th Cir. 2016) (citing Wilkinson v. Dotson, 544 U.S. 74,	
24	81-82 (2005)).	
25	The undersigned notes that plaintiff recently attempted to raise these same claims in a	
26	habeas corpus proceeding in this court. See Parks v. San Joaquin Cty. Sup. Ct., No. 2:18-cv-0604	
27	WBS KJN (E.D. Cal.). The judge found plaintiff had failed to exhaust his state court remedies	
28	before bringing that action. <u>Id.</u> (ECF Nos. 5, 8). On May 22, 2018, Judge Shubb dismissed that	
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1	case. Nine days later, plaintiff filed the present action. It is clear both from the short passage of	
2	time, and from the face of plaintiff's complaint herein, that he has not yet exhausted his claims in	
3	the state courts. He must do so before he attempts to raise them, through a habeas corpus petition,	
4	again in this court.	
5	Accordingly, the Clerk of the Court is HEREBY ORDERED to randomly assign a district	
6	judge to this case; and	
7	IT IS RECOMMENDED that this action be dismissed.	
8	These findings and recommendations will be submitted to the United States District Judge	
9	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days	
10	after being served with these findings and recommendations, plaintiff may file written objections	
11	with the court. The document should be captioned "Objections to Magistrate Judge's Findings	
12	and Recommendations." Plaintiff is advised that failure to file objections within the specified	
13	time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951	
14	F.2d 1153 (9th Cir. 1991).	
15	Dated: June 6, 2018	
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18	DEBORAH BARNES	
19	UNITED STATES MAGISTRATE JUDGE	
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22	DLB1/prisoner-civil rights/park1589.scrn fr	
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