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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBEY HAIRSTON,
Petitioner,
v.
BOY'S & GIRL'S CLUB,
Respondent.

No. 2:18-cv-2669 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a request to proceed in forma pauperis. Petitioner alleges numerous violations of the civil rights of two people by a Boys and Girls Club. For several reasons, the court will recommend this action be dismissed.

Rule 4 of the Rules Governing § 2254 Cases requires the court to make a preliminary review of each petition for writ of habeas corpus. The court must dismiss a petition "[i]f it plainly appears from the petition . . . that the petitioner is not entitled to relief." Rule 4, Rules Governing § 2254 Cases; Hendricks v. Vasquez, 908 F.2d 490 (9th Cir. 1990).

First, a petition for a writ of habeas corpus is appropriate only for an action seeking to challenge a detention. See 28 U.S.C. §§ 2241(c), 2254(a), 2255. In the present case, petitioner is not challenging a detention.

Second, to the extent petitioner is seeking relief for a violation of his civil rights, he is advised that he must file any such complaint in the district where the violation occurred. It

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1 appears that petitioner is seeking relief for something that occurred in Palm Desert, California.
2 Palm Desert is part of the Central District of California.


3 Finally, petitioner is further advised that a suit for a violation of his civil rights under 42
4 U.S.C. § 1983 is only appropriate against an entity acting “under color of state law.” If petitioner
5 wishes to bring a suit against the Boys and Girls Club under 42 U.S.C. § 1983, he must first
6 determine whether it is an entity acting under color of state law.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Clerk of the Court shall assign a district judge to this action; and
- 9 2. Petitioner’s motion to proceed in forma pauperis (ECF No. 2) is denied as moot.

10 Further, IT IS RECOMMENDED that this action be dismissed.

11 Dated: October 11, 2018

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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