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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON A. McCLIMAN,)	
)	
Petitioner,)	No. C 06-6856 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
ROBERT A. HOREL, Warden, et al.,)	(Docs # 2 & 3)
)	
Respondent(s).)	
_____)	

Jason A. McCliman, a prisoner at Pelican Bay State Prison ("PBSP"), has filed a pro se petition for a writ of habeas corpus challenging the conditions of his confinement. McCliman alleges that he has received no vocational training since he arrived at PBSP on March 2005 due to the decision of the California Department of Corrections and Rehabilitation ("CDCH") to eliminate vocational programs at high security state prisons. He seeks reinstatement of vocational training programs at California Level IV facilities such as PBSP.

The petition for a writ of habeas corpus is DISMISSED without prejudice to filing a civil rights complaint under 42 U.S.C. § 1983. The Ninth Circuit has

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made clear that habeas jurisdiction is absent, and a § 1983 action proper, where, as here, a successful challenge will not necessarily shorten the prisoner’s sentence. See Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir. 2003).

The clerk shall enter judgment in accordance with this order, terminate all pending motions as moot (see, e.g., docs # 2 & 3), and close the file. No fee is due.

SO ORDERED.

DATED: November 13, 2006



CHARLES R. BREYER
United States District Judge