

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

STEPHEN CRUMP,)	
)	
Plaintiff(s),)	No. C 08-5332 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
KIRK GASTON, et al.,)	(Doc # 2 & 4)
)	
Defendant(s).)	
_____)	

Plaintiff, a state prisoner currently on parole, has filed a pro se civil rights complaint under 42 U.S.C. § 1983 alleging that he was recently expelled from San Francisco State University (SFSU) and that the terms and conditions of his parole were modified to provide that he cannot attend any California State University (CSU) campus. Plaintiff seeks to be reinstated as a student at SFSU, damages and leave to proceed in forma pauperis.

Based on plaintiff's affidavit of poverty, his motion for leave to proceed in forma pauperis (doc # 2 & 4) is GRANTED. But the complaint must be dismissed under the authority of 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted. The attachments to the complaint make clear after a disciplinary hearing on October 18, 2001, plaintiff was expelled from

1 SFSU and denied access to all CSU campuses. He nonetheless enrolled as a
2 student at SFSU after he was released from custody in 2008, but was expelled
3 after his prior disciplinary record and sanction were uncovered. Plaintiff's mere
4 disagreement with the CSU sanction and subsequent condition of parole does not
5 amount to a violation of a right secured by the Constitution or laws of the United
6 States. See West v. Atkins, 487 U.S. 42, 48 (1988). Plaintiff has no
7 constitutional right of access to any CSU campus.

8 The clerk shall enter judgment in accordance with this order, terminate all
9 pending motions as moot, and close the file.

10 SO ORDERED.

11 DATED: January 14, 2009

12 
13 _____
14 CHARLES R. BREYER
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27