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

In re JASON EARL JONES,
Petitioner.

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) No C 08-4321 VRW (PR)
) ORDER OF DISMISSAL
) (Doc # 7)
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Jason Earl Jones, a state prisoner convicted of murder in Los Angeles County superior court and currently incarcerated at Kern Valley State Prison, has filed a petition for removal of his closed state criminal proceedings to this court so that this court can vacate his conviction and order his immediate release.

The Supreme Court has consistently held that any claim by a prisoner attacking the fact or duration of his confinement must be brought under the habeas sections of Title 28 of the United States Code. See Calderon v Ashmus, 523 US 740, 747 (1998); Edwards v Balisok, 520 US 641, 648 (1997); Preiser v Rodriguez, 411 US 475, 500 (1973). A claim that would necessarily imply the invalidity of a prisoner's state conviction or continuing state confinement must be brought in a habeas petition under 28 USC § 2254 after exhausting state judicial remedies. See 28 USC § 2254(a); Preiser, 411 US at 500.

1 The petition for removal is DISMISSED for lack of subject matter
2 jurisdiction. Jones is free to seek federal habeas relief under § 2254 in the
3 Central District of California, Western Division. See 28 USC § 84(c)(2).

4 The clerk shall enter judgment in accordance with this order, terminate all
5 pending motions as moot (see, eg, doc # 7) and close the file.

6 SO ORDERED.

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10 VAUGHN R WALKER
11 United States District Chief Judge
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