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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDEN WILLIE ISELI,  
Plaintiff,  
v.  
WILLIAM D. JOHNSON,  
Defendant.

Case No. 2:24-cv-01210-JDP (PC)

**ORDER**

GRANTING PETITIONER’S  
APPLICATION TO PROCEED *IN FORMA*  
*PAUPERIS* AND DIRECTING THE CLERK  
OF COURT TO ASSIGN A DISTRICT  
JUDGE TO THIS ACTION

ECF No. 2

**FINDINGS AND RECOMMENDATIONS**

THAT THE COMPLAINT BE DISMISSED  
FOR FAILURE TO STATE A  
COGNIZABLE PRISONER CIVIL RIGHTS  
CLAIM

ECF No. 1

OBJECTIONS DUE IN FOURTEEN DAYS

Plaintiff, a state prisoner, brings this action under section 1983 alleging that his rights were violated in connection with a previous conviction. ECF No. 1 at 3, 7. This action, for the reasons stated below, sounds in habeas corpus; it cannot proceed as a civil rights action. Additionally, the only named defendant, William Johnson, is a superior court judge entitled to judicial immunity. I will recommend that this action be dismissed. Additionally, I will grant plaintiff’s application to proceed *in forma pauperis*. ECF No. 2.



1           **II.     Analysis**

2           Plaintiff’s complaint attacks the validity of a conviction. He argues, among other things,  
3 that his counsel was constitutionally ineffective and that his speedy trial rights were violated.  
4 ECF No. 1 at 7. Such claims must be brought, if at all, in a petition for habeas corpus. *See*  
5 *Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016) (“Challenges to the validity of any  
6 confinement or to particulars affecting its duration are the province of habeas corpus . . . [t]he  
7 Court has long held that habeas is the exclusive vehicle for claims brought by state prisoners that  
8 fall within the core of habeas, and such claims may not be brought in a § 1983 action.”). And  
9 there is little sense in converting this action into one for habeas corpus, because plaintiff has  
10 already filed two habeas petitions attacking what appears to be the same conviction. *See Iseli v.*  
11 *Lynch*, 2:24-cv-00821-JDP; *Iseli v. Lynch*, 2:24-cv-01220-JDP. Additionally, the only defendant  
12 is a superior court judge and, thus, entitled to judicial immunity. *See Swift v. California*, 384 F.3d  
13 1184, 1188 (9th Cir. 2004) (“It is well established that state judges are entitled to absolute  
14 immunity for their judicial acts.”). This immunity extends where, as here, a plaintiff alleges that  
15 the judge’s acts were erroneous and injurious to him. *See Cleavinger v. Saxner*, 474 U.S. 193,  
16 199-200 (1985). Thus, I recommend that this action be dismissed. If plaintiff has any rationale  
17 or justification as to why this action should proceed, he may state as much in his objections to  
18 these recommendations.

19           Accordingly, it is hereby ORDERED that:

- 20           1. Plaintiff’s application to proceed *in forma pauperis*, ECF No. 2, is GRANTED.  
21           2. The Clerk of Court is directed to assign a district judge to this action.

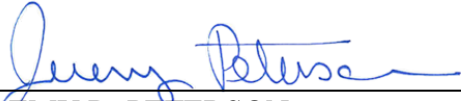
22           Further, it is RECOMMENDED that the complaint, ECF No. 1, be DISMISSED for the  
23 reasons stated above.

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

1 within fourteen days of service of the objections. The parties are advised that failure to file  
2 objections within the specified time may waive the right to appeal the District Court's order. *See*  
3 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.  
4 1991).

5  
6 IT IS SO ORDERED.

7 Dated: August 28, 2024

  
8 JEREMY D. PETERSON  
9 UNITED STATES MAGISTRATE JUDGE

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